

1990

## **Across the first divide: Frontiers of settlement and culture in Augusta County, Virginia, 1738-1770**

Nathaniel Turk McCleskey  
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**Across the first divide: Frontiers of settlement and culture in  
Augusta County, Virginia, 1738-1770**

**McCleskey, Nathaniel Turk, Ph.D.**

**The College of William and Mary, 1990**

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ACROSS THE FIRST DIVIDE  
FRONTIERS OF SETTLEMENT AND CULTURE  
IN AUGUSTA COUNTY, VIRGINIA  
1738-1770

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A Dissertation  
Presented to  
The Faculty of the Department of History  
The College of William and Mary in Virginia

In Partial Fulfillment  
of the Requirements for the Degree of  
Doctor of Philosophy

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by  
Turk McCleskey  
1990

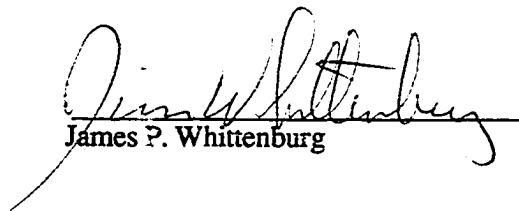
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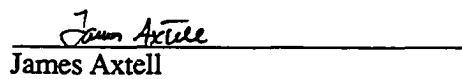
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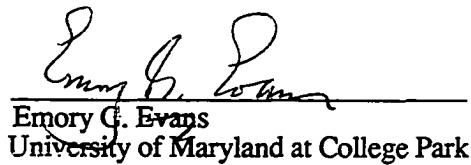
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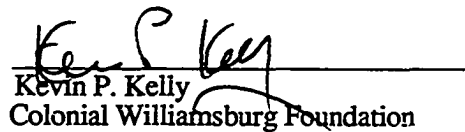
  
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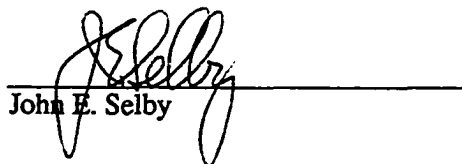
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For Camille

*The best that ever was*

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## ACKNOWLEDGEMENTS

Until recently it was customary to pause before plunging into the Introduction in order to acknowledge the aid of a devoted typist--often a wife, in this male-dominated business--who made the manuscript possible. The advent of personal computers forces a change to that ritual, because now real men do their own typing, or at least should. So: I typed every word in this dissertation, right and wrong alike, wearing out one computer keyboard in the process and putting the Studebaker equivalent of a hundred thousand miles on another--comfortably broken in, for the uninitiated. Having hogged all the typing glory, though, I readily admit that every other phase in this work is marked by extensive debts to institutions, colleagues, and friends. But in the bookkeeping of scholarship such debts also count as capital, and for that reason it makes me feel wealthy indeed to enumerate the assistance I've received.

Funding was provided in part by generous grants from The Society of the Cincinnati in the State of Virginia and The National Society Colonial Dames XVII Century. The continuing support of these two organizations for the graduate history program at the College of William and Mary is deeply appreciated by myself and numerous other beneficiaries. Additionally, minor research grants from the College of William and Mary helped offset the endemic petty expenses of historical detection.

Many librarians and archivists assisted my research; I am indebted to staff members of the Library of Congress, Washington, DC; Alderman Library at the University of Virginia, Charlottesville; Swem Library at the College of William and



Mary, Williamsburg; the Virginia State Library and Archives, Richmond; the Union Theological Seminary Library, Richmond; the Baptist Historical Society at the University of Richmond, Virginia; and Perkins Library at Duke University, Durham, North Carolina. Bill Obrochta of the Virginia Historical Society's Department of Archives and Manuscript Acquisitions was a knowledgeable guide through the Preston Family Papers, and Mitchell Bowden, Executive Director of the Roanoke Valley Historical Society, Roanoke, Virginia, provided ready access to useful but often overlooked items in the Society's collections. John Ingram and his staff in the Library Special Collections of the Colonial Williamsburg Foundation, Williamsburg, Virginia, were unfailingly helpful.

West of the Blue Ridge, the staffs of the Botetourt County and Montgomery County Courthouses (in Fincastle and Christiansburg, respectively) were generous with their attention, and in the Augusta County Courthouse, Staunton, the clerk of court's office was especially tolerant of my inquiries. For this I am most grateful to John H. Davis, clerk of court.

My research in Botetourt County was aided immensely by Tommy Moore, who gave an entrée to the courthouse in the best Virginia tradition of well-spoken country lawyers. Tommy also introduced surveyor Charles McMurry, who spent a delightful July afternoon acquainting me with the eighteenth-century geography of land he has measured--and clearly loved--for better than three decades.

Once the research for this dissertation was (mostly) complete the task of transforming my notes into history began. Throughout that transformation I was guided not only extensively but well by my advisor, James P. Whittenburg--although out of a misplaced sense of self-effacement he will protest that I'm too mulish to follow him out of a burning building, much less be led through the writing of a dissertation. Jim is responsible for my interest in the alchemy of

quantitative social history, and his patience with my various rantings and railings during the last few years bordered on saintly. I would count myself lucky to have had either his friendship or his counsel during all of this; to my great fortune, I had both.

On the opposite side of the frontier, James Axtell created and encouraged my interest in native Americans, and did much to improve the style and content of my writing. I credit Jim with shaping my shade-tree mechanic's impulse to tinker into an urge to find innovative solutions for knotty problems in historical analysis. I also benefited from the advice and comments of my other committee members, Emory G. Evans, Kevin P. Kelly, and John E. Selby.

In addition to the professionals, a lay reader--"ideal reader" in Jim Axtell's lexicon--deserves special recognition: Charles L. Armstrong spent many of the brief interludes in his demanding duties poring over drafts of my chapters. Chuck never failed to suggest a worthwhile improvement, and because he is equally liberal with his hospitality and his advice, our consultations were always an unparalleled pleasure.

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In retrospect I see that my parents, Clifton and Jo McCleskey, imparted two valuable skills for a historian. Clifton taught a relish for debate, Jo a taste for mystery and an eye for clues. Their steady but low-key encouragement was as invaluable as it was exemplary.

Finally, my greatest debt is to Camille Wells, who listened, read, commented, and yea, verily, even argued about Augusta County until we both were ready to heave the whole project into the river. I couldn't have done it without you, Camille; I wouldn't have wanted to try.

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## ABSTRACT

This is a history of a frontier county in late colonial Virginia.

Augusta County was created in 1738 and subdivided for the first time in 1770. During the intervening years it encompassed most of Virginia's claims to land west of the Blue Ridge Mountains.

As drawn by Virginians, the borders of Augusta County simultaneously encompassed two types of frontiers: a frontier of settlement on which white immigrants created a new society, and a frontier of culture in which those settlers interacted with a variety of Indians. This study examines both types of frontier experiences.

On the settlement frontier, white immigrants rapidly created a deferential and hierarchical society identical in its major features to contemporary counties throughout colonial Virginia. The aspects of white society examined by this dissertation include landholding, control of labor, religious diversity, and resistance to magisterial authority.

In the cultural frontier, Indian-white relations included routinely peaceful contacts as well as occasional violent outbursts. Cherokees responded to white expansion primarily with diplomacy and accommodation, while the tribes of the upper Ohio River Valley chose more militant resistance.

For contemporary whites and Indians, the complex frontier that was colonial Augusta County seemed at times to offer great rewards. Red or white, individual successes in realizing those rewards varied widely, depending partly on chance and larger historical events beyond local control. One constant continually influenced both destinies--the form and function of white society. That society, simultaneously conservative and dynamic, supported the expansion of colonial Virginia into the North American interior.



**ACROSS THE FIRST DIVIDE**  
**FRONTIERS OF SETTLEMENT AND CULTURE**  
**IN AUGUSTA COUNTY, VIRGINIA**  
**1738-1770**

## INTRODUCTION

This is a social history of a frontier county in late colonial Virginia. The subject, Augusta County, once occupied a strategic position on the Appalachian frontier, serving white Americans as both a gateway to the west and a conduit to the Carolinas. Located in the fertile Valley of Virginia, the county drew settlers in increasing numbers from the late 1730s on. These newcomers eventually fell into the mid-century climactic struggle between France and England for mastery of North America, a drama that dominated most subsequent writing about the area's history. Such a preoccupation is understandable, for the Seven Years' War and its aftershocks had far-reaching effects on the American frontier, but this epic focus obscures other movements of great historical importance. In particular, an imperial perspective overlooks the role played by Augusta County settlers in extending traditional Virginia society into the North American interior. This expansion conquered more of the continent than any contemporary military victories, and its Augusta County details constitute my chief concern in this work.

At the same time, it is impossible to ignore the fact that Virginia expanded not into a vacuum, but rather into territory vigorously claimed and extensively used by powerful Indian tribes. Elite colonial leaders and ordinary frontier settlers alike keenly understood that their actions had an intercultural context, and modern historians of the frontier must follow their lead. Toward that end, this study applies the methods and queries of both social historians and ethnohistorians to the critical first phase in Augusta County's history, from 1738 to 1770. During those years, white immigrants in new settings, located as far west as the Greenbrier River in

modern West Virginia and as far southwest as the Holston River in eastern Tennessee, worked out both their own social arrangements and their intercultural relationships.

Like many latterday scholars, I began this work with the assumption that Frederick Jackson Turner's optimistic view of the role played by the frontier in transforming American society was essentially flawed. At the same time (and as yet with no sense of inconsistency) I didn't doubt that extensive economic opportunities existed for ordinary settlers on the frontier. Indeed, the evidence that common people could find a good living on the frontier appeared ubiquitous. Richard Beeman found that in early Lunenburg County, Virginia, land was far easier to acquire than labor, and Roger Ekirch noted that North Carolina also offered an abundance of cheap land.<sup>1</sup> In my own study area Robert Mitchell revealed unimproved land prices so low that almost anyone with the time and inclination could afford not only their own farm, but also enough additional acreage to speculate in real estate.<sup>2</sup>

But a closer examination of Augusta County court records and a fresh interpretation of letters and journals left by county leaders reveals a previously undescribed situation resembling neither Turner's frontier, nor that of Beeman, Ekirch, and Mitchell. Instead, a conservative and hierarchical social elite deliberately restricted the manifest economic opportunities located at and beyond the edges of settlement. In colonial Augusta County a handful of men manipulated access to land and political power, not to create a more inclusive social order, but

---

<sup>1</sup> Richard R. Beeman, *The Evolution of the Southern Backcountry: A Case Study of Lunenburg County, Virginia, 1746-1832* (Philadelphia, 1984), p. 33; A. Roger Ekirch, *"Poor Carolina": Politics and Society in Colonial North Carolina, 1729-1776* (Chapel Hill, NC, 1981), p. 7.

<sup>2</sup> Robert M. Mitchell, *Commercialism and Frontier: Perspectives on the Early Shenandoah Valley* (Charlottesville, VA, 1977), pp. 72-84.

rather to establish an exclusive frontier society characterized most prominently by its traditional contours.

Augusta County's conservative organization explains a Virginia anomaly: during the late colonial era, every other British colony on the Appalachian frontier endured major upheavals among its backcountry settlers--except for Virginia. In large measure, this stability was a function of the Virginia approach to creating local backcountry societies. While other colonies tried to maintain centralized control over their frontier settlements, the Virginia government delegated responsibility for organizing and running a full-fledged county to a frontier elite. By granting a relatively free rein in county government to that local elite, Virginia's leaders created a set of subordinates with both the interest and the authority necessary to enforce social order on the frontier.

Most American frontier studies fall into one of two major camps. On the one hand, some historians identify the colonial frontier as a margin, an outer edge of Anglo-American settlement and society. Other, less ethnocentric, scholars define the frontier as a zone of contact between different cultures. The two definitions need not be mutually exclusive, for while frontiers can be defined as territorial borders with an explicit physical identity, they may also involve an intangible but no less important process of interaction between people representing different cultures. The historiographical origins of this more inclusive approach to frontier studies are laid out in the first chapter, "The Frontier Journey of John Peter Salling." This chapter and some prefatory remarks on institutions and geography comprise Part I, "Augusta County and the Southern Colonial Frontier." To acknowledge the dual perspective on the frontier as both place and process and to take advantage of the insights unique to each approach, I divided the main body of

the dissertation into two additional parts. The first of these, "On the Frontier," examines the evolution of Virginia society in Augusta County; the second, "In the Frontier," analyzes the intercultural relations that developed as a consequence of white settlement.

Part II begins with the chapter "Rich Lands, Poor Prospects," which contains the linchpin argument of the dissertation. That essay explores the role of land ownership in the development of a local elite, and finds that the colonial government bestowed not only political authority upon Augusta County's nascent leadership, but economic clout as well, in the form of extensive land grants. Elite men in Augusta County then used their simultaneous control of access to both crown and private land to screen potential members of their frontier society.

The third chapter, "Tiny Hands and Field Hands," builds on the new interpretation of landholding by examining how an elite minority trained and controlled a dependent majority composed of children, women, and laborers. The Augusta County elite apparently enforced its values concerning deferential behavior and dependent status through a set of intermediate agents, most of whom were either small freeholders or aspiring sons of freeholders. Teetering on the brink of dependency, these men sought to obtain the land and political offices that their fathers and superiors controlled, and, driven by their ambitions, they enforced traditional standards of deference upon subordinate family members, destitute children, servants, and slaves.

The next chapter in Part One, "For Mine is the Kingdom," describes the denominational diversity of Augusta County and narrates a contested vestry election. That election represented a rare opportunity for Augusta County's small freeholders to demonstrate their political opinions, and this majority of all voters responded to the chance by refusing to return all but one of the old vestry's

members. In an expression of frustration with the conservative grip on county affairs, the voters rejected the coalition of Anglicans and Old Side Presbyterians that had administered Augusta Parish for over two decades.

The last chapter in Part One, "Assertions of Authority," analyzes instances of overt disrespect toward county authorities, and examines two internecine rivalries within the elite. The earlier of these two elite contests produced a rancorous struggle for control of the magistrates' commission in 1749, and the latter culminated in a riot at the courthouse during a burgess election in late 1755. Most protesters who opposed the tight control practiced by county leaders were men and women frustrated by the frontier's restricted opportunities for improvement, but the county elite--even in the earliest days of settlement--commanded more than enough power to suppress these external challenges to its authority. The only serious opposition came from disaffected members of the elite, men who sought a larger share of power for themselves, not a radical revision of the county's society.

The third part of this dissertation, "In the Frontier," examines relations between the white settlers of Augusta County and two groups of Indians, known to Virginians as Cherokees and Northern Indians. Early white settlements in Augusta County were located several hundred miles from the nearest Indian towns, but immigrant whites soon discovered that a variety of Indians visited the Valley of Virginia and its new settlers for different purposes. Some whites found Indians useful as commercial or military partners, and a few recognized that Indians offered new opportunities for venting or escaping the accumulated frustrations of daily life. Records of how settlers reacted to this latter perception thus provide revealing insights into otherwise invisible tensions within Augusta County.

"The Context of Indian-White Relations" introduces the range of Indian activities in Augusta County and explains the cultural and social origins of those activities.

The next chapter in Part Three explores the evolution of Virginia's relationship with the Cherokees. Entitled "Paths of Peace, Roads of Reprisal," this essay addresses three issues: how did Cherokee strategy for meeting the expansion of the English colonies affect white settlers in Augusta County? What protocols governed the behavior of Cherokees and Virginians meeting in that county, and how did their interactions change over time? And finally, what do incidents of violence directed against Indians reveal about social stresses generated within the white settlements of Augusta County? The last chapter, "Wasps and Yellowjackets," provides a modern narrative of the often stormy relations between Northern Indians and Virginians in Augusta County, from the earliest white settlements through Dunmore's War in 1774. This chapter traces the continuous reshaping of settler attitudes toward Northern Indians, and offers new interpretations of intercultural conflict in late colonial southwest Virginia.

As a county study, this dissertation provides a new perspective on the geographic extension and local development of colonial Virginia's social hierarchy. By uncovering the mechanisms through which a frontier elite controlled a dependent majority, it also establishes an interpretive framework for more clearly understanding the later history of western Virginia, to include Loyalist resistance during the American Revolution. Finally, this work illuminates an early phase in the establishment of a stratified and traditionally organized Anglo-American society into the continental interior. For me, this aspect of the inquiry is ultimately the most important, because to explore the frontier of any era is to examine a fundamental theme in the history of the United States: the expansion of American empire.

**PART I**  
**AUGUSTA COUNTY AND THE SOUTHERN FRONTIER**



## SETTING

In 1738, Virginia's House of Burgesses authorized the formation of two new counties, Augusta and Frederick, from that portion of Orange County lying west of the Blue Ridge.<sup>1</sup> For Augusta County, this authorization preceded the actual creation--as well as all but a handful of inhabitants--by some seven years, for the population remained too small to support the expenses of an independent government until late in 1745.<sup>2</sup> In that year the inhabitants numbered approximately 3,800, a total that increased roughly five-fold to about 17,500 just before the county's first subdivision in early 1770.<sup>3</sup>

As originally defined, Augusta County's eastern border followed the crest of the Blue Ridge. The boundary with neighboring Frederick County, down the Shenandoah Valley to the northeast, initially stretched northwest from the head of Hedgeman's River in Orange County to the head of the Potomac. The House of

---

<sup>1</sup> "An Act, for erecting two new Counties, and Parishes; and granting certain encouragements to the Inhabitants thereof," in William Waller Hening, comp., *The Statutes at Large: Being a Collection of All the Laws of Virginia...* (13 vols.; Richmond, 1819-23), V:78-80.

<sup>2</sup> Wilmer L. Hall, *Executive Journals of the Council of Colonial Virginia* vol. V (Richmond, 1945), p. 191, entry dated 29 Oct. 1745; Augusta County Order Book, vol. 1, p. 1, entry dated 9 Dec. 1745 (microfilm) Virginia State Library and Archives, Richmond (hereafter cited as Vi).

<sup>3</sup> The number of tithables in Augusta County increased from 961 in 1746 to 4,415 in 1769. Augusta County OB 1:132, entry dated 21 Nov. 1746, and 14:60, entry dated 21 Nov. 1769. Each white tithable is estimated to represent four persons, and each black tithable is estimated to represent two. For the period of this study, a white tithable is defined as a male aged sixteen years or older, and a black tithable is any black, regardless of gender, aged fourteen or older. [Richard R. Beeman, *Evolution of Southern Backcountry: A Case Study of Lunenburg County, Virginia, 1746-1832* (Philadelphia, 1984), p. 29, note 25.]

Burgesses modified the line slightly in 1754 in order to transfer a portion of Lord Fairfax's proprietary grant on the Northern Neck from Augusta County's jurisdiction to Frederick County's.<sup>4</sup> (Map 1) Within the limits of British settlement, Augusta County's borders delineated local political authority. Beyond the settlements, the county line marked the extent of Virginia's preemptive claim to the North American interior. Thus, from the end of the Frederick County line on the headwaters of the Potomac, the boundary ran north to Lake Erie, forming the western border of Pennsylvania. At its other extremity, where the Blue Ridge intersected Virginia's unsurveyed border with North Carolina, the county line turned west, continuing in theory to the Pacific Ocean.

At first glance this continental embrace of one county's lines appears dazzling if not flatly audacious, but the reality was much more modest than the claim. As one resident noted as late as 1767, "tho there is a vast Extent of Land there is but a String of Set[t]lers" living along river and stream valleys.<sup>5</sup> Early immigrants, mostly from Pennsylvania, settled on the headwaters of the Shenandoah River in the late 1730s. Subsequent newcomers spilled out of the Shenandoah basin and into first the James and then the Roanoke valley. Rather than move downstream along the James and Roanoke rivers--both of which flowed through the Blue Ridge to eastern Virginia--additional settlers then proceeded across the low eastern continental divide, reaching the New and Holston valleys by 1750.<sup>6</sup> Others

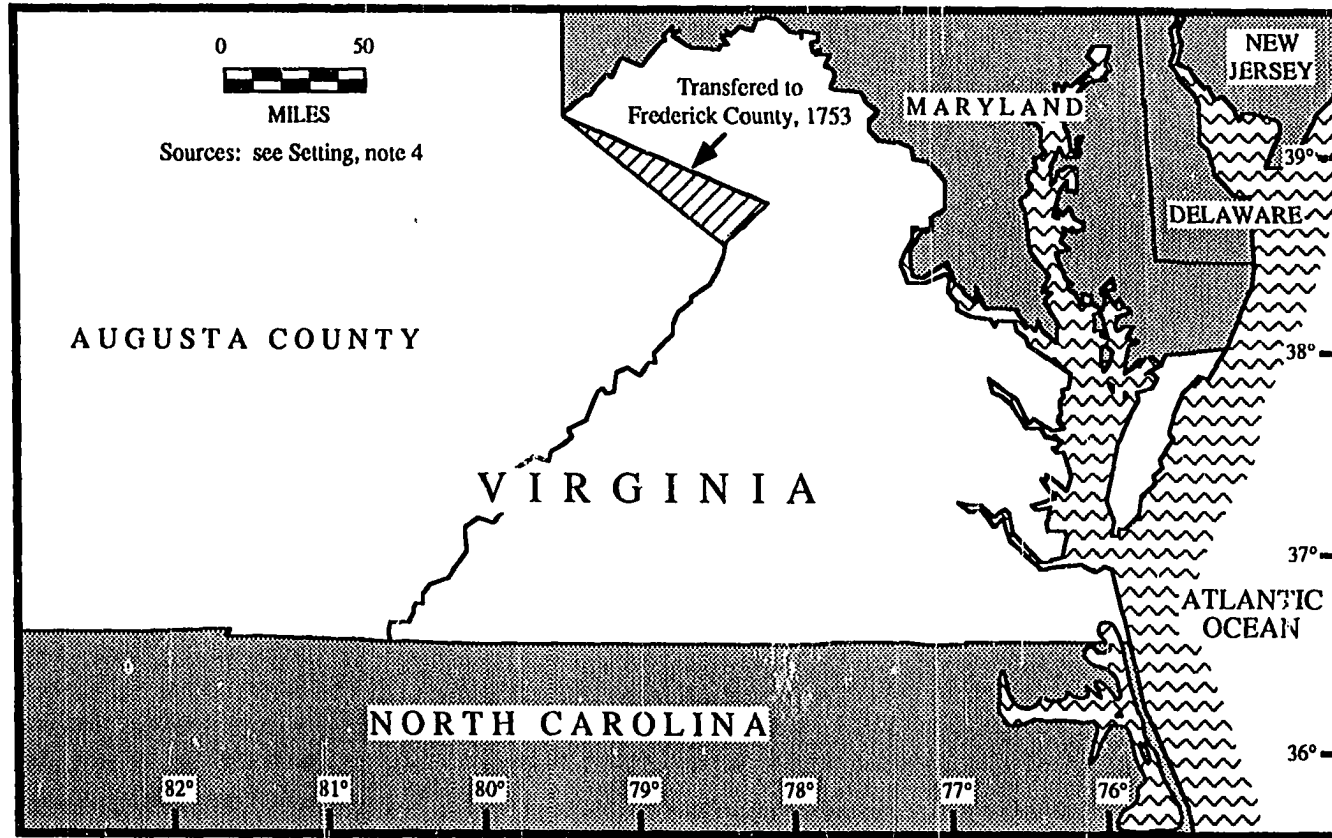
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<sup>4</sup> For Augusta County boundaries, see Hening, *Statutes at Large* V:78-80, VI:376-379.

<sup>5</sup> John Madison to William Preston, 1 Mar. 1767, in Preston Family Papers, Virginia Historical Society, Richmond (hereafter cited as ViHi).

<sup>6</sup> During a western exploration in 1750, Thomas Walker noted that Virginian settlement had proceeded as far as the upper Holston River ("Journal of Thomas Walker, March 7 to July 13, 1750," entry dated 26 Mar. 1750, William C. Rives Collection, Library of Congress, Washington, DC).

MAP 1. AUGUSTA COUNTY, VIRGINIA, 1738-1770



immigrants moved more directly west into the valley of the Greenbriar River, a tributary of the New.

These limits to settlement expanded very little over the next two decades. Indeed, they shrank dramatically during the devastating Indian raids of the Seven Years' War, which caused settlers to flee their farms on the Holston, New, Roanoke and even James rivers.<sup>7</sup> To make matters worse, the restoration of peace in the mid-1760s did not bring a concomitant restoration of property: in an effort to prevent further hostilities with western Indians, Great Britain prohibited white settlement west of the continental divide, to include initially the former plantations on the New and Holston rivers. Individual Virginians violated this prohibition, known as the Proclamation of 1763, but it nevertheless retarded further expansion by casting doubt on the validity of western deeds and by interrupting the formation of county governments.<sup>8</sup>

If Augusta County was effectively trimmed of its continental pretensions by the Proclamation of 1763, the remaining portion was nonetheless remarkably fruitful. The best farm land stretched along the floor of the Great Valley of Virginia from the northeastern county line to the Forks of the James River. Excellent soil could also be found in lesser quantities along the creeks and rivers further west and south west.<sup>9</sup> Speculators, ordinary farmers, and would-be freeholders preferred to

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<sup>7</sup> W.W. Abbot, et al., ed., *The Papers of George Washington, Colonial Series* (4 vols.; Charlottesville, 1983-84), 3:392, entry dated 1 Sept. 1757.

<sup>8</sup> Representation of the Board of Trade to George III, 11 Nov. 1761, in George Reese, ed., *The Official Papers of Francis Fauquier, Lieutenant Governor of Virginia, 1758-1768* (3 vols; Charlottesville, 1980-83), 2:620; Fauquier to Board of Trade, 13 Feb. 1764, *ibid.*, 3:1076-1079.

<sup>9</sup> Robert D. Mitchell, *Commercialism and Frontier: Perspectives on the Early Shenandoah Valley* (Charlottesville, 1977), pp. 19-25; John R. Hockman, Joseph C. McKinney, Thomas R. Burruss, David Jones, Robert E. Modesitt, Lewis G. Manhart, and William R. Waite, Jr., *Soil Survey of Augusta County*,

acquire title to such pockets while leaving the surrounding steep slopes and ridges unclaimed for use as common livestock ranges and sources of timber.<sup>10</sup>

Augusta County's early settlers planted wheat, rye, corn, flax, and, to a lesser extent, barley, oats, and tobacco. By the mid-1750s, enterprising farmers and local merchants exported grain, linen, and cattle to Pennsylvania as well as to eastern Virginia. Within a decade, this commerce expanded to include a rapidly increasing amount of hemp for use in making rope and coarse textiles.<sup>11</sup> The production of wheat, corn, and the hemp needed to produce grain bags led to an active participation in the most dynamic sector of Virginia's export market: the grain trade.<sup>12</sup> Thus, despite their inability to grow tobacco profitably, many farmers in Augusta County found a comfortable niche within the colonial economy.

The majority of these farmers were Scotch-Irish, immigrating via Pennsylvania or, less frequently, directly from northern Ireland.<sup>13</sup> A substantial minority were German: approximately twelve percent of all freeholders before 1770 had

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*Virginia* United States Department of Agriculture, Soil Conservation Service and Forest Service, and Virginia Polytechnic Institute and State University (Washington, DC, and Blacksburg, VA, 1977), pp. 1-7.

<sup>10</sup> This land use is clearly illustrated by Meredith Leitch, "Colonial Land Patents and Grantees, Calpasture Rivers, Augusta County, Virginia," original map in Virginia State Library.

<sup>11</sup> Mitchell, *Commercialism and Frontier*, pp. 137-140, 144-149, 162-168.

<sup>12</sup> During the initial settlement of Augusta County, Virginia's annual tobacco exports were 14 times as valuable as grain exports (£163,400 sterling for tobacco compared to £11,500 sterling for grain). By the late 1760s, the relative value of tobacco exports had declined to roughly 3 times that of grain exports--£400,000 sterling for tobacco, £130,000 for grain (David C. Klingaman, *Colonial Virginia's Coastwise and Grain Trade* [New York, 1975], p. 102).

<sup>13</sup> Mitchell, *Commercialism and Frontier*, pp. 33-36.

Germanic surnames.<sup>14</sup> Virginians and other Englishmen comprised a much smaller contingent, and blacks formed the smallest minority of all: by 1769 Augusta County's white population owned several hundred slaves.<sup>15</sup>

Unlike many frontier settlers in British North America, the early freeholders of Augusta County did not immediately enter an economic competition with neighboring Indians, for when white settlement began, no Indian villages remained in the Valley of Virginia.<sup>16</sup> Indians frequently traveled through the Valley, however. Colonial and Indian leaders sanctioned this practice as early as the 1722 Treaty of Albany, by which Virginia agreed with the Five Nations of the Iroquois that the Indians retained a right of unhindered transit west of the Blue Ridge. Even after white settlement grew relatively dense, Indians from the Catawba, Cherokee, Iroquois, and Ohio tribes passed through the valley while journeying between the Carolinas and western New York. At the Lancaster Treaty of 1744 the Iroquois renegotiated this right of passage, while at the same time unwittingly forfeiting their claims to lands further west.<sup>17</sup>

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<sup>14</sup> Because some names were anglicized, this proportion represents a conservative estimate. For a detailed narrative of early German settlement in the Valley of Virginia, see Klaus Wust, *The Virginia Germans* (Charlottesville, VA, 1969), pp. 27-42. For landholding sources, see Chapter 2, n. 2 below.

<sup>15</sup> For details of slave imports, see Chapter 3 below.

<sup>16</sup> P.C. Manley, "Excavations of the Lewis Creek Mound, Augusta County, Virginia," *Quarterly Bulletin of the Archeological Society of Virginia* vol. 18 (1963) pp. 37-42; Howard A. MacCord and O.D. Vallier, "The Lewis Creek Mound, Augusta County, Virginia, Part I," *Quarterly Bulletin of the Archeological Society of Virginia* vol. 20 (1965), pp. 37-47.

<sup>17</sup> Francis Jennings, *The Ambiguous Iroquois Empire: The Covenant Chain Confederation of Indian Tribes with English Colonies* (New York, 1984), pp. 294-295, 360-362, and map on p. 296.

A decade of strife between Indians and Virginians inhibited the early settlement of Augusta County. When the Seven Years' War began in 1755, Northern Indian raiders devastated the more exposed portions of the county. They ceased their attacks in 1758, just as relations between Virginians and the Cherokees began deteriorating. Augusta County escaped unscathed during the Cherokee War of 1760-61, but northern raiders resumed hostilities in the early 1760s and continued to strike through most of 1764.

The restoration of peace late in 1764 produced a surge of migration to and through the Virginia frontier. As the population multiplied, some Augusta County leaders launched a series of petitions requesting that the colonial government divide the county. The House of Burgesses had denied similar requests just before the Seven Years' War, but in the late 1760s the movement for subdivision gained momentum.<sup>18</sup> After repeatedly deferring action on the question during their 1767 and 1768 sessions, the Burgesses finally voted in 1769 to split Augusta County in two. The new county, named Botetourt, roughly included that portion of the original Augusta County lying south of a line drawn northwest from the Forks of the James River.<sup>19</sup> Its creation completed another cycle in the expansion of colonial Virginia.

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<sup>18</sup> Entry for 10 Oct. 1754, Augusta County OB 4:318; entry for 13 May 1755, in H.R. McIlwaine, ed., *Journals of the House of Burgesses of Virginia, 1752-1758* (Richmond, 1909), p. 252.

<sup>19</sup> Entries for 18 and 20 Mar., 1 Apr. 1767; 2 Apr. 1768; 10 and 11 May 1769, in John Pendleton Kennedy, ed., *Journal of the House of Burgesses of Virginia, 1766-1769* (Richmond, 1906), pp. 84, 102, 106, 146, 197, 204; "An act for dividing the county and parish of Augusta, and for adding certain islands, in the Fluvanna river, to the counties of Albemarle and Amherst," in Hening, *Statutes at Large*, VIII:395-398.

CHAPTER I  
THE FRONTIER JOURNEY OF JOHN PETER SALLING:  
AN EXPEDITION IN SOUTHERN COLONIAL HISTORIOGRAPHY

In 1740 John Peter Salling left Pennsylvania to establish a farm in the Forks of the James River, a thinly populated part of Virginia to the west of the Blue Ridge Mountains. Salling's life on the farm proceeded uneventfully until over a year later, when one of his neighbors, John Howard, approached him with an attractive offer. Howard held a commission from the governor of Virginia to explore the lands west of the colony as far as the Mississippi River. In the course of his explorations, he hoped to establish a regular trade with the Indian towns on the Ohio River, and thereby improve relations between the Ohio Indians and the western Virginians. To compensate for such a difficult journey, the Virginia council was to grant Howard ten thousand acres of land, which he proposed to divide equally among a small number of associates. Would Salling join him?

Salling accepted, as did two other men and Howard's son. The partners set out together in March, 1742, travelling west to the New River. Somewhere on the river, in modern West Virginia, they killed five buffaloes and used the skins to build a boat capable of carrying all five men. Their passage down the New eventually was interrupted by waterfalls and impassable terrain, so the buffalo boat was abandoned and the explorers hiked overland to the Coal River, where they made a smaller boat. Because this second craft could carry only two passengers and provisions, three men walked along the riverbank for the next two days. Once in deeper water the boat was enlarged, and all five floated downstream to the Ohio.



Along the way, the adventurers noted coal seams and fertile, well-watered lands supporting plentiful trees similar to those in Virginia. Though hilly, the area appeared promising. On the Ohio River, prospects for farming appeared even better, with one especially notable stretch of level and rich soil below the falls of the Ohio. The falls themselves, site of present day Louisville, Kentucky, were described in detail, with Salling concluding that the obstruction could be passed in either direction during high water if boatmen were vigorous and careful. Below the falls there were no more obstacles to navigation. By July the party reached the Mississippi River, where Salling noted salt springs, French lead mines, and, again, rich lands with plentiful water.

Once on the Mississippi the journey was abruptly transformed into a captivity. A large company of Frenchmen, blacks, and Indians seized the partners and carried them down to New Orleans. The French governor questioned them closely, fearing they foreshadowed an English invasion, and then sentenced each to a three-year confinement. While the Virginians languished in a New Orleans prison, a bureaucratic debate ground along between the Louisiana governor, and the minister of marine and Superior Council in France: should the prisoners be scattered among various French forts, sent to the mines of New Mexico, or shipped back to the continent for eventual repatriation to England?

Fortunately for the captives the controversy proceeded no more quickly than letters could be exchanged between France and Louisiana. After more than two years of imprisonment in New Orleans, Salling and a French cell mate named Baudrau persuaded a guard to give them a metal file, sawed off Baudrau's shackles, and escaped. The fugitives took shelter briefly on a Capuchin plantation, then acquired a musket and ammunition and headed east. At Lake Ponchartrain

they killed two bulls, constructed a boat from the hides, and, paddling with the shoulder blades, evaded the first of many French search parties.

Baudrau and Salling traversed Lake Ponchartrain and made their way to a Choctaw Indian town where Baudrau's father lived. They remained among the Choctaws for over two months while the Indians withstood all French pressure for extradition. When the hue and cry finally died down, the two travelled together across what is now southern Mississippi and Alabama to one of the Lower Creek towns. Salling then left Baudrau and continued on alone, aided first by friendly Indians and then by English traders, finally reaching Charles Town, South Carolina, in April, 1745. Following an abortive attempt to sail to Virginia, Salling walked home. He arrived at the Forks of the James over three years after his departure.<sup>1</sup>

Salling wrote a journal of his travels, but never published it. Nevertheless, because the odyssey fascinated his acquaintances, copies circulated privately. John Buchanan, a prominent land speculator in early Augusta County, Virginia, transcribed the manuscript during a six-day visit with Salling in October, 1745.<sup>2</sup> Joshua Fry also copied it and used information from it in his map of Virginia.<sup>3</sup> Fry apparently passed word of Salling's travels to the Rev. Robert Rose, for that

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<sup>1</sup> The governor of Louisiana, Pierre François Rigault, marquis de Cavagnal et Vaudreuil, sent Howard and the other Virginians to France in late 1744, but they were rescued in route by an English ship. John Peter Salling, "A Brief Account of the Travels of John Peter Salley, A German Who Lives in the County of Augusta in Virginia," published in Fairfax Harrison, "The Virginians on the Ohio and the Mississippi in 1742," *Virginia Magazine of History and Biography* Vol. 30 (1922), pp. 211-222; *Mississippi Provincial Archives, French Dominion 1729-1748, Vol IV*, collected, edited, and translated by Dunbar Rowland and A.G. Sanders, revised and edited by Patricia Kay Galloway (Baton Rouge, 1984), pp. 205-211.

<sup>2</sup> "Memorandum Book of John Buchanan," in Draper Mss. 1QQ 39 (microfilm edition, 1980, reel 100), State Historical Society of Wisconsin.

<sup>3</sup> Harrison, "Virginians on the Ohio and the Mississippi," *VMHB* 30:206.

Anglican minister made a point of visiting Salling during a 1751 trip to the Valley of Virginia.<sup>4</sup> Over ten years after Salling's return, William Fleming, a physician educated at the University of Edinburgh, borrowed the journal from Augusta County magistrate William Preston, and then returned it to Preston with the comment that part of the work had been of use to him.<sup>5</sup>

Useful for what? Fleming did not say explicitly, but a concern he shared with Salling's other readers suggests an answer. Fleming, like Buchanan, Fry, Rose, and Preston, was deeply interested in the acquisition and development of western lands. Salling's journal lacked details on other subjects, but it contained an attractive description of the resources located in the upper Ohio River basin. There were obstacles, to be sure--impassable waterfalls, hostile Indians and Frenchmen, mountainous paths--but potential opportunities outweighed the difficulties. Salling's eighteenth-century audience shared a perception of economic reality: that once the temporary obstructions posed by geography and alien people were solved, the lands beyond the current limits of settlement would offer a chance to improve their fortunes.

Like many of its original inhabitants, historians have found the frontier to be a fertile field of endeavor. The subject retains its vitality because, like the odyssey of John Peter Salling, it is densely layered with implications and possibilities. At its most basic, the frontier serves as a ready source of human adventures, enjoyable for their own sake. Beyond adventure, the frontier becomes increasingly

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<sup>4</sup> Entry for 31 May 1751, "The Diary of the Reverend Robert Rose, 1746/7-1751," original mss. held by Colonial Williamsburg Foundation Library, p. 98.

<sup>5</sup> Fleming to William Preston, 17 Dec. 1756, in Draper Mss., 1QQ 140-141.

complicated, until at last it pervades America's entire national identity. When historians began to examine this complexity almost a century ago, they started with the concept so important to Salling's readers: frontier opportunity.

The eighteenth-century notion that western lands held extraordinary opportunities eventually became the basis of a formal school of historical interpretation. At the end of the nineteenth century, a group of historians led by Frederick Jackson Turner developed this perception of frontier opportunity into a powerful explanation of American politics and society. Turner's initial objective was to correct prevailing theories about the evolution of political institutions in the United States. Most of his contemporaries assumed a German origin and English foster home for the local self governments in which American democracy was grounded.<sup>6</sup> Turner challenged this assumption in an 1893 essay entitled "The Significance of the Frontier in American History."<sup>7</sup>

While acknowledging an initial influence from Europe, Turner argued that American political institutions were a breed apart. Their uniqueness derived from the fact that they have been compelled to adapt themselves to the changes of an expanding people--to the changes involved in crossing a continent, in winning a wilderness, and in repeatedly developing from the primitive economic and political conditions of the frontier into the complexity of city life.<sup>8</sup>

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<sup>6</sup> Richard Hofstadter, "Turner and the Frontier Myth," *American Scholar* 18 (Autumn 1949), 433. Hofstadter provides an incisive critique of the backlash against Turner.

<sup>7</sup> *American Historical Association, Annual Report* (1893), pp. 199-227. Reprinted in Turner's *Frontier and Section: Selected Essays of Frederick Jackson Turner* (Englewood Cliffs, 1961).

<sup>8</sup> Turner, *Frontier and Section*, pp. 37, 56.

In short, he identified the frontier experience as the primary force shaping American democracy.

Turner's frontier encompassed a variety of meanings. First, the frontier was the leading edge of American culture: "the meeting point between savagery and civilization." The term also referred to economic development, to that margin of unfettered opportunity "at the hither edge of free land." Finally, the frontier was an area of incomplete settlement, a place where the white population had not yet reached the density of long-established regions.<sup>9</sup> Taken together, these connotations defined a comprehensive national perspective on American expansion.

Turner and disciples like Walter Prescott Webb gained and retained a wide following, in part because they reinforced an appealing aspect of the American self-image.<sup>10</sup> By romanticizing the creation of America's continental empire and idealizing the (white male) participants in that creation, the Turner school ensured for itself an enduring role in American historiography. In modern times this role has been most apparent in studies of the trans-Mississippi west by scholars such as Ray Allen Billington, but Turnerian doctrines have also been applied abroad.<sup>11</sup> One of the most compelling aspects of Turner's thesis, the idea that frontier conditions promote democracy, has been used to interpret the history of lands as

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<sup>9</sup> Turner, *Frontier and Section*, p. 38.

<sup>10</sup> Robin W. Winks, "Australia, the Frontier, and the Tyranny of Distance," in Wolfskill and Palmer, *Frontiers in World History*, p. 151.

<sup>11</sup> For example, Ray Allen Billington's 1954 essay "The American Frontiersman," reprinted in his *America's Frontier Culture: Three Essays* (College Station, TX, 1977), examines the role of environment in reshaping European culture into American culture. Billington continues to tout the uniqueness of the American experience in his "Frontiers," in C. Vann Woodward, ed., *Comparative Approach to American History* (New York, 1968), passim.

distant from the American West as Siberia.<sup>12</sup> In some circles at least, the search for "A Meaning for Turner's Frontier" continues with vigor.<sup>13</sup>

So does its opposition. In the 1930s, a range of critics began an assault on Turner and his adherents that has continued to the present. Some objected to Turner's casual use of the term "frontier," for he often was ambiguous about which definition he had in mind.<sup>14</sup> As Jackson K. Putnam pointed out, this line of attack only compounded the confusion over what a frontier really was.<sup>15</sup> Of all the contention over Turner, the debate over his terminology was least substantial and least productive. The rejection of Turner's nineteenth-century notions about the character of American expansion was more pointed. According to Turner, the extension of American society was the cumulative and inevitable product of individual successes in developing the limitless bounty of the west. A better informed understanding of historical cause and effect has since eroded these beliefs. However reasonable they may have been at the turn of the century, Roger L. Nichols notes that such assumptions of innate American superiority now ring false.<sup>16</sup>

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<sup>12</sup> Joseph L. Wieczynski, *The Russian Frontier: The Impact of borderlands upon the Course of Early Russian History* (Charlottesville, VA, 1976).

<sup>13</sup> Stanley Elkins and Eric McKittrick, "A Meaning for Turner's Frontier," *Political Science Quarterly* LXIX (September, 1954 & December, 1954) pp. 321-353, 565-602.

<sup>14</sup> Hofstadter, "Turner and the Frontier Myth," p. 435.

<sup>15</sup> Jackson K. Putnam, "The Turner Thesis and the Westward Movement: A Reappraisal," *Western Historical Quarterly* vol. 7 (1976), p. 383.

<sup>16</sup> Roger L. Nichols, *American Frontier and Western Issues: A Historiographical Review* (New York, 1986), p. 2.

Turner's thesis ignored influences in Western Europe and America that, though fundamental to political and social development on both sides of the Atlantic, had nothing to do with frontier. Among these influences, according to Richard Hofstadter, were the role of Protestantism, the legacy of English republicanism, industrialization, and urbanization. Hofstadter further criticized Turner for overlooking factors more uniquely American, such as the American style of federal government, slavery and the society it nurtured, sustained immigration and its resulting interplay among ethnic groups, the commercial orientation of American agriculture, and the shaping of America's economy by *laissez faire* capitalism.<sup>17</sup>

To compound these omissions, the strong ethnocentric bias of Turner's work made it unpalatable for those readers disinclined to accept nineteenth-century theories of race and society.<sup>18</sup> Like John Peter Salling's audience a century and a half earlier, Turner and his followers held a white-oriented view of American expansion. The cultures opposing that expansion--both Indian and European--were obstacles to be overcome. No less than for John Peter Salling, Turnerians ranked human opposition to Anglo-American expansion in the same category as impassable waterfalls and bad roads.

In the 1960s, two groups of scholars, ethnohistorians and comparative historians, began to approach North American history from non-nationalist perspectives. Ethnohistorians study cultures and how they change over time in frontier contexts. As defined by James Axtell, culture is

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<sup>17</sup> Hofstadter, "Turner and the Frontier Myth," p. 438.

<sup>18</sup> Leonard Thompson, "The Southern African Frontier in Comparative Perspective," in George Wolfskill and Stanley Palmer, eds., *Essays on Frontiers in World History* (College Station, TX, 1983), p. 101; Robert F. Berkhofer, Jr., "The North American Frontier as Process and Context," in Howard Lamar and Leonard Thompson, eds., *The Frontier in History: North America and Southern Africa Compared* (New Haven, CT, 1981), p. 44.

an idealized pattern of meanings, values, and norms differentially shared by the members of a society, which can be inferred from the non-instinctive behavior of the group and from the symbolic products of their actions, including material artifacts, language, and social institutions.<sup>19</sup>

The ethnohistorical approach is notable for its usefulness in the interpretation of interactions between representatives of different cultures--representatives like Salling and the host of Indian, black, and French people he encountered during his travels.

Salling's adventures contributed a bit of momentum to colonial Virginia's expansion, which in turn was part of a larger movement, the growth of the British empire. Frontier historians who use comparative techniques are concerned with such global movements, and attempt to examine the similarities and differences of various frontier experiences. Their efforts belie the uniqueness of the American frontier by demonstrating the role of frontier processes in other nations.<sup>20</sup>

Though their subject matter differs, comparative historians and ethnohistorians both draw heavily on the discipline of anthropology for the definition of frontier. In 1968 Jack D. Forbes explained that "a frontier is an instance of dynamic interaction between human beings and involves such processes as acculturation, assimilation, miscegenation, race prejudice, conquest, imperialism and colonialism." According to Forbes, people having dynamic interactions--Salling

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<sup>19</sup> James Axtell, *The European and the Indian: Essays in the Ethnohistory of Colonial North America* (New York, 1981), pp. 8, 6.

<sup>20</sup> Howard Lamar and Leonard Thompson stress that comparative history is less concerned with creating overarching hypotheses than with devising an alternative to the typical parochialism of most historians in their essay "Comparative Frontier History." *Frontier in History*, pp. 12-13.



and the Indians he encountered, for example--must be aware of the cultural distinctions among themselves in order for their situation to qualify as a frontier.<sup>21</sup> Leonard Thompson subsequently expanded Forbes's definition to include three elements: initially separate people who form distinct societies, a zone where those societies meet and intermingle, and a process of beginning and developing their relationships.<sup>22</sup>

Territory, people, and process: these are the essential elements of a frontier. But what about change over time, that fundamental concern of historians? How does a frontier begin and end? According to Thompson, a frontier opens as soon as members of two societies meet, and closes when one society establishes control of the area's politics and economy.<sup>23</sup> To Forbes, the earliest contacts between scattered representatives of distinct societies do not create a significant frontier. While Forbes and Thompson differ slightly on the timing of the opening phase of a frontier, they agree on the criterion for the closing. Frontiers disappear in one of three ways: withdrawal, annihilation, or amalgamation. One of the societies involved may choose to break contact. Alternatively, some societies are annihilated through a combination of physical destruction and miscegenation. Finally, political and economic hegemony may be established through amalgamation, that is, through

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<sup>21</sup> Jack D. Forbes, "Frontiers in American History and the Role of the Frontier Historian," *Ethnohistory* 15 (1968) pp. 207, 209.

<sup>22</sup> Thompson, "The Southern African Frontier in Comparative Perspective," in Wolfskill and Palmer, *Frontiers in World History*, p. 102.

<sup>23</sup> *Ibid.*, p. 102. Thompson does not imply that society becomes static, "but rather that a new structural situation has been created and the ongoing historical process is no longer a frontier process."

varying degrees of acculturation. The character of this last form of unification can range from entirely voluntary to overwhelmingly coercive.<sup>24</sup>

The use of cultural concepts to inform historical investigations lends an added dimension to frontier studies, but anthropological approaches to historical evidence have not supplanted established interest in early white settlements. Even after the decline of Turner's star the notion of frontier as the vanguard of American society proved remarkably hardy. In 1935 James G. Leyburn defined frontier as "that region on the outer edge of settlement."<sup>25</sup> Geographer Marvin W. Mikesell has used the term "in the historian's sense to refer to the outer edge of settlement within a given area."<sup>26</sup> As recently as 1984 Ralph Mann considered frontier to mean "a locus of rapid social and economic development in areas previously not dominated by citizens of the United States."<sup>27</sup> The American public, wrote Robert F. Berkhofer, Jr, understands frontier to mean "both a series of recurring sequences of white settlement as the English and the Americans advanced into the interior of what is now the United States, and the overall results of those sequences for

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<sup>24</sup> Forbes, "Frontiers in American History," pp. 220, 228, 230-231.

<sup>25</sup> James G. Leyburn, *Frontier Folkways* (New Haven, CT, 1935), p. 1, quoted in Allan G. Bogue, "Social Theory and the Pioneer," *Agricultural History* 34 (January, 1960), p. 23.

<sup>26</sup> Marvin W. Mikesell, "Comparative Studies in Frontier History," *Annals of the Association of American Geographers* 50 (1960), p. 62.

<sup>27</sup> Ralph Mann, "Frontier Opportunity and the New Social History," *Pacific Historical Review* 53 (November, 1984), p. 468.

comprehending the impact of the frontier upon American life and history in general."<sup>28</sup>

A number of early American historians share this perspective. Richard R. Beeman describes the transition of Lunenburg County, Virginia, "from a frontier wilderness to a settled society" in his *Evolution of the Southern Backcountry*. For Beeman, the most prominent indicator of that transition was the virtual doubling of the population every five years during Lunenburg's first quarter-century.<sup>29</sup> Allan Kulikoff also uses frontier to mean "the limits of white habitation." In his *Tobacco and Slaves*, Kulikoff defines a typical frontier county in Virginia as having no more than half its land patented and a growth rate for taxed acreage of at least 5 percent per year.<sup>30</sup> Reginald Horsman, Jackson Turner Main, Robert D. Mitchell, Jack M. Sosin, W. Stitt Robinson, John E. Selby, and Thad W. Tate also have Anglo-American orientations toward frontier history.<sup>31</sup>

Not all Anglo-American orientations are created equal, however. When Rhys Isaac omitted any substantive discussion of Virginia's frontier from *Transformation of Virginia* it was not for lack of sympathy toward anthropological evidence. Every

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<sup>28</sup> Berkhofer, "North American Frontier as Process and Context," in Lamar and Thompson, eds., *Frontier in History*, p. 43.

<sup>29</sup> Richard R. Beeman, *The Evolution of the Southern Backcountry: A Case Study of Lunenburg County, Virginia, 1746-1832* (Philadelphia, 1984), p. 61.

<sup>30</sup> Allan Kulikoff, *Tobacco and Slaves: The Development of Southern Cultures in the Chesapeake, 1680-1800* (Chapel Hill, NC, 1986), pp. 76, 95.

<sup>31</sup> Reginald Horsman, *The Frontier in the Formative Years, 1783-1815* (Albuquerque, NM, 1975); Jack M. Sosin, *The Revolutionary Frontier, 1763-1783* (New York, 1967); Jackson Turner Main, *The Social Structure of Revolutionary America* (Princeton, NJ, 1965); W. Stitt Robinson, *The Southern Colonial Frontier, 1607-1763* (Albuquerque, NM, 1979); Warren M. Billings, John E. Selby, and Thad W. Tate, *Colonial Virginia: A History* (White Plains, NY, 1986).

study has its limits, and in most early American studies those limits exclude frontiers of culture if not of settlement. The fact that intercultural contacts are unacknowledged by historians is much less important than the reasons behind such an omission. Are those contacts ignored because they lie outside the scope of inquiry, or because they are considered insignificant? The distinction is critical because frontier studies inevitably make political statements.

As a field of inquiry, the frontier originally attracted historians because it seemed to demonstrate a notion they already held: that America not only is a unique country, but a superior one as well. At an intuitive level, Turner's thesis seemed self evident. As Hofstadter observed, "no nation could spend more than a century developing an immense continental empire without being deeply affected by it."<sup>32</sup> The decisions to move to an undeveloped wilderness, the struggles to build new societies in the face of "savage" opposition and harsh environments, and the necessity of repeatedly recreating civilization until a vast continent had been spanned and tamed all seemed to have produced not just a new nation but a better people. When Frederick Jackson Turner focused these ideas in 1893, the United States was on the verge of expanding from a continental power to a global one, and the implication of Turner's message for that expansion was clear: the growth of America was an unqualified positive event. Frontier became more than a place or a process; it supported an ideology for empire.

In this respect, the effort by ethnohistorians and comparative historians to go beyond the traditional orientation of frontier history takes on a larger political significance. Cultural approaches to frontier studies make explicit attacks on notions of white superiority, especially the variety that has currency in Anglo-

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<sup>32</sup> Hofstadter, "Turner and the Frontier Myth," p. 437.

American culture. Ethnohistorians also undercut the moral sanction for American expansion by challenging the notion that society in the United States is the improved product of natural selection: the other white, red, or black societies that suffered because of American expansion were physically weaker but not morally inferior. Ethnohistorians and comparative historians restored to those cultures the integrity that jingoism usurped.

There are, then, powerful reasons to stand at some distance from "frontier." The word has caused such historiographical uproar at various times that some colonial historians go to the extreme of avoiding it altogether. In the introduction to Part I of *Voyagers to the West*, Bernard Bailyn mentions migration to British North America's "backcountry," "far periphery," "outback," "far marchlands," and "borderland"--but not to the frontier.<sup>33</sup> Most early American historians have been less chary of the word than Bailyn, but there remains a marked reluctance to call attention to its use.<sup>34</sup> Rhys Isaac included only a single index entry for "frontier" in *Transformation of Virginia*, while a number of other pertinent works completely omit index references to the topic.<sup>35</sup>

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<sup>33</sup> Bernard Bailyn, with assistance of Barbara DeWolfe, *Voyagers to the West: A Passage in the Peopling of America on the Eve of the Revolution* (New York, 1986), p. 4.

<sup>34</sup> Bailyn's efforts notwithstanding, the search for an alternative term has been unsuccessful. The most common replacement is the contemporary "backcountry," as in Ronald Hoffman, Thad W. Tate, and Peter J. Albert's *An Uncivil War: The Southern Backcountry during the American Revolution* (Charlottesville, VA, 1985). "Backcountry" has flaws of its own, though. Beside having a perjorative quality, it is strongly ethnocentric: South Carolina's backcountry was Cherokee frontcountry.

<sup>35</sup> Rhys Isaac, *The Transformation of Virginia, 1740-1790* (Chapel Hill, 1982); James Axtell, *The Invasion Within: The Contest of Cultures in Colonial North America* (New York, 1985); Billings, Selby, and Tate, *Colonial Virginia*; Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of*

The confusing effects of this wariness are compounded by the frontier's ambiguity. When they write about the frontier--regardless of whether or not they explicitly name it--colonial historians usually pick one or the other definition, cultural or settlement, without recognizing that the two need not be mutually exclusive. The extent to which intercultural contact influenced settlement frontiers varied at different times and places, but the fundamental interdependency of the two existed throughout a frontier's life. The journey of John Peter Salling illustrates this duality, and at the same time provides a vehicle for touring the historiography of both types of southern colonial frontiers.

A resident of the trans-Appalachian settlement frontier, Salling began his journey in an early stage of the cultural frontier between Indian societies of the Mississippi basin and the Chesapeake society of colonial Virginia. He subsequently passed through southeastern frontiers where Indian tribes met representatives of three European nations: France, Spain, and England. Finally, his return home from South Carolina traced in reverse a major migration route within the English colonies, a route by which thousands of Americans moved to, from, or through frontiers of both types. In each phase, Salling's travels illustrate the utility of several historical perspectives, no single one of which completely illuminates the entire adventure. Each facet of the journey represents an aspect of frontier historiography.

When Salling left Pennsylvania to settle in Virginia he joined one of the major population movements in colonial American history. The eighteenth-century

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*Colonial Virginia* (New York, 1975); Gary B. Nash, *Red, White, and Black: The Peoples of Early America* (2nd ed.; Englewood Cliffs, 1982); Neal Salisbury, *Manitou and Providence: Indians, Europeans, and the Making of New England, 1500-1643* (New York, 1982). The omission from Axtell's *Invasion Within* is surprising, in light of the extensive attention given *frontier* in his *The European and the Indian: Essays in the Ethnohistory of Colonial North America* (New York, 1981).

migrations from Pennsylvania to the southern British colonies are poorly understood, but Bailyn's summary in *Voyagers to the West* provides a concise introduction to the subject.<sup>36</sup> In the case of western Virginia, some of these migrants were German, while many more were Scotch-Irish. Klaus Wust's *The Virginia Germans* is the basic work for any study of the former.<sup>37</sup> *The Scotch-Irish*, by James G. Leyburn, is much less useful, summarizing traditional work without building upon it, and failing to go beyond stereotypes Carl Bridenbaugh nurtured in *Myths and Realities*.<sup>38</sup> Bridenbaugh characterizes the Scotch-Irish frontier people as "[u]ndisciplined, emotional, courageous, aggressive, pugnacious, fiercely intolerant, and hard-drinking, with a tendency to indolence." He nevertheless adds that the Scotch-Irish "produced ambitious leaders with the virtues of the warrior and politician."<sup>39</sup>

Regardless of nationality, new arrivals in western Virginia actively sought to acquire land and to create new social connections. Of the two processes, the first is the better understood. For a time, historians like Jack Sosin believed that German

<sup>36</sup> Bailyn, *Voyagers to the West* pp. 14-20. See also Park Rouse, Jr., *The Great Wagon Road: From Philadelphia to the South* (New York, 1973).

<sup>37</sup> Klaus Wust, *The Virginia Germans* (Charlottesville, VA, 1969).

<sup>38</sup> Leyburn, *The Scotch-Irish: A Social History* (Chapel Hill, NC, 1962). Local histories of the Valley of Virginia include Joseph Waddell, *Annals of Augusta County, Virginia, with Reminiscences Illustrative of the Vicissitudes of its Pioneer Settlers* (Richmond, 1886); Lewis Preston Summers, *History of Southwest Virginia, 1746-1786, Washington County, 1777-1870* (1903; Baltimore, 1979); Samuel Kercheval, *A History of the Valley of Virginia* (4th ed.; Strasbourg, VA, 1925); Frederick Bittle Kegley, *Kegley's Virginia Frontier The Beginning of the Southwest: The Roanoke of Colonial Days* (Roanoke, VA, 1938); William Couper, *History of the Shenandoah Valley* (New York, 1952); Howard McKnight Wilson, *The Tinkling Spring, Headwater of Freedom: A Study of the Church and Her People, 1732-1952* (Verona, VA, 1954).

<sup>39</sup> Carl Bridenbaugh, *Myths and Realities: Societies of the Colonial South* (Baton Rouge, 1952; reprinted New York, 1980) p. 133.

and Scotch-Irish settlers in the Valley of Virginia sought land similar to that on which they had lived in Europe.<sup>40</sup> Robert Mitchell laid this and numerous other geographic and economic misconceptions to rest in his *Commercialism and Frontier*, an historical geography of the Shenandoah Valley.<sup>41</sup> Where geographic issues are concerned, *Commercialism and Frontier* ranks with Merrens' *Colonial North Carolina* as a leading study of frontiers in the colonial south.<sup>42</sup>

The work of Merrens and Mitchell is important for an understanding of the colonial frontier because, as Howard Lamar and Leonard Thompson have pointed out, frontier geography defines a set of limits to socioeconomic opportunity.<sup>43</sup> Expanding the role of geography even further, Thomas P. Slaughter has suggested that western Pennsylvania's harsh extremities of weather, rivers, and mountains were instrumental in shaping frontier behavior.<sup>44</sup> It would be a mistake, however, to suppose that the options open to the people who formed frontier societies were controlled solely by their surroundings. As William Cronon pointed out in

<sup>40</sup> Jack M. Sosin, *The Revolutionary Frontier, 1763-1783* (New York, 1967), p. 172.

<sup>41</sup> Robert D. Mitchell, *Commercialism and Frontier: Perspectives on the Early Shenandoah Valley* (Charlottesville, VA, 1977). For his debunking of the supposed ethnic propensity for certain soil types, see p. 41 and maps on pp. 42-43.

<sup>42</sup> Harry Roy Merrens, *Colonial North Carolina in the Eighteenth Century: A Study in Historical Geography* (Chapel Hill, NC, 1964). Though partly superseded, Merrens' work on demographics, and especially on the slave population, still stands as an accurate introduction. His proto-quantitative call for a systematic examination of local records in order to answer demographic and geographic questions (pp. 173-4) was far-sighted. He rapped Turnerian doctrine sharply, finding no "zonal and successional pattern of development" in either the colony as a whole or in any region (p. 176).

<sup>43</sup> Lamar and Thompson, "Comparative Frontier History," in Lamar and Thompson, eds., *Frontier in History*, p. 8.

<sup>44</sup> Thomas P. Slaughter, *The Whiskey Rebellion: Frontier Epilogue to the American Revolution* (New York, 1986), p. 63.



*Changes in the Land*, the limits that an environment initially imposes are modified in subsequent dialogs between environment and culture.<sup>45</sup>

John Peter Salling's options in his new Virginia home depended in varying degrees on geography, culture, and of course the technology of his times. The final factor controlling his opportunities was the society he had joined. To a large extent, the values of that society were reflected in the decision by Salling and thousands like him to move to the frontier. To what motivations do historians attribute migrations to the colonial frontier? In the traditional view, colonial expansion was a product of "the usual vigor and enterprise of the Anglo-Saxon."<sup>46</sup> Such blatant ethnocentrism eventually was refined with misapplied science by historians like Thomas P. Abernethy, who thought natural selection ensured that most frontiersmen were characterized by courage and ambition.<sup>47</sup> More recently, J. K. Putnam speculated "that many of those taken by the westering urge harbored intolerable irritants deep in their psyches."<sup>48</sup> Robert Mitchell sees high rates of population turnover as evidence that most people were predisposed toward

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<sup>45</sup> William Cronon, *Changes in the Land: Indians, Colonists, and the Ecology of New England* (New York, 1983). Cronon argues that any examination of "the way people create and re-create their livelihood must be analyzed in terms of changes not only in their *social relations* but in their *ecological* ones as well" (p. 13; original emphasis).

<sup>46</sup> Summers, *History of Southwest Virginia*, p. 34.

<sup>47</sup> Thomas P. Abernethy, "The Southern Frontier, an Interpretation," in Walker D. Wyman and Clifton B. Kroeber, eds., *The Frontier in Perspective* (Madison, WI, 1957), p. 130.

<sup>48</sup> Putnam, "Turner Thesis and Westward Movement," p. 403.

geographical mobility.<sup>49</sup> But most historians, including Mitchell, believe that migrants to the frontier were motivated primarily by economic concerns.

By the last quarter of the seventeenth century, former indentured servants were discovering that there was no place for them in Virginia's settled eastern counties.<sup>50</sup> This lack of room--translated as "shrinking economic opportunity"--continued throughout the colonial era.<sup>51</sup> The problem stemmed from several causes, all of which were related to tobacco culture. In colonial times, as David Potter has pointed out, potential economic abundance existed primarily in the form of fertile but unworked soil.<sup>52</sup> This potential was realized around the margins of the Chesapeake by expanding tobacco production. With time, the supply of land declined and acquiring a freehold became more expensive. Rather than pay high prices for improved tracts, people of limited means often sought cheaper alternatives further inland.<sup>53</sup>

The eventual scarcity of land in Tidewater was exacerbated by two exploitive aspects of the tobacco economy, one ecological, the other social. The ecological

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<sup>49</sup> Mitchell, *Commercialism and Frontier*, p. 15.

<sup>50</sup> Selby, "The Maturing of Virginia Society," in Billings, Selby, and Tate, *Colonial Virginia*, p. 125.

<sup>51</sup> Kulikoff, *Tobacco and Slaves*, p. 141.

<sup>52</sup> David M. Potter, *People of Plenty: Economic Abundance and the American Character* (Chicago, 1954), pp. 125-126. Access to that potential wealth was controlled in Virginia by the governor's council and the county surveyors. The definitive colonial study of the mechanics of land acquisition is Sarah S. Hughes, *Surveyors and Statesmen: Land Measuring in Colonial Virginia* (Richmond, 1979).

<sup>53</sup> Darrett B. Rutman and Anita H. Rutman, *A Place in Time: Middlesex County, Virginia, 1650-1750* (New York, 1984), pp. 237-238; Slaughter, *The Whiskey Rebellion*, 70; Kulikoff, *Tobacco and Slaves*, p. 92. Despite his leftist perspective on other issues, Kulikoff's view of the frontier process owes much more to Turner than to Marx.

problem arose from the practice of constantly relocating tobacco fields to keep crop yields high. Rather than practice a more conservation-oriented intensive agriculture, planters chose to acquire large holdings and periodically to change their tobacco fields, thus increasing pressure on available land.<sup>54</sup> The second factor limiting opportunity in Tidewater Virginia was the expansion of slave labor. According to Darrett and Anita Rutman, the advent of slavery increased an already substantial economic pressure on "the lesser sort" in white society. One response to that unfavorable shift was to seek better fortune elsewhere.<sup>55</sup>

Economic problems created by tobacco culture in Tidewater explain some of the migration to Virginia's colonial frontiers, but are of little use in understanding the motives of people like John Peter Salling. Most of the colonial migrants to the Valley of Virginia came by way of the middle colonies--especially Pennsylvania.<sup>56</sup> Mitchell suggests that this stream included "men of above-average ability and motivation" attempting to improve upon an existing affluence, and clearly this was true of many early settlers in Augusta County. For such people, the initial phase of frontier society held the promise of upward social mobility as well as economic independence. But Mitchell also recognized a second type of newcomer--a type whose experience belied optimism. "The failure of frontier situations to meet the

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<sup>54</sup> Kulikoff, *Tobacco and Slaves*, p. 47. Kulikoff argued that the abundance "of untilled land found on the frontier . . . led planters to rotate fields rather than crops." (p. 76) Ray Allan Billington also noted the lack of early American interest in conservation in his essay "Frontiers," in Woodward, ed., *Comparative Approach to American History*, p. 83.

<sup>55</sup> Rutman and Rutman, *Place in Time*, p. 238.

<sup>56</sup> Mitchell, *Commercialism and Frontier*, p. 34.

economic and social expectations of many settlers probably encouraged some to migrate to other potentially attractive areas."<sup>57</sup>

Were migrants to the frontier motivated by nothing but economic interests? Mitchell's claim that "settlers who held no land and little personal property were only loosely tied to any particular locale" probably oversimplifies the role that contemporary social values played in the decision to move. James Henretta addressed shortcomings of such economic perspectives and argued for a value-oriented explanation of movement to the frontiers in his 1978 essay "Families and Farms: *Mentalité* in Pre-Industrial America." Henretta found that migrants valued social stability more than profit. "Massive westward migration enabled a rapidly growing Euro-American population to *preserve* an agricultural society composed primarily of yeoman freeholding families in many eastern areas, and to *extend* these age- and wealth-stratified communities into western regions."<sup>58</sup> Despite Henretta's objections, most historians still approach frontier settlement from the standpoint of economic opportunity, but "Families and Farms" offers a powerful alternative to the profit motive.

In *Voyagers to the West*, Bernard Bailyn probes a range of "discontents and ambitions, perceptions and understandings, shifts in circumstance and the opening of new opportunities" that pushed or pulled American colonists toward the frontiers.<sup>59</sup> Given the limits imposed by geography, technology, culture, and

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<sup>57</sup> *Ibid.*, pp. 52-53.

<sup>58</sup> James A. Henretta, "Families and Farms: *Mentalité* in Pre-Industrial America," *William and Mary Quarterly*, third series, XXXV (January, 1978), p. 9.

<sup>59</sup> Bailyn, *Voyagers to the West*, p. 5.

society, what was possible once they got there? Did John Peter Salling and his fellow migrants really find the frontier to be a land of opportunity?

That issue remains unresolved. Ralph Mann acknowledges that frontier opportunities, though real, were not necessarily exceptional. Other, unrelated, factors might also bear on a frontier's potential. Mann explains that "the ability to survive and thrive on the frontier had as much to do with practices, connections, capital, and institutions that originated elsewhere as with the frontier."<sup>60</sup> This generalization seems to have held true in the southern colonies.<sup>61</sup> Anita Rutman notes that when a Chesapeake area was first settled, newcomers stood a better chance of economic improvement, though individual experiences might vary drastically. Those with significant capital and luck tended to increase their fortunes. For a while, opportunities were widely available, and it was possible to climb readily from the lowest positions to middling comfort. Even in the best of times, though, colonists rarely rose beyond this intermediate level.<sup>62</sup>

According to Allan Kulikoff, most migrants found little to their advantage once a frontier economy's first bloom was past. Probably their severest handicap was a lack of capital, for even on the frontier, land was not altogether free. Few migrants could afford the tools, food, and shelter needed to start a farm from scratch. Of those who were able to make such capital investments, Kulikoff calculates that the best strategy for success as a small tobacco planter included moving to a developing

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<sup>60</sup> Ralph Mann, "Frontier Opportunity and the New Social History," *Pacific Historic Review* 53 (November 1984), pp. 491, 490.

<sup>61</sup> "The only outsiders who succeeded on the county's [i.e., Prince George's, MD] frontier in the 1720s were men who brought human or financial capital with them." Kulikoff, *Tobacco and Slaves*, p. 97.

<sup>62</sup> Anita H. Rutman, "Still Planting the Seeds of Hope: The Recent Literature of the Early Chesapeake Region," *VMHB* 95 (January 1987) pp. 15-16.

rather than a totally unsettled area.<sup>63</sup> That strategy required a larger initial investment, however; those unable to afford such an investment often had no option but to move again and look elsewhere.<sup>64</sup>

Whatever its causes, migration to the colonial frontier and the establishment there of new, white-dominated societies constitute only one part of frontier history in John Peter Salling's world. Two cultures, an Indian one embodying values common to the Mississippi basin, and a white one deriving its mores from the society and conditions around the Chesapeake Bay, made contact in Augusta County in the middle of the eighteenth century. How did representatives of those cultures interact, and how did those interactions change with time? If Salling's adventures are any guide, the Augusta County experience shared four of the fundamental contexts that W. J. Eccles describes for Indian and French relations on the Canadian frontier: trade, diplomacy, land transactions, and imperial struggle.<sup>65</sup>

Trade and diplomacy existed from the earliest contacts between Indians and whites.<sup>66</sup> Unfortunately for frontier history, the meaning of these contacts--of

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<sup>63</sup> Kulikoff, *Tobacco and Slaves*, pp. 92, 151.

<sup>64</sup> Beeman, *Evolution of Southern Backcountry*, pp. 30, 69.

<sup>65</sup> W.J. Eccles, *The Canadian Frontier, 1534-1760* (Albuquerque, NM, 1969), pp. 1-11 and *passim*.

<sup>66</sup> For a now-dated introduction to Virginia's eighteenth-century trade with the western Indians, see three essays by W. Neil Franklin: "Virginia and the Cherokee Indian Trade, 1673-1752," *East Tennessee Historical Society's Publications*, no. 4 (January, 1932), pp. 3-21; "Virginia and the Cherokee Indian Trade, 1753-1775," *East Tennessee Historical Society's Publications*, no. 5 (January, 1933), pp. 22-38; "Pennsylvania Virginia Rivalry for the Indian Trade of the Ohio Valley," *Mississippi Valley Historical Review* 20 (March, 1934), pp. 463-480. Nicholas B. Wainwright presents a more comprehensive but Pennsylvania-

activities like those of Salling and his partner Howard--has not always been clearly understood. To Frederick Jackson Turner and his adherents, Salling and Howard were two of the many traders who spearheaded civilization's march into the American interior. The clouds of dust raised by that march have obscured the role of trade as a protocol for intercultural contact. To make matters worse, the importance of trade--for white societies as well as Indian--has been trivialized by ethnocentric authors like Richard A. Bartlett, who sees traders as nothing more than vendors of "blue beads, calicos, firewater and falderal that appealed to Indians."<sup>67</sup> In fact, as ethnohistorians of North America have demonstrated repeatedly, trade between Indians and whites represented a critical frontier relationship.<sup>68</sup>

In addition to profit, Howard, Salling, and the other members of their expedition also hoped to improve relations with the Indians. According to Elkins and McKittrick, such private diplomatic initiatives reflect the frontier's chronic shortage of experienced political leaders. This shortage expanded democratic participation in the political process, and consequently undermined such traditional authority as may have been transplanted from older, more stable settlements.<sup>69</sup> While Elkins and McKittrick see this tendency as a positive trend, not all popular initiatives were

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oriented view of the early English trade in the Ohio Valley in his *George Croghan, Wilderness Diplomat* (Chapel Hill, NC, 1959), pp. 5-68.

<sup>67</sup> Richard A. Bartlett, *The New Country: A Social History of the American Frontier, 1776-1890* (New York: Oxford University Press, 1974), p. 14.

<sup>68</sup> Axtell, *European and Indian*, pp. 263-265; Eccles, *Canadian Frontier*, especially chapters 2, 3, 6, and 9; Francis Jennings, *The Invasion of America: Indians, Colonialism, and the Cant of Conquest* (New York, 1976), chapter 6.

<sup>69</sup> Elkins and McKittrick, "A Meaning for Turner's Frontier," *PSQ*, LXIX (September, 1954), pp. 325-326. Thomas Perkins Abernethy disagrees; he sees the southern frontier as producing a landed aristocracy whose "principal merit was that it furnished competent leadership in a rural society." Abernethy, "The Southern Frontier," in Wyman and Roeder, *Frontier in Perspective*, p. 141.

peaceful or productive. Albert H. Tillson, Jr., found ordinary white settlers in Augusta County unwilling to imitate gentry leaders in distinguishing carefully between friendly and hostile Indians.<sup>70</sup> That the problem was not unique to whites--Indian headmen had similar difficulties--suggests an opportunity for ethnohistorians to enrich the literature on frontier violence.<sup>71</sup>

Whatever the potential rewards may have been for an early entrée into western trade and diplomacy, Salling and Howard had an additional objective. Their journey to the Mississippi was also a reconnaissance, an examination of territory that Virginians hoped to claim. Thomas P. Abernethy's *Western Lands and the American Revolution* and Lois Mulkearn's introduction to *The George Mercer Papers Relating to the Ohio Company of Virginia* contain standard treatments of Virginia land companies and the machinations involved in securing titles to Indian lands in the eastern Mississippi basin prior to the Seven Years' War.<sup>72</sup>

As scouts for Virginia's expansion, Salling and Howard were involved in land speculation, but were they themselves speculators? Each of the five partners on the journey stood to gain 2,000 acres of land, so they too had a stake in additional acquisitions, but historians have disagreed over whether or not such acts were

<sup>70</sup> Albert H. Tillson, Jr., "The Militia and Popular Political Culture in the Upper Valley of Virginia, 1740-1775," *VMHB* 94 (July, 1986), p. 292.

<sup>71</sup> Elliot J. Gorn, "'Gouge and Bite, Pull Hair and Scratch': The Social Significance of Fighting in the Southern Backcountry," *American Historical Review* 90 (1985), pp. 18-43. See Isaac, *Transformation of Virginia*, pp. 95-104, for ways in which violence was incorporated into a variety of social activities.

<sup>72</sup> Thomas Perkins Abernethy, *Western Lands and the American Revolution* (New York, 1937), pp. 5-13; Lois Mulkearn, ed., *George Mercer Papers Relating to the Ohio Company of Virginia* (Pittsburgh, 1954). For an imperial perspective on Virginia's expansion, see Clarence Walworth Alvord, *The Mississippi Valley in British Politics* (Cleveland, 1917) and Jack M. Sosin, *Whitehall and the Wilderness: the Middle West in British Colonial Policy, 1760-1775* (Lincoln, Nebraska, 1961).



speculative. In 1942 Paul Gates defined a speculator as anyone seeking land for investment, not farming.<sup>73</sup> Ray Allen Billington refined that definition three years later by distinguishing among a variety of speculators, ranging in complexity from ordinary farmers who engrossed more land than they could use to businessmen and financiers of frontier hamlets, eastern merchants or wealthy planters, and capitalists organized into companies.<sup>74</sup> According to Billington's criterion, Salling and Howard were speculators, but Allan G. and Margaret Beattie Bogue disagree, siding with Gates in the belief that speculators were uninterested in farming.<sup>75</sup>

Speculation has also been defined by the size of property holdings. One of Allan Bogue's students, Richard P. Swierenga, identifies as a speculator anyone, resident or not, who acquired more land than could be developed. In his study of land acquisition in Iowa, Swierenga selected 1,000 acres as a minimal size for speculative property.<sup>76</sup> Using Swierenga's figure, the 2,000-acre shares of Salling, Howard, and their partners seem to qualify them as small-scale speculators. In the end, though, speculation transcends both the land-use orientation of Gates and the property-size calculations of Swierenga. A former student of Gates's, Leslie Decker, observed that almost all frontier land purchases

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<sup>73</sup> Paul W. Gates, "The Role of the Land Speculator in Western Development," *Pennsylvania Magazine of History and Biography* LXVI (1942), pp. 314-315.

<sup>74</sup> Ray Allen Billington, "The Origin of the Land Speculator as a Frontier Type," *Agricultural History* XIX (January, 1945), p. 205. Billington thinks Frederick Jackson Turner omitted a frontier type, the speculator, from the progression of traders, cattlemen, primitive farmers, and well equipped farmers Turner saw as white civilization advanced into the wilderness (p. 204).

<sup>75</sup> Allan G. Bogue and Margaret Beattie Bogue, "'Profits' and the Frontier Land Speculator" *Journal of Economic History* XVII (1957), p. 1.

<sup>76</sup> Robert P. Swierenga, "Land Speculator 'Profits' Reconsidered: Central Iowa as a Test Case" *Journal of Economic History* XXVI (March, 1966), p. 3.

were speculative, in the sense that large and small buyers alike counted on additional growth and development to enhance the value of their purchases.<sup>77</sup>

Decker's insight is valuable because it explains a mutual economic interest shared between modest freeholders like John Peter Salling and Virginia's colonial government. Robert Mitchell's analysis of eighteenth-century land purchases in the Shenandoah Valley confirms this convergence of interest. Once administrative control over western lands was established, Mitchell found that Virginia's policy encouraged speculation for original large patentees and their early customers alike. If Mitchell is correct in ascribing a predominantly commercial outlook to settlers as well as to colonial elites, land speculation had critical implications for frontier relations between Virginians and Indians. By his reasoning, major speculators and settlers were united in a common cause: to support Virginia's further expansion into Indian territory.<sup>78</sup>

Until recently, historians have interpreted the attempts by English colonies to engross Indian lands as being motivated by raw greed.<sup>79</sup> This interpretation may be too narrow, as Marc Egnal argues provocatively in *A Mighty Empire: The Origins of the American Revolution*. According to Egnal, the colonial wars created a rift between American elites, dividing the expansionists from the nonexpansionists. Where nonexpansionists favored at best the cautious acquisition of territory, expansionists shared a vision of a rapidly rising North American

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<sup>77</sup> Leslie E. Decker, "The Great Speculation: An Interpretation of Mid-Continent Pioneering," in David M. Ellis, ed., *The Frontier in American Development: Essays in Honor of Paul Wallace Gates* (Ithaca, NY, 1969), pp. 362, 375-6.

<sup>78</sup> Mitchell, *Commercialism and Frontier*, p. 60.

<sup>79</sup> See for example Thomas Perkins Abernethy, "The First Transmontane Advance," in James Southall Wilson, ed., *Humanistic Studies in Honor of John Calvin Metcalf* (Charlottesville, 1941), p. 137.

empire. After the Seven Years' War, the expansionists struggled to realize their dreams by supporting first the independence movement and later the ratification of the Constitution. In Virginia, the expansionists were concentrated on the Northern Neck and in the counties adjacent to the Blue Ridge Mountains. The expansionist faction in South Carolina drew most of its support from wealthy Charleston merchants, and rice and indigo planters.<sup>80</sup>

Following the Seven Years' War, the British government checked the expansionists' aspirations temporarily, for the Board of Trade believed that western Indian tribes withdrew support for France in 1758 upon the guarantee that American encroachments on their lands would stop.<sup>81</sup> Despite varying degrees of obstruction from royal governors, and particularly from Virginia's Lord Dunmore, Britain's official policy retarded western land jobbing until the American Revolution. The effort to implement that policy by delineating an imperial boundary between the Indians and the southern colonies is described in Louis DeVorse's *Indian Boundary in the Southern Department*.<sup>82</sup>

Indian concerns about encroachments by English colonies account for a large measure of native American support given to France in the colonial wars. These concerns varied over time, however, and opposition to English advances fluctuated according to Indian objectives. During the 1740s, while English traders and their less expensive goods were driving French competition out of the Ohio Valley, the

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<sup>80</sup> Marc Egnal, *A Mighty Empire: The Origins of the American Revolution* (Ithaca, NY, 1988), pp. 6-7, 79, 110.

<sup>81</sup> Sosin, *Whitehall and Wilderness*, p. 45.

<sup>82</sup> Louis DeVorse, Jr., *The Indian Boundary in the Southern Department, 1763-1775* (Chapel Hill, NC, 1961).

threat of English expansion into that region appeared slight to the Indians. French officers were not so sanguine, and in one sense they were perfectly correct in suspecting that Salling and his party were scouting for an invasion.<sup>83</sup>

Eventually the threat of English expansion into the Ohio country was realized when the Virginia-dominated Ohio Company attempted to secure 200,000 acres of western land, including the strategic junction of the Alleghany and Monongahela rivers, site of modern Pittsburgh. French army officers rejected the Ohio Company's claim, and in 1754 a clash between small military detachments from Canada and Virginia sparked the Seven Years' War. The involvement of European nations and the conflict's global scope tend to obscure the fact that Anglo-Virginia expansion precipitated the war.

Most of the scholarship dealing with the Ohio frontier focuses on the Anglo-American side of a military struggle. This bias is only partially offset by Eccles' French-oriented *Canadian Frontier*.<sup>84</sup> Wainwright's biography of trader and land speculator George Croghan contains the Pennsylvania perspective.<sup>85</sup> Reuben Gold Thwaites and Louise Philips Kellogg summarized later events of the Ohio conquest in the introductions to three volumes, *Documentary History of Dunmore's War*,

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<sup>83</sup> Michael N. McConnell, "Peoples 'In Between': The Iroquois and the Ohio Indians, 1720-1768," in Daniel K. Richter and James H. Merrell, eds., *Beyond the Covenant Chain: The Iroquois and Their Neighbors in Indian North America, 1600-1800* (Syracuse, NY, 1987), pp. 97-98. McConnell concurs with Eccles in refuting the traditional view that France controlled the Ohio Valley prior to the Seven Years' War. (Eccles, *Canadian Frontier*, 157-159.)

<sup>84</sup> For an introduction to the early conflicts over the Ohio Valley, see Eccles, *Canadian Frontier*, pp. 132-185.

<sup>85</sup> Wainwright, *George Croghan*.

*Frontier Defense on the Upper Ohio*, and *Frontier Advance on the Upper Ohio*.<sup>86</sup>

Randolph C. Downes's *Council Fires on the Upper Ohio* is a more recent survey of political and military events on the Ohio frontier.<sup>87</sup> Almost as little social history has been written for the Ohio country as ethnohistory, though Thomas Slaughter's *The Whiskey Rebellion* is a notable exception. Slaughter paints a bleak picture of living conditions in western Pennsylvania, and attributes the popular uprising against excise taxes in part to those conditions.<sup>88</sup>

The upper Ohio Valley was an important part of the colonial American frontier, but for the southern English colonies it was only one of several regions of concern. In the same way, it was only one frontier for the French, who looked both southwest from Quebec and northeast from New Orleans. John Peter Salling and the French convict Baudrau thus escaped across a second Franco-Indian frontier, between Louisiana and several southeastern tribes, in this case Choctaws. Patricia

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<sup>86</sup> Reuben Gold Thwaites and Louise Phelps Kellogg, eds., *Documentary History of Dunmore's War, 1774* (Madison, WI, 1905); Reuben Gold Thwaites and Louise Phelps Kellogg, eds., *Frontier Defense on the Upper Ohio, 1777-1778* (Madison, WI, 1912); Louise Phelps Kellogg, *Frontier Advance on the Upper Ohio, 1778-1779, Publications of the State Historical Society of Wisconsin, Collections, Volume XXIII, Draper Series, Volume IV* (Madison, 1916). These works consist primarily of documents transcribed from the Draper manuscript collection of the Wisconsin Historical Society. The introductions by Thwaites and Kellogg focus on political issues, military operations and Indian raids, but the documents themselves often provide convenient access to material of wider interest for frontier studies.

<sup>87</sup> Randolph C. Downes, *Council Fires on the Upper Ohio: A Narrative of Indian Affairs in the Upper Ohio Valley Until 1795* (Pittsburgh, 1940). See also Richard H. Kohn, *Eagle and Sword: The Federalists and the Creation of the Military Establishment in America, 1783-1802* (New York, 1975).

<sup>88</sup> Slaughter effectively demonstrates the frontier's importance to early Federal politicians. "It is difficult, if not impossible, to understand the politics of the 1780s and 1790s without reference to the frontier, and to the personality and property concerns of nationalist leaders." Slaughter, *Whiskey Rebellion*, p. 225.

Dillon Woods deals with Choctaw-French relations in her *French-Indian Relations on the Southern Frontier*.<sup>89</sup>

Salling's escape route to Charles Town brought him through the frontier between South Carolina and the Creek Indians. The earliest overview of Indian-white relations in this area, *The Southern Frontier*, was written by Verner Crane in 1928.<sup>90</sup> Crane defined his study in terms of the English colonies of South Carolina and Georgia and their interactions with Spanish and French colonies in Florida and on the Gulf Coast, a focus that acknowledged at least some of the region's complexities but did little justice to the various Indian participants. Crane's work is balanced somewhat by David Corkran's *Creek Frontier*, which includes an Indian perspective on southeastern issues and problems.<sup>91</sup> Charles Hudson's *Southeastern Indians* is the standard reference work for anthropological information on those tribes.<sup>92</sup> The effects that European, black, and Indian cultures worked on each other in the southeast are treated extensively by J. Leitch Wright in his *The Only Land They Knew*.<sup>93</sup>

Unfortunately, no comparable synthesis exists for the entire southern frontier. W. Stitt Robinson attempted such an overview in his *Southern Colonial Frontier*, a 1979 contribution to the "Histories of the American Frontier" series. Despite

<sup>89</sup> Patricia Dillon Woods, *French-Indian Relations on the Southern Frontier, 1699-1762* (Ann Arbor, MI, 1980).

<sup>90</sup> Verner W. Crane, *The Southern Frontier, 1670-1732* (1928; New York, 1981).

<sup>91</sup> David H. Corkran, *The Creek Frontier, 1540-1783* (Norman, OK, 1967).

<sup>92</sup> Charles M. Hudson, *The Southeastern Indians* (Knoxville, TN, 1976).

<sup>93</sup> J. Leitch Wright, Jr., *The Only Land They Knew: The Tragic Story of the American Indians in the Old South* (New York, 1981).

Howard Lamar's presence as coeditor of the series, *Southern Colonial Frontier* never treats the frontier as a zone of cultural contact. Instead, as Lamar and Ray A. Billington noted approvingly in their joint foreword, Robinson's sole concern "is with the movement of peoples and their institutions from seaboard to interior, and with the impact of that movement on their lives and thought."<sup>94</sup> Although it covers considerably more than the southern frontier, Gary B. Nash's *Red, White, and Black: The Peoples of Early America* includes an extensive discussion of cultural contacts in the south. *Red, White, and Black* is largely a synthesis of other secondary material, but Nash's sympathetic treatment of contacts between cultures distinguishes his work from ethnocentric efforts such as Robinson's. His concluding chapter, "The Mixing of Peoples," is an especially useful discussion of assimilation and acculturation.<sup>95</sup>

The last phase of John Peter Salling's adventure was his long trudge home. His path trended northerly, against the flow of middle-colony migrants who passed along the Valley of Virginia and scrambled through the Blue Ridge Mountains to the North Carolina Piedmont.<sup>96</sup> Salling's journal makes no further mention of Indians, so he may not have met representatives of the Cherokees, Catawbas or

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<sup>94</sup> W. Stitt Robinson, *The Southern Colonial Frontier, 1607-1763* (Albuquerque, NM, 1979), p. vii.

<sup>95</sup> Gary B. Nash, *Red, White, and Black: The Peoples of Early America* (2nd ed.; Englewood Cliffs, NJ, 1982).

<sup>96</sup> Merrens, *Colonial North Carolina*, pp. 66-67. For a traditional view of migration through the Valley of Virginia, see Park Rouse, Jr., *The Great Wagon Road: From Philadelphia to the South* (New York, 1973).

other tribes on the frontiers of North Carolina and southwestern Virginia.<sup>97</sup>

Instead, he may have seen only sparsely populated margins of white settlement--backcountry, as some contemporaries called it.

Whether or not this frontier society differed markedly from the one to which Salling belonged in western Virginia is a matter of some debate among historians. The most common distinction drawn between the North Carolina backcountry and its Virginia counterpart is one of political stability. Even before the Regulator violence of the 1760s and early 1770s, North Carolina had a reputation for unstable government. Roger Ekirch attributes part of this instability to the colony's nascent economic elite: "few men possessed the wealth, manners, and education necessary to command the respect of others." Lacking established family fortunes, political leaders often tried to use their offices for private gain, a practice that fueled resentment among less affluent or influential planters. Newcomers to the colony, and especially to the backcountry, brought aspirations that were often not satisfied by reality. The resulting disappointment proved dangerous. According to Ekirch, the most destabilizing of all potential sources of unrest was the failure of the North Carolina economy to meet planter expectations.<sup>98</sup>

If Ekirch is correct, the causes of social unrest were ubiquitous throughout the southern backcountry. Frontier opportunities never satisfied all comers, and traditional authority was as rare among backcountry politicians as awe-inspiring

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<sup>97</sup> John Richard Alden's *John Stuart and the Southern Colonial Frontier: A Study of Indian Relations, War, Trade, and Land Problems in the Southern Wilderness, 1754-1775* (Ann Arbor, 1944, reprinted New York, 1966) contains a detailed but overwhelmingly white-oriented view of Indian-white relations in the south. For an antidote, see James H. Merrell, "The Indians' New World: The Catawba Experience," *WMQ*, 3d Ser., XLI (1984), pp. 536-565.

<sup>98</sup> A. Roger Ekirch, "*Poor Carolina*": *Politics and Society in Colonial North Carolina, 1729-1776* (Chapel Hill, NC, 1981), pp. 78-85, 216-219. Quote from p. 80.



wealth. The use of public office for private gain was endemic; indeed, governmental positions were perceived as one form of frontier opportunity. According to Ekirch's formula, the entire backcountry should have been in continuous upheaval.

Perhaps it was. Some historians argue that colonial Virginia's frontier counties, like those in North Carolina, were plagued by chronic political instability. Richard Beeman sees the high rate of turnover among frontier officeholders in Lunenburg County as evidence of continuous frontier upheaval.<sup>99</sup> Following Beeman's lead, Albert Tillson interprets various militia mutinies as demonstrations of the weak power of Augusta County elites.<sup>100</sup> There is a paradox in Beeman and Tillson's explanations, however. Easy access to office and active participation in decision-making by the general public, identified as ingredients of *instability*, might just as easily engender the opposite.

Was the colonial frontier really any more unstable than the well-established eastern counties? Jon Kukla has suggested that the standards by which colonial historians measure instability are misguided.<sup>101</sup> Acting on Kukla's suggestion, Anita H. Rutman took issue with Beeman's tumultuous interpretation of Lunenburg County, criticizing him for concluding "instability" in the face of his own data.<sup>102</sup> Similarly, Tillson's conclusions for Augusta County are weakened by the fact that his most striking examples of disobedience are drawn from situations in which

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<sup>99</sup> Beeman, *Evolution of the Southern Backcountry*, pp. 48-9.

<sup>100</sup> Tillson, "Militia and Popular Culture," p. 306.

<sup>101</sup> Jon Kukla, "Order and Chaos in Early America: Political and Social Stability in Pre-Restoration Virginia," *American Historical Review* XC (1985), p. 276.

<sup>102</sup> Anita H. Rutman, "Still Planting the Seeds of Hope," p. 14.

those involved were under extraordinary stress or had other, more critical obligations.<sup>103</sup>

Even disorderly North Carolina conforms to this pattern. According to James P. Whittenburg, the Regulator insurrection was motivated in large part by planter alarm over the loss of social control to lawyers and merchants.<sup>104</sup> This alarm was a function of local conditions, not the frontier-wide tensions that Ekirch identifies as sources of unrest. Thus, Regulator activity was confined to a relatively small portion of the backcountry, while larger sections nearby were untroubled by popular discontents.<sup>105</sup> The hypothesis that backcountry unrest depended on local situations finds additional support outside North Carolina: Emory Evans has described a similar pocket of rebellion in southwest Virginia during the Revolution, a decade after the Regulation movement.<sup>106</sup>

Without question, the backcountry was a sometimes disorderly if not violent place, but Jack P. Greene argues that too much emphasis has been placed on the frontier's disorderly aspect. In his essay "Independence, Improvement, and

<sup>103</sup> Private soldiers in the militia refused their duties in order to save their crops, to defend their own neighborhoods, or, in the case of the abortive Sandy Creek expedition of 1756, to save themselves from starvation (Tillson, "Militia and Popular Culture," pp. 294, 299, 295).

<sup>104</sup> James P. Whittenburg, "Planters, Merchants and Lawyers: Social Change and the Origins of the North Carolina Regulation," *WMQ* 3d ser. 34 (1977), p. 221. For a different argument from a New Left perspective, see Marvin L. Michael Kay, "The North Carolina Regulation, 1766-1776: A Class Conflict," in Alfred E. Young, ed., *The American Revolution: Explorations in the History of American Radicalism* (DeKalb, IL, 1976).

<sup>105</sup> James P. Whittenburg, "The Backwoods Magistrate: Collective Biography of Western North Carolina Justices of the Peace, 1750-1800," paper given at The Citadel conference, (1987), p. 2.

<sup>106</sup> Emory G. Evans, "Trouble in the Backcountry: Disaffection in Southwest Virginia during the American Revolution," in Hoffman, Tate, and Albert, eds., *An Uncivil War*, pp. 179-212.

Authority: Toward a Framework for Understanding the Histories of the Southern Backcountry during the Era of the American Revolution," Greene makes a strong case for interpreting the uniqueness of frontier society as a temporary phenomenon. Within a relatively short time, frontier inhabitants deliberately recreated familiar social hierarchies, complete with all the relationships of dependence and authority that gave order and meaning to more settled society.<sup>107</sup>

After slipping in and out of both settlement and cultural frontiers for over three years, John Peter Salling returned to his home in what would soon become Augusta County, Virginia. For the rest of his life, he lived on the farm, never choosing to move to the western lands he had scouted. A number of factors could have influenced Salling's decision to remain in the Forks of the James, but the fact of his settling down suggests that Salling found what he was looking for in that particular frontier.

Like Salling, modern historians also face frontier challenges and opportunities. Whether they too find what they seek depends partly on their perspective. Scholars of the colonial frontier should recognize the dual definitions of their subject, regardless of their primary concern or emphasis. At a minimum, they must identify and acknowledge significant influences beyond the immediate scope of their inquiry.

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<sup>107</sup> Jack P. Greene, "Independence, Improvement, and Authority: Toward a Framework for Understanding the Histories of the Southern Backcountry during the Era of the American Revolution," in Hoffman, Tate, and Albert, eds., *An Uncivil War*, pp. 3-36. See also Richard Maxwell Brown, *The South Carolina Regulators* (Cambridge, MA, 1963) and Rachel N. Klein, "Ordering the Backcountry: The South Carolina Regulation," *WMQ* 3d ser. 38 (1981), pp. 661-80.

For social historians, certain insights derived from ethnohistory may improve substantially their understanding of order and political stability. The assumption that interactions between Indians and whites include a variety of forms, some peaceful, some violent, is especially useful. If many contacts between the two cultures were peaceful, then there must have been a widely accepted white standard of good behavior toward Indians. How was that standard communicated and enforced? What was demonstrated about those standards on the occasions when they were set aside in favor of violence? Even a partial answer to these questions should contribute significantly to the social historian's understanding of order and control within white society.

In the same spirit, ethnohistorians have much to learn from the frontier's new social historians. Because white frontier society was anything but monolithic, it is impossible to speak of *the* Indian frontier experience.<sup>108</sup> What effect did the wide variety of white settlements have on Indian perceptions of Anglo-American society? How did the relationship Indians had with one facet of that society influence future dealings with other parts? An improved understanding of the white part of the frontier will assist ethnohistorians in reconstructing Indian perceptions and experiences.

As social historians and ethnohistorians work forward, tracing the evolution of white societies and changes in relationships between cultures, they are likely to encounter American diplomatic historians working backwards, searching for the roots of American expansion. The issue of expansion transcends not only those three fields, but the boundary between colonial and national history as well. What is the relationship between expansion and social stability? Why did people move to

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<sup>108</sup> Greene, "Independence, Improvement, and Authority," p. 6.

the frontier? Did the life they found there satisfy their expectations? What relationships were possible between dissimilar people encountering each other on a cultural frontier?

Much of the vitality of the frontier as a field of study derives from the social ramifications of white migration, but some historians have turned their attention more recently to the impact those white migrations had on neighboring cultures. Both approaches are necessary. Studying frontiers from a dual perspective informs simultaneously the questions of how the American empire acquired its present shape and character, and what that transformation cost. Such questions are of more than academic interest. The United States remains committed to global expansion; that much, at least, has not changed since Turner's day. Regardless of whether this commitment is viewed as positive and progressive or as a fundamental mistake, past frontiers play key roles in shaping today's attitudes toward the fact of America's global power. If for no other reason, frontier studies retain an enduring importance.

**PART II**  
**ON THE FRONTIER**

## CHAPTER II

### RICH LAND, POOR PROSPECTS:

#### REAL ESTATE AND THE FORMATION OF A SOCIAL ELITE, 1738-1770

At their creation in 1738, the borders of Augusta County stretched beyond a thin scattering of settlements in the upper Shenandoah Valley to embrace the continental aspirations of colonial Virginia. From the headwaters of the Potomac to the Great Lakes and from the Blue Ridge west to the Pacific, the Augusta County lines represented to ambitious Virginians the furthest extent of a preemptive claim to the North American interior.<sup>1</sup> (Map 1) To draw the immigrants needed for the enforcement of these imperial pretensions, successive Virginia governors and Councils made available extensive tracts of frontier land. In this fashion, the colonial government transferred almost two thirds of a million Augusta County acres to private hands before the county's first subdivision in 1770.<sup>2</sup> Such a

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<sup>1</sup> "An Act, for erecting two new Counties, and parishes; and granting certain encouragements to the inhabitants thereof," in William Waller Hening, comp., *The Statutes at Large: Being a Collection of All the Laws of Virginia...* (13 vols.; Richmond, 1819-23), V:78-80. For Augusta County's actual subdivision from its parent Orange County, see entry for 29 Oct. 1745 in Wüimer L. Hall, *Executive Journals of the Council of Colonial Virginia*, V (Richmond, 1945), p. 191 and entry for 9 Dec. 1745, in Augusta County Order Book I, p. 1 (microfilm) Virginia State Library and Archives (hereafter cited as Vi).

<sup>2</sup> "An act for dividing the county and parish of Augusta, and for adding certain islands, in the Fluvanna river, to the counties of Albemarle and Amherst," in Hening, *Statutes at Large*, VIII:395-396. By the end of 1769, some 657,566 freehold acres had been patented in the county. Unless otherwise noted, the statistics in this essay that describe landholding in Augusta County are drawn from quantitative analysis of all land patented or legally exchanged in Augusta County from the 1730s to 1770. The sources for this analysis include: Augusta County Deed Books 1-17 (microfilm), Vi; "Grants by the Proprietor of the Northern Neck in Augusta County, 1747/8-1756," in Virginia State Land Office County Abstracts,

massive distribution of property might represent an impressively broad enfranchisement of colonists, but not every contender for land benefitted equally from this enterprise.

Historians examining the social implications of colonial Virginia's frontier land policy have faced a tangled and often contradictory body of evidence. Early analysts, noting that affluent investors received most of the initial land grants, asserted that the Valley of Virginia's formative years were characterized by speculative exploitation.<sup>3</sup> Subsequent historians disagreed on the grounds that potential landowners could readily patent land directly from the crown for a relatively low fee. Since crown land offered an inexpensive alternative to speculator tracts, the argument goes, economic competition prevented frontier land speculators from taking unfair advantage of their large holdings.<sup>4</sup>

The debate over the nature of landholding during Virginia's expansion touches on a longstanding issue in American history: what was the effect of frontier

Patents, and Grants (microfilm), Vi; Orange County Deed Book 9 (microfilm), Vi; Augusta County Will Books 1-4 (microfilm), Vi; John Frederick Dorman, *Orange County, Virginia Deed Books 3 and 4, 1738-1741; Judgements 1736* (Washington, D.C., 1966); John Frederick Dorman, *Orange County, Virginia Deed Books 5-8, 1741-1743* (Washington, D.C., 1971); Peggy Shomo Joyner, *Abstracts of Virginia's Northern Neck Warrants & Surveys, Orange & Augusta Counties, With Tithables, Delinquents, Petitioners, 1730-1754* (Portsmouth, VA, 1984). The landholding figures given in this essay include neither the lots within the town of Staunton nor their associated wood lots.

<sup>3</sup> See for example Thomas Perkins Abernethy, "The First Transmontane Advance," in James Southall Wilson, ed., *Humanistic Studies in Honor of John Calvin Metcalf* (Charlottesville, 1941), p. 137.

<sup>4</sup> Robert E. and B. Katherine Brown, *Virginia 1705-1786: Democracy or Aristocracy?* (East Lansing, 1964), p. 11. Robert D. Mitchell's extensive analysis of land prices in the upper Shenandoah Valley seems to confirm this hypothesis: Mitchell demonstrates that even small freeholders often dealt speculatively in land and that the recipients of large grants neither inflated their prices nor held acreage off the market in the expectation that prices would rise. [Robert D. Mitchell, *Commercialism and Frontier: Perspectives on the Early Shenandoah Valley* (Charlottesville, 1977), pp. 60, 79-80.]



abundance on the social development of the United States?<sup>5</sup> In the traditional view, cheap frontier land provided an opportunity for settlers of little means to attain the security of an independent living. Consciously or otherwise, modern scholars continue to foster that ideal. Social historians of early America routinely identify migration out of populous areas as the first step on a quest for improved economic opportunities. Such explanations imply that these emigrants eventually found what they sought, but a close look at surviving public records suggests that most sojourners faced formidable obstacles to independence.<sup>6</sup>

This study of freeholding in Augusta County reveals that frontier opportunities were far more restrictive than previously suspected, a statistical finding that requires reinterpretation of the documentary evidence concerning land ownership.<sup>7</sup>

Although not entirely bleak, the situation was far from democratic. Access to land, whether by purchase from private owners or by patent from the crown, depended only partially on a colonist's purchasing power. To qualify as a freeholder, newcomers had to win the approval of a tiny local elite whose control over frontier

<sup>5</sup> For an extended discussion of this question, see David M. Potter, *People of Plenty: Economic Abundance and the American Character* (Chicago, 1954).

<sup>6</sup> For the argument that frontier land represented to ordinary people a more or less uninhibited economic opportunity, see Frederick Jackson Turner, *The Frontier in American History* (1920; New York, repr. 1985), pp. 21-22, and Ray Allen Billington, "Frontiers," in C. Vann Woodward, ed., *Comparative Approach to American History* (New York, 1968), p. 77. Latterday historians who otherwise derive little of their perspectives from Turner often tacitly support his premise by not questioning whether the emigrants who left settled areas in search of better economic opportunities actually attained their goal. For examples of this unintentional support, see Allan Kulikoff, *Tobacco and Slaves: The Development of Southern Cultures in the Chesapeake, 1680-1800* (Chapel Hill, 1986), pp. 76-77, and Darrett B. and Anita H. Rutman, *A Place in Time: Middlesex County, Virginia, 1650-1750* (New York and London, 1984), pp. 237-238.

<sup>7</sup> Throughout this essay, the term freehold indicates land owned in fee simple by adult men. In this usage, the term carries no connotations of clearing, building, or any other improvements.

land was all but absolute. Without the consent of that elite, immigrants had poor prospects of improving their economic or social standing.

The potential market for land in Augusta County included a diverse mixture of immigrants. Driven by the quest for an independent living, these people sought freehold farms on land capable of supporting themselves and their families.<sup>8</sup> Most of them failed to achieve their goal: throughout Augusta County's first quarter century, approximately two thirds of all taxable white male inhabitants owned no land (Fig. 1). As in the rest of colonial America, the number and composition of Augusta County's lesser sorts are difficult to determine. Nevertheless, their occasional and isolated but vivid appearance in colonial records makes it possible to know something about the situations of these less fortunate Virginians.<sup>9</sup>

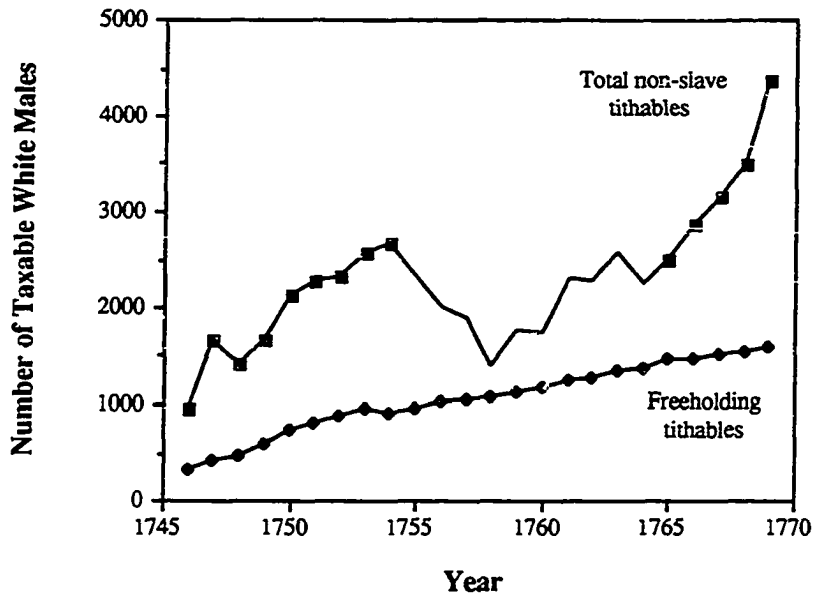
Social distinctions within the ranks of landless men were based on degrees of dependence and opportunity. Subordinates such as slaves, white servants, and many tithable sons labored directly under another man's oversight, performing their tasks and most of their daily routines at his direction. Renters, sharecroppers, and

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<sup>8</sup> This search for individual independence was "the most powerful drive in the British-American colonizing process from the seventeenth century through much of the nineteenth century." (Jack P. Greene, "Independence, Improvement, and Authority: Toward a Framework for Understanding the Histories of the Southern Backcountry during the Era of the American Revolution," in Ronald Hoffman, Thad W. Tate, and Peter J. Albert, eds., *An Uncivil War: The Southern Backcountry during the American Revolution* [Charlottesville, 1985], p. 12).

<sup>9</sup> Social historians of colonial Virginia use lists of tithables, or taxable persons, to measure the proportions of freeholders and their dependents, including slaves, servants, children, and other landless men. The tithable lists for Augusta County unfortunately do not survive, and so a precise measurement of the various types of dependents is impossible. During the period of this study, a white tithable was any male aged 16 years or older. Slaves were counted as tithables regardless of gender. Few slaves were held in early Augusta County, and those that are known have been eliminated from the tithables used in freeholding calculations in this essay.

FIGURE 1. NUMBERS OF FREEHOLDERS & NON-SLAVE TITHES  
 AUGUSTA COUNTY, VIRGINIA, 1746-1769



During most of Augusta County's early years, only about one out of three white tithables owned land. The proportion of freeholders within the county is incalculable for the decade of Indian hostilities between 1755 and 1764, since it is impossible to determine how many landowners temporarily fled during this period. Settlers began to return after the Easton Treaty of 1758, but sporadic raids inhibited a full recovery of the population to its pre-war levels until after 1765. Sources: see note 2 above.

other tithable sons worked under less overt supervision but on land they did not own. Prospects for these men to attain their own freehold ranged widely, according to whether their dependent status was temporary or permanent.

Slaves and white servants ranked lowest in both status and opportunity, and their record as freeholders reflects this state of affairs. One free black owned real estate in Augusta County, and former indentured and convict servants hardly fared better.<sup>10</sup> Out of the 213 bound adult males known to have served before 1770, only sixteen (7.5 percent) eventually acquired land in the county. Of those sixteen, nine immigrated as members of freeholding households before the establishment of Augusta County's independence in November 1745. These retainers apparently used their masters' successes to obtain a freehold. Like their masters, servants also benefitted from early arrival, for their chances of achieving economic independence dwindled swiftly as the county grew. No known former servant from Augusta County obtained land there after 1761.<sup>11</sup>

Compared to servants, the sons of freeholders stood a substantially better chance of owning land, but their long-term success often meant postponing economic independence past early manhood. A sample of young men reaching their majority in the early 1760s illustrates this situation. The fathers of thirty boys baptized in Augusta County between 1 October 1740 and 30 September 1741 owned land when their sons reached majority at the age of twenty-one. Of those sons, six

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<sup>10</sup> Augusta County Deed Book VI:212-214; *Virginia Gazette* (Pinckney), 9 Feb. 1775, p. 3, col. 3.

<sup>11</sup> No systematic list of Augusta County's indentured and convict servants survives. Names of 213 adult male servants were culled from the county court records of Orange and Augusta counties and from contemporary correspondence and business documents. The total should not be interpreted as representing any particular proportion of the county's tithables, but because the sample is apparently random the experience of the known servants presumably was more or less typical for the unknown.

(20.0 percent) chose to patent land or purchase it from someone other than their fathers while still in their early twenties.<sup>12</sup> Three additional sons inherited land when their fathers died in the 1760s, two more--both twenty-four years old--purchased land from their fathers, and one lost any prospect of inheritance--at least in Augusta County--when his father sold his property and apparently left the county. As of December 1769, the remaining eighteen sons (60.0 percent) still held no title to land of their own.<sup>13</sup> Assuming that they were baptized less than a year after birth, these sons were at least twenty-eight or twenty-nine years old.

Such patriarchal reluctance to subdivide land among heirs ensured that most sons of freeholders spent their first full decade of adulthood in subservience to their fathers. While the extended period of dependence endured by most adult sons of Augusta County landowners was comparable to that experienced by their peers throughout eighteenth-century British North America, it is nevertheless surprising in light of established notions about the frontier's democratic opportunities.<sup>14</sup> Clearly the frontier's advantages were neither extensive enough to allow unlimited access to land for ambitious sons nor copious enough for fathers to part willingly with a portion of their own holdings.

The protracted dependence of adult sons provided their fathers with one of the frontier's scarcest resources--additional labor. Yet even with this assistance, many Augusta County freeholders still owned more land than they could put to productive

<sup>12</sup> Their median age was twenty-four years. Only one of the six (aged 27) was older than the median.

<sup>13</sup> John Craig, "Diary of John Craig, 1740-1749," (microfilm) Union Theological Seminary Library, Richmond.

<sup>14</sup> See, for example, Robert A. Gross, *The Minutemen and Their World* (New York, 1976), pp. 75-76, and James A. Henretta, "Families and Farms: *Mentalité* in Pre-Industrial America," *William and Mary Quarterly*, 3d ser., XXXV (1978), pp. 7-8.

use. Landowners sometimes allowed outsiders partial access to their surplus property through one of several different contractual arrangements. Depending on their circumstances and their terms, such contracts carried widely divergent social connotations.<sup>15</sup>

For the tenant, the most important distinction in rental contracts was the degree to which a renter's prerogatives approximated those of an owner. When William Thompson let his Spring Hill plantation to George Francisco in 1763, the agreement permitted Francisco to plant "in what Ground he Pleases" and to put in "as much Fall Crop as he thinks proper this year." In addition to the free exercise of his own judgment in selecting the location and size of his crops, Francisco received "the use of the Meadow, and Orchard," as well as "the Use of the Houses."<sup>16</sup> Similarly, George Patterson's agreement to rent two tracts from William Preston gave the lessee "Liberty to live on either of the Plantations he

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<sup>15</sup> In colonial Virginia contracts to hire the use of land varied broadly in the duration of their terms. Formal leases, recorded in county deed books in a format similar to that of freehold deeds, ran for a number of years--sometimes for more than the lessee's life. Other rental contracts covered as little as a single growing season. Of the two extremes, long-term leaseholding was rare in the Valley. Rental periods of one or two years were the most common, but accurate estimates of the proportion of land rented under any terms are impossible. Fortunately, however, the documentary evidence permits a description of the various types of rental arrangements used in Augusta County (Mitchell, *Commercialism and Frontier*, p. 67, 69-70). See also Willard F. Bliss, "The Rise of Tenancy in Virginia," *Virginia Magazine of History and Biography* (hereafter cited as *VMHB*) LVIII (1950), pp. 427-441, for a description of renting that is frequently at odds with the situation in Augusta County. In Augusta County, if not in colonial Virginia at large, the terms *lease* and *rent* did not necessarily denote long or short terms. In this essay, any contract for the use of land is described as a rental, while the word *lease* is reserved for rentals of long duration.

<sup>16</sup> William Thompson, lease to George Francisco, 23 Apr. 1763, in Preston Family Papers, Virginia Historical Society, Richmond (hereafter cited as ViHi).

Pleases." Patterson's authority also extended to the supervision of a landless assistant, who "is to Live on which of the Plantations Patterson thinks Proper."<sup>17</sup>

Discretionary powers such as those granted to Francisco and Patterson differed little from those exercised by freeholders. The fact that Patterson was himself a freeholder and that Francisco came from a family of substantial landowners explains their lenient contracts, because the landlords clearly counted these lessees among their peers. Lessors typically demonstrated far less generosity and trust, however. William Crabtree could take firewood from the property he rented, but his landlord William Campbell refused to give free rein to Crabtree's judgment. Campbell insisted that there be "no waste of Trees fit for Rails Boards or Shingles."<sup>18</sup> Landless renters Thomas Pickens and Samuel Scott obtained the benefit of an orchard and pasture on William Preston's land, but Preston specifically warned them "to be careful of the Fruit Trees and meadow."<sup>19</sup> To reduce further the possibility of unwarranted damage, a landlord might make available only one field, or even just a portion of a field.<sup>20</sup>

Despite their more restrictive contracts, men like Crabtree who lived apart from their landlords on the property they rented still retained a measure of independence from outside supervision. This independence diminished considerably for landless

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<sup>17</sup> Memorandum of agreement between William Preston and George Patterson, 23 Jan. 1761, Breckenridge Family Papers, Roanoke Valley Historical Society, Roanoke, Virginia (hereafter cited as RVHS).

<sup>18</sup> William Campbell-William Crabtree rental agreement, 18 Mar. 1773, Campbell Family Papers, Library of Congress, Washington, DC.

<sup>19</sup> Articles of Agreement, 11 Jan. 1773, Campbell Family Papers.

<sup>20</sup> James Patton rented "one feilde of L[a]nde on the Cherey Botom [tract] . . . Excepting four ackers," for example (William Scott, lease from James Patton, 22 Feb. 1755, in Preston Family Papers, ViHi)

men living on a freeholder's home place. In some cases landless farmers arranged with their landlord to share in the labor and expense of raising a crop in exchange for a portion of the yield. For men with limited resources, these agreements provided access to fields, storage buildings, tools, draft animals, and extra hands. In 1768, for example, David Miller and Maurice Fowler struck a contract to raise a crop of hemp together. Miller, a landowner, agreed "to find Seven Acres of good Ground which he is to plow and put in prope[r] Order for Seed." For his part, the landless Fowler agreed "to purchase the Half of the Seed, puil the Hemp in due Season and make it fit for Market." Although Miller bore the cost of providing the land, Fowler retained the authority for determining exactly how to cure the hemp, an important issue to be resolved "as he shall think best." In return, Fowler was to receive half the yield, plus "Meat, Drink, Washing, and Lodging from the Time the Crop is put in 'till the same is rendered fit for market."<sup>21</sup>

Thanks to his knowledge of hemp production, Fowler negotiated an advantageous contract with Miller. Since hemp pulled in the fall of 1768 could not be "fit for Market" until early spring in 1769, Fowler's arrangement guaranteed his room and board through the winter months. Not all laborers possessed specialized skills, however. Miller hired Fowler to supply a relatively rare expertise, but most landlords expected their sharecroppers to raise familiar grain crops.<sup>22</sup> Such was the case in a contract that William Scott made with James Patton. In exchange for

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<sup>21</sup> David Miller agreement on hemp partnership, 1 Apr. 1768, in Preston Family Papers, ViHi. For other examples of partnerships throughout this period see Robert McKoy v. John Lacey, 28 May 1750, in Augusta County OB 2:410; entry dated 23 Mar. 1753, *ibid.*, 3:432; entry dated 21 May 1760, *ibid.*, 5:356; entry dated 22 Aug. 1764, *ibid.*, 9, p. 74; entry dated 10 Nov. 1767, Augusta County Deeds 14, p. 244.

<sup>22</sup> In the year of the negotiation between Fowler and Miller, 1768, the Augusta County court certified that out of an estimated 3,481 white tithables only 227 (6.5%) produced hemp (Augusta County OB 11:489-13:34).



one year's use of a fenced field, Scott agreed to pay Patton eighty bushels of shelled corn and to clear all ground within the fence. This was high rent indeed in a period when corn sold for one shilling sixpence per bushel, and to make matters worse, Scott could be sure of close supervision in producing such a well-understood crop.<sup>23</sup>

There seems to have been no preferred form of rental contract in Augusta County. Terms varied widely, with most sharecropping arrangements falling between Miller's very lenient agreement and Patton's apparently extortionate one. Not all bargains included provisions for a share of the crop. In some cases tenants paid their rent with services, as when landlord William Preston permitted Jacob Gringwis Kimmerlin to raise both a spring and a fall crop on Preston's property in exchange for repairing all the fences on the tract.<sup>24</sup> Affluent renters such as George Francisco agreed to cash payments, but his case was exceptional: no one with limited resources chose to spend money on renting a farm.<sup>25</sup>

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<sup>23</sup> William Scott, lease from James Patton, 22 Feb. 1755, Preston Family Papers, ViHi. Value of corn is from "Evaluations of William Parks' 2464 acres," 1758, in Executive Papers, p. 333, Augusta County Courthouse; see also Mitchell, *Commercialism and Frontier*, p. 141. According to an endorsement on the back of his contract, Scott fled when the Seven Years' War broke out in 1755, never to return. Even if the war had not driven him from his rented field, Scott probably would have taken a severe loss on the bargain, thanks to drought in the summer of 1755, which stunted Virginia's corn crop (R.A. Brock, ed., *The Official Records of Robert Dinwiddie, Lieutenant-Governor of the Colony of Virginia, 1751-1758* . . . [2 vols.; Richmond, 1883-84], 2:282). Land in the Valley of Virginia produced "from 12 to 30 Bushels to the acre, according to the richness of the land and the attendance" (Nicholas Cresswell, *Journal of Nicholas Cresswell, 1774-1777* [New York, 1924], pp. 197-98).

<sup>24</sup> Preston also agreed to pay his renter two shillings per hundred for all the mauled rails that Kimmerlin required for the fence repair. (Memorandum of bargain between William Preston and Jacob Gringwis Kimmerlin, 24 Jan. 1761, Breckinridge Family Papers, RVHS.)

<sup>25</sup> William Thompson lease agreement, dated 23 Apr. 1763, Preston Family Papers, ViHi.

Crop shares, improvements, flat fees paid in produce--the diversity of rent payments and the wide variety of properties suggest a range of tenant motives for entering into rental agreements. In the case of James McDowell, who raised a spring crop of corn in Beverley Manor before his family migrated there in 1737, renting apparently provided an opportunity to investigate new land.<sup>26</sup> Although McDowell eventually settled outside Beverley Manor, a few other renters are known to have subsequently purchased the property on which they labored.<sup>27</sup> In general, however, renting did not precede ownership. Out of thirty landless renters identified in Augusta County between 1737 and 1770, only five, or 16.7 percent, eventually acquired a freehold.<sup>28</sup> While this success rate was more than double that of indentured servants, renting still seems to have provided most landless tenants with no more than one way to make a year's living.

If tenancy failed to improve the prospects of the landless, though, it took on a quite different significance for those renters who already owned land. As a group, freeholders made up over half of the county's known renters.<sup>29</sup> For some, renting

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<sup>26</sup> Mary Elizabeth McDowell Greenlee, deposition, 10 Nov. 1806, transcribed in William Couper, *History of the Shenandoah Valley* (3 vols.; New York, 1952), 1:274. See also Bliss, "Rise of Tenancy," p. 429.

<sup>27</sup> For examples of tenants who subsequently purchased the property they rented, see George Crawford to Henry Reborn, 18 Nov. 1760, in Augusta County Deeds 9, p. 40, and Jeremiah Harrison to Samuel Semple, 16 Feb. 1761, *ibid.*, p. 140.

<sup>28</sup> As with indentured and convict servants, no systematic record of Augusta County's renters survives. The total number of renters identified in county land records and personal documents thus cannot be interpreted as a specific proportion of the county's tithables. The range of their experience, however, is probably representative for all renters in Augusta County.

<sup>29</sup> Of sixty-six known tenants between 1737 and 1770, thirty-six (54.5%) owned land. Eighteen of those landed renters owned four hundred or more acres, and six of those eighteen owned one thousand or more.

may have provided access to fresh land while conserving the family farm.<sup>30</sup> Other landowning lessees found in rental an expedient solution to temporary problems such as housing, and independent family members undoubtedly rented in order to remain close to their relatives.<sup>31</sup> Renting may also have allowed some landowners to apply more effectively the labor of underused slaves and servants, or of family members at loose ends. On a few occasions, long-term leasing served as a last resort for obtaining the use of a valuable property.<sup>32</sup>

Just as landed tenants had a variety of motives for renting additional land, landlords also had more than one reason for letting their property. The decision to take on a tenant was not free of risk, for on the frontier as in eastern Virginia renting carried potential disadvantages for the landlord. Wasteful tenants might abuse a piece of property, a danger that was partially offset in Augusta County by the custom of renting for only short terms. Landlords could further mitigate the hazard of tenant carelessness with contracts calling for payment in cash, produce, or services. Such payments provided a form of crop insurance for the landlord: if a

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<sup>30</sup> In his "Rise of Tenancy," Bliss asserts without evidence that tenants "came largely from that group of small planters" who sought relief from overworked lands, first in the east and later in the Valley. (p. 428) Regardless of whether this was the case in Virginia east of the Blue Ridge, Bliss's generality does not hold in Augusta County, where half of the known freeholding renters owned more than 400 acres.

<sup>31</sup> Although George Patterson owned 490 acres at the time of his rental contract with William Preston, he planned to move his family into the dwelling house on Preston's land, presumably because his land lacked a house or because Preston's house was preferable. (William Preston and George Patterson, memorandum of agreement, 23 Jan. 1761, Breckinridge Family Papers, RVHS.) In his *Poverty in a Land of Plenty: Tenancy in Eighteenth-Century Maryland* (Baltimore and London, 1977), pp. 30, 33, Gregory A. Stiverson notes the strong tendency of Maryland sons, brothers, and daughters to lease land near that of their relatives.

<sup>32</sup> (Mitchell, *Commercialism and Frontier*, p. 64; Augusta County Deeds 3, p. 139, and 7, p. 296.) At the time of their contracts (1751 and 1756), renters John Lewis and William Long owned 9,313 and 830 acres respectively.

freeholder farmed the land himself he could make a profit only in a good year, but in bad years as well as good tenants with fixed payments remained liable for their rent. Tenant improvements could increase a property's resale value, especially if the contract period was too brief to permit soil exhaustion.<sup>33</sup> To compensate for wear on fields and buildings, landlords raised annual rents over time, as in the case of William Thompson, whose two-year contract stipulated that his tenant pay eight pounds Virginia currency for the first year's rental and ten pounds for the second.<sup>34</sup>

These motives for renting shared a common economic feature: the landlord held more land than he and his laborers could work. Twenty-five of Augusta County's forty-one known landlords (61 percent) owned more than four hundred acres, and of these well-endowed freeholders, nine (22 percent) owned more than one thousand acres. For these affluent men, renting offered one of several options for coping with the frontier's chronic labor shortage. Such economic benefits were important, but the social significance attached to these transactions also carried great weight.

When one freeholder rented land from another, their contract refined an aspect of their social relationship. This refinement can be seen in the case of the wealthy and

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<sup>33</sup> Bliss, "Rise of Tenancy," p. 428. Bliss also states that landlords could ease their own tax burdens by shifting responsibility for quitrents to tenants, a rare situation in Augusta County, where few of the known contracts for rental include such a clause. One example is William Beverley's ninety-six-year lease to William Long for 467 acres plus three Staunton town lots, 20 Feb. 1756, in *Augusta County Deeds* 7, p. 296. Such an arrangement is also possible in the case of Andrew McNeeley, listed on William Preston's Quitrent Roll (Preston Family Papers, ViHi) as paying taxes in 1760 for 300 acres he subsequently bought from Hugh Carruthers in 1761, but this may reflect only a term of sale rather than a condition of rental. In short, there was no systematic effort by Augusta landlords to avoid tax payments by renting part of their property.

<sup>34</sup> William Thompson, lease to George Francisco, 23 Apr. 1763, *Preston Family Papers*, ViHi.

powerful William Beverley, who refused to sell portions of his strategically situated Mill Place, preferring instead to lease one tract of 520 acres for a period of ninety-one years and another of 467 acres for ninety-six years. Given the length of Beverley's leases, his renters and their immediate heirs could expect to enjoy the land's advantages for the rest of their lives. By the same token, Beverley and his children could not possibly live long enough to reclaim these two valuable tracts.

Beverley's leasing arrangement is representative of the relationships formed by landowning renters who already held titles to a substantial acreage.<sup>35</sup> For such relatively affluent Augusta County farmers, renting served a social function similar to the effect produced when prosperous eastern Virginians borrowed money from one other. In a sale the relationship between purchaser and seller was singular and momentary, but a lease required that participants annually renew their contacts -- and their bonds of mutual obligation.<sup>36</sup> Renting thus affirmed and multiplied relationships between superiors and subordinates by creating links not unlike the ties of distant kinship and acquaintance that reinforced the standing of planter elites in the Tidewater region.<sup>37</sup> Out of these lease-related obligations grew a firm understanding of hierarchical relationships, both among frontier freeholders and between Augusta County landlords and the countryside's landless majority.<sup>38</sup>

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<sup>35</sup> Half of the thirty-six known freeholding renters in Augusta County owned four hundred or more acres.

<sup>36</sup> Rhys Isaac describes how credit relationships in colonial Virginia created "a network of continuing, face-to-face personal relationships" in *The Transformation of Virginia, 1740-1790* (Chapel Hill, 1982), p. 29.

<sup>37</sup> Daniel Blake Smith, *Inside the Great House: Planter Family Life in Eighteenth-Century Chesapeake Society* (Ithaca, NY, and London, 1980), pp. 187, 204-205.

<sup>38</sup> T.H. Breen, *Tobacco Culture: The Mentality of the Great Tidewater Planters on the Eve of Revolution* (Princeton, NJ, 1985), pp. 94, 96.

Rental cases provide only tantalizing hints about the social importance of landholding in Augusta County, but a statistical analysis of property ownership produces unambiguous results. The most important of these outcomes concern access to land. Contrary to traditional notions about the availability of land on the frontier, the process by which Augusta County real estate passed into private possession was fundamentally undemocratic.

The crown held the earliest English title to all land in Augusta County, and Virginia's governor and Council retained authority for the actual dispensation of crown lands.<sup>39</sup> The conversion of crown lands to private title in Augusta County thus proceeded under the nearly exclusive direction of Virginians, with no effective interference from the imperial government. The key figures in the acquisition of crown lands were the county surveyor, the colonial secretary, and the governor and Council. Persons seeking crown land in Augusta County followed one of two courses, but the key figures remained the same in either case.

In the first option, the quest for crown land began in the office of Augusta County's surveyor. The president and masters of the College of William and Mary licensed the occupants of this position, which Thomas Lewis, an early settler in

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<sup>39</sup> Strictly speaking, this statement is only true after 1753. Before that year, a thin wedge of Augusta County lay within Lord Fairfax's Northern Neck proprietorship, and Fairfax dispensed his own patents for that territory. In 1753 the boundary between Augusta and Frederick counties was shifted to coincide with the Fairfax line (Mitchell, *Commercialism and Frontier*, pp. 9-11). This loss of Augusta County territory was compensated for throughout this essay by subtracting the Fairfax acreage and patentees from all cumulative freeholding statistics after 1753. Before the adjustment of the border in 1753, 105 people received 117 tracts of land in the Augusta County portion of the proprietorship, for a total of 44,475 acres. As a result of Frederick County's expansion, Augusta County lost 8.3 percent of its 1753 patented acreage.

Augusta County, held throughout the colonial years.<sup>40</sup> Prospective patentees filed an entry with Lewis requesting that he survey the land they hoped to procure. If the land in question lay under no previous claim, Lewis or one of his assistants surveyed the tract and certified its size. The patentee then took the surveyor's plat to Williamsburg and filed it with the colonial secretary's office. The secretary issued a freehold patent, and the process was officially complete.

The other alternative for patenting land was essentially the same, except that the process began in Williamsburg. An aspiring land owner petitioned the governor and Council for a grant in Augusta County. If this petition was approved, the Council issued an order for a specific acreage in a general location, such as a river basin. The petitioner presented this authorization to Thomas Lewis, who then surveyed unclaimed land up to the amount specified in the grant. Such surveys sometimes consisted of more than one tract within the general area, a practice that was acceptable as long as the total acreage did not exceed that specified in the original grant. In the case of very large tracts, the Council required grantees to settle one family per thousand acres. Again, the grantee received a patent after returning the plat to the colonial secretary's office.<sup>41</sup>

In theory, ordinary individuals faced only one statutory inhibition to patenting land in Augusta County: they needed enough money to pay the relatively modest survey and administrative fees attached to each step of the process. In practice,

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<sup>40</sup> The commissioning of surveyors by the president and masters of the College of William and Mary was intended as a sinecure, but apparently the requirement that surveyors pay one-sixth of their fees to the college was indifferently enforced. (Sarah S. Hughes, *Surveyors and Statesmen: Land Measuring in Colonial Virginia* [Richmond, 1979], pp. 96, 98.)

<sup>41</sup> For detailed discussions of the administration of land patenting in Virginia, see Mitchell, *Commercialism and Frontier*, pp. 63-64, and Hughes, *Surveyors and Statesmen*, pp. 106-114.

however, crown land represented but a slim economic opportunity for first-time freeholders. Before Augusta County's initial subdivision in January 1770, only about one out of four new landowners patented his freeholds.<sup>42</sup> In the quest for land patents, people who already owned property clearly held an advantage over landless immigrants (Fig. 2). Judging from the way grants diminished in size, established freeholders apparently used crown patents to expand their existing estates by adding neighboring parcels of land, especially in the late 1760s (Fig. 3).

Why did newcomers so infrequently employ the patent method of land acquisition? Speculator William Beverley explained that immigrants "don't care to go as far as W[illia]msburg" in order to apply for a patent, but the round trip of roughly three hundred miles was not necessarily so daunting as Beverley chose to make it seem.<sup>43</sup> The real difficulty for newcomers lay less in finding their way to the colonial capital than in finding their way to patentable land. For strangers confronted with vast expanses of unfenced and apparently unmarked territory, the task was all but impossible without assistance from established inhabitants and the county surveyor. Unfortunately for newcomers, these key individuals had little incentive to help strangers locate crown lands.<sup>44</sup> Many settled Augusta County

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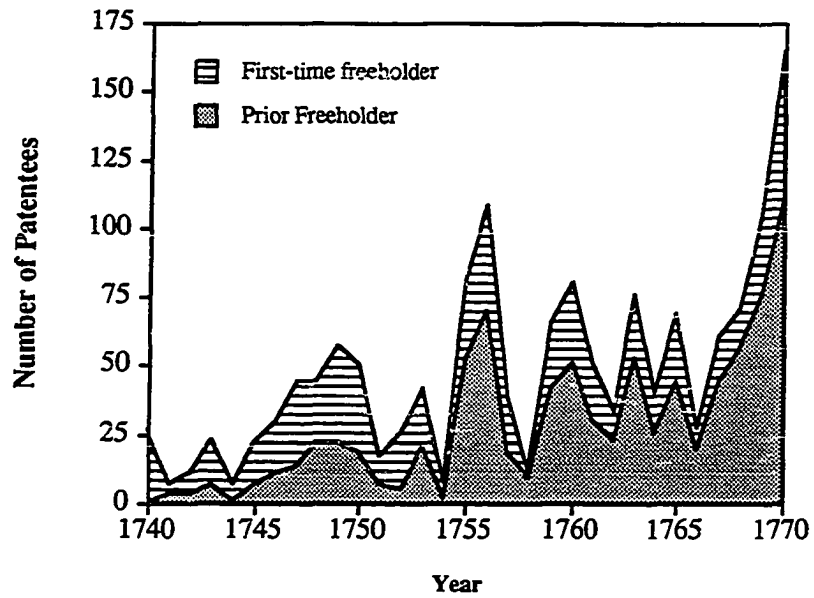
<sup>42</sup> Of the 2,405 new freeholders in Augusta County between 1 January 1736/7 and 31 December 1769, only 576 (24.0 percent) patented crown land.

<sup>43</sup> William Beverley to (unknown correspondent), 30 Apr. 1732, in William P. Palmer, et al., eds., *Calendar of Virginia State Papers and other Manuscripts, 1652-1781, Preserved in the Capitol at Richmond* (11 vols; Richmond, 1875-93), I:218.

<sup>44</sup> For the advantages enjoyed by residents in locating unpatented land, see Rutman and Rutman, *Place in Time*, p. 73.

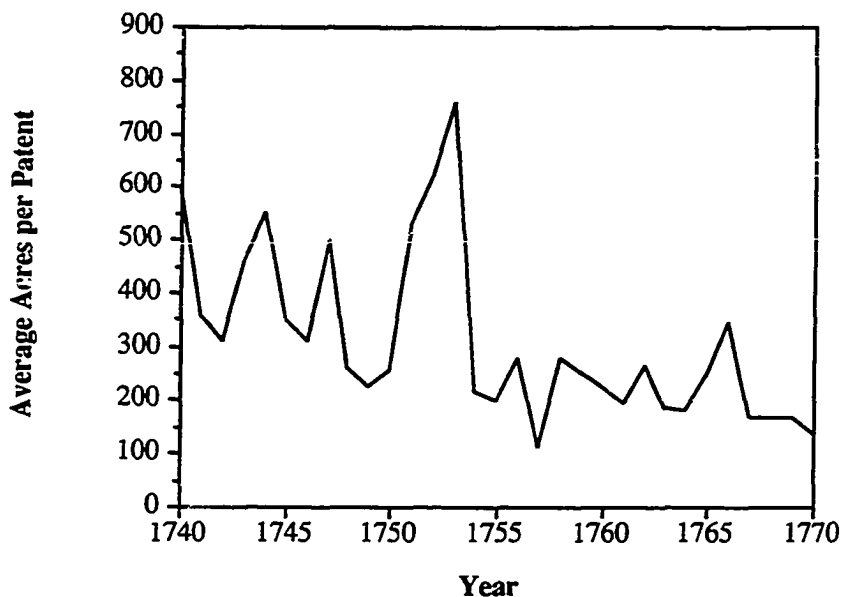


FIGURE 2. THE ROLE OF PRIOR FREEHOLDING  
IN PATENTING CROWN LAND IN AUGUSTA COUNTY



Established landowners had a decided advantage in obtaining crown land. About three quarters of all crown patents in Augusta County were issued to persons who already owned land there. Sources: see note 2 above.

FIGURE 3. AVERAGE ACREAGE OF CROWN PATENTS  
 AUGUSTA COUNTY, VIRGINIA, 1740-1770



Opportunities to patent large tracts of land in Augusta County dwindled rapidly, especially after 1753, when Great Britain's Board of Trade prohibited grants of one thousand acres or more to private individuals. Despite this restriction, the option of patenting crown land continued to provide a means for established landowners to improve their estates by adding smaller pockets of fertile soil to their holdings. The surge in average patent size that occurred in 1753 was caused by James Patton and John Buchanan. The two of them patented 27,448 acres--almost forty-three square miles--in nine tracts larger than one thousand acres. Without their grants, the average patent size for 1753 was about 372 acres. Sources: see note 2 above.

residents had land of their own to sell, while others found unwelcome any competition for interstitial land that they themselves intended to patent.<sup>45</sup>

Even longstanding residents were sometimes arbitrarily excluded from the opportunity to patent crown land. In the late 1750s, Thomas Turk took the first step toward patenting land adjacent to his home plantation. As required by law, he filed for eight entries and paid the appropriate fees to Thomas Lewis. As Thomas Turk later recalled, "the surveyor Neglected so Long to survey, that at Length I Began to Be uneasy, and got the favour of My aged father to Ride to the surveyor to know why it was Delayed so long." The elder Turk's first appeal failed, and so he attempted again in 1765 to persuade Lewis to attend to his son's claim. Despite the intervening years there were no competitors for Thomas Turk's entries, but "the surveyor still Delayed Coming till other persons have since Entred for and surveyed said Lands." In desperation, Turk paid an assistant surveyor to run the lines on a single remaining parcel, but he was too late: a subsequent entry had clouded Turk's last claim, and Lewis refused to sign and legitimize even this solitary plat.<sup>46</sup> By 1770 Turk's prospects of annexing crown lands to his estate had collapsed.

Lewis's frustration of the Turk claims appears high-handed to modern observers, but contemporary officials found it unexceptional. When Thomas Turk appealed to the governor and Council for protection from the surveyor's whims, the Council rejected his petition, revealing their indifference to the matter with the remark that it "could not be properly taken Notice of, at this Time."<sup>47</sup> In refusing

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<sup>45</sup> Mitchell, *Commercialism and Frontier*, pp. 79-80.

<sup>46</sup> Thomas Turk, petition to governor and Council, 25 Oct. 1770, Colonial Papers, VI.

<sup>47</sup> Benjamin J. Hillman, ed., *Executive Journals of the Council of Colonial Virginia*, VI (Richmond, 1966), p. 374, 25 Oct. 1770.

to intervene in Turk's behalf, the Council underscored the autonomy of Augusta County's surveyor. Thomas Lewis exercised that autonomy for over three decades, judging the eligibility of every local applicant for crown land, newcomer and established resident alike.<sup>48</sup>

Although Lewis escaped censure for his arbitrary exercise of the surveyor's office, his power was not absolute. The Council's unwillingness to take notice of the Turk petition suggests an awareness that Lewis was but one member of the Augusta County elite. His conduct necessarily had the sanction of his peers, most of whom were substantial freeholders, and all of whom had a vested interest in controlling the real estate market. In this environment, the difficulties that most newcomers faced in patenting land contrast vividly with the record of influential large speculators.

Acting singly or in partnerships with one another, a few dozen men converted better than half of the county's patented acreage from the crown to private title during the years before 1770. Large freeholders especially dominated the real estate market of early Augusta County, thereby amassing substantial economic power within the county's far-flung borders. In most cases their economic influence paled in comparison to that wielded by the contemporary planter elite of Tidewater Virginia, but it was sufficient to secure their dominance of social and political life in colonial Augusta County. These men and their agents controlled initial access to privately owned real estate in the same arbitrary way that Thomas Lewis supervised the allocation of crown property, allowing some people to purchase a freehold while denying others the opportunity to own and develop land.

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<sup>48</sup> For additional comment on the independence of county surveyors throughout colonial Virginia, see Hughes, *Surveyors and Statesmen*, p. 113.

The colonial Council strongly supported the acquisitive efforts of Augusta County's large speculators, granting tracts that were in some cases remarkably large even by the expansive standards of Virginia land speculation. In 1736, William Beverley acquired 118,491 acres--over 185 square miles--on the headwaters of the South Fork of the Shenandoah River, a tract commonly known as Beverley Manor (Map 2).<sup>49</sup> As the son of a wealthy Virginian, Beverley already ranked among the colonial elite before he launched his Valley speculations. He enhanced that status with an impressive list of public service credentials: during the period in which he acquired his vast holdings, Beverley served successively as a burgess for Orange and Essex counties and subsequently took a seat on the Virginia Council.<sup>50</sup> The grants to Beverley thus reflected the Council's recognition both of his elite standing and of his demonstrated leadership abilities.<sup>51</sup>

Three years later, the Virginia Council nearly matched its generosity to the well-connected Beverley by granting 92,100 acres to the less influential Benjamin Borden (Map 2).<sup>52</sup> The government's openhandedness toward a fortunate few

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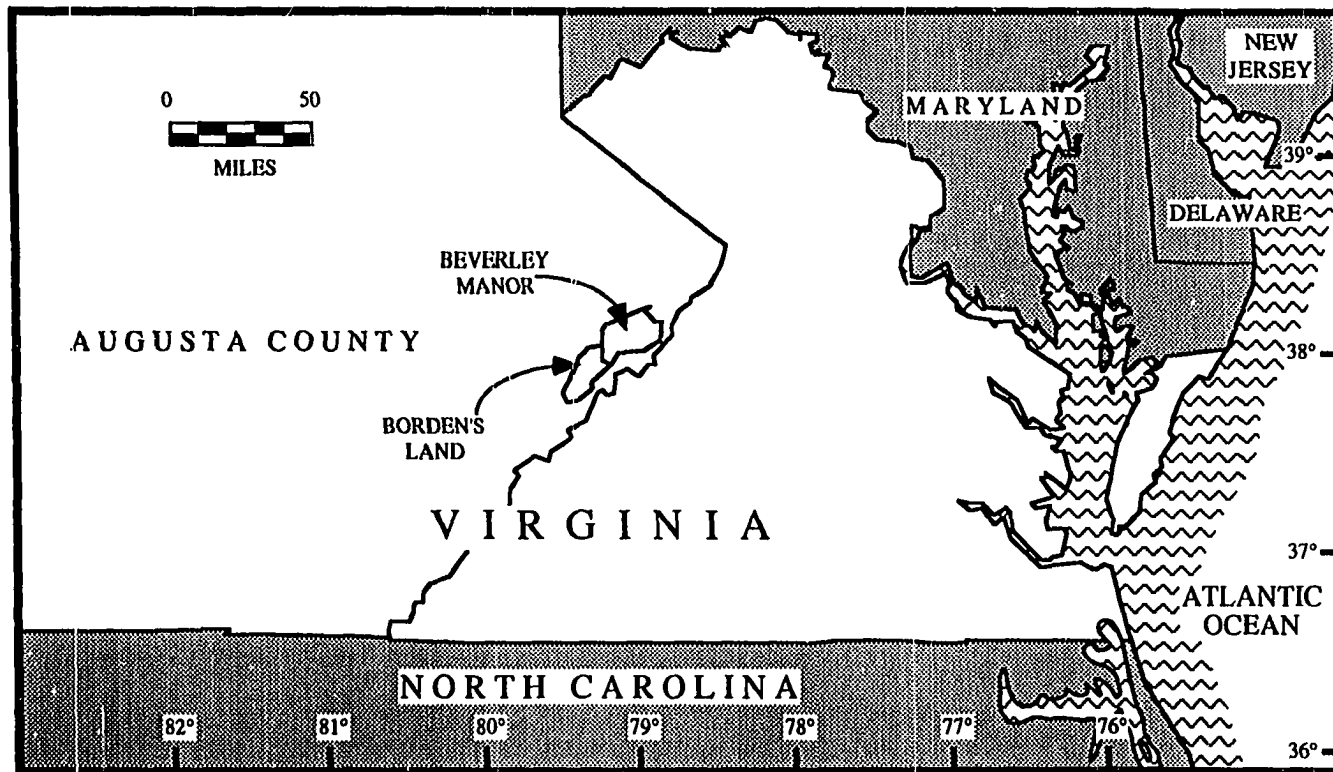
<sup>49</sup> Despite the feudal implications of his land's name, Beverley's grant did not include manorial rights.

<sup>50</sup> H.R. McIlwaine, ed., *Journals of the House of Burgesses of Virginia, 1727-34, 1736-40* (Richmond, 1910), p. ix; H.R. McIlwaine, ed., *Journals of the House of Burgesses of Virginia, 1742-47, 1748-49* (Richmond, 1909), pp. vii, ix. Beverley rose to Council membership in 1752. (Hall, ed., *Executive Journals of the Council V*, p. 388.)

<sup>51</sup> Other major speculators in Augusta County drawn from the ranks of the Virginia establishment included Robert Green, burgess and sheriff of Orange County, and Francis Thornton, burgess of Spotsylvania County. (McIlwaine, ed., *Journals of the House of Burgesses, 1727-34, 1736-40*, p. ix; McIlwaine, ed., *Journals of the House of Burgesses, 1742-47, 1748-49*, p. viii.)

<sup>52</sup> William Beverley began the acquisition of his land with several partners, but these dropped out--or were bought out--leaving Beverley as sole owner by 1741. Borden never had any partners. To the extent that the details can ever be known, the exquisite intricacies of the grants to Beverley and Borden are most

MAP 2. BEVERLEY MANOR AND BORDEN'S LAND



Major speculators initially procured most of early Augusta County's patented acreage. The two largest grants to such speculators encompassed territory comparable to that of Tidewater counties. William Beverley's 118,491-acre tract was half again the size of contemporary York County, and Benjamin Borden's 92,100-acre grant exceeded the area of Middlesex County by a dozen square miles. Sources: for landholding, see Chapter 2, n. 2; for county sizes: Virginia Division of State Planning & Community Affairs, *Economic Data Summary: York County and the City of Poquoson* (Richmond, 1977) and Conclusion, n. 1, below.

continued for the next three decades. By the end of 1769, Virginia governors and councillors had dispensed about 535 square miles of Augusta County in patented tracts of a thousand acres or more. Counting both the established freeholders and the first-time owners, a total of 41 men received these large grants.<sup>53</sup> Their land comprised some 52.1 percent of all freehold acreage patented in the county by the end of 1769.<sup>54</sup>

The monopolistic effects of this governmental largess were felt most strongly during Augusta County's formative years. By the time the Council authorized the county's independence in late 1745, some 289,509 of the county's acres had been patented, of which 243,484 were granted in tracts of one thousand acres or more. Out of the thirteen men receiving these rich prizes, six also patented an additional 7,355 acres in parcels of more modest dimensions, so that during the earliest years of settlement 86.6 percent of all patented land in Augusta County entered private control through the hands of thirteen major speculators.

Given the extensive share of land controlled by large freeholders, and given also that prospective freeholders faced major obstacles in patenting even a modest crown plot, it is hardly surprising that most ordinary newcomers entered August County's real estate market by purchasing privately held land.<sup>55</sup> On the surface, the records

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clearly given in Hughes, *Surveyors and Statesmen*, p. 125, and Mitchell, *Commercialism and Frontier*, pp. 62-63, n. 13. Other Virginia land speculators, such as the members of the Ohio Company, Greenbriar Company, and Loyal Company, received larger grants, but unlike those partners, Beverley and Borden surveyed the boundaries of their tracts and received patents for the entire quantity.

<sup>53</sup> Thirty-two of these forty-one large freeholders received a grant of 1,000 acres or more as their first tract owned in Augusta County. The remaining 9 already owned land in the county.

<sup>54</sup> As of 31 December 1769, some 342,894 of the 657,566 freehold acres in Augusta County were originally patented in tracts of one thousand acres or more.

<sup>55</sup> In addition to purchases, other alternatives to patenting land included receiving it as a gift, an inheritance, or part of a dowery. Because deeds of gift and

of these transactions seem to confirm William Beverley's self-justifying remark that immigrants could buy real estate "cheaper than they can take up land in pensilvania."<sup>56</sup> What Beverley failed to mention was that land sales had social as well as economic contexts. As a consequence, price was but one factor determining whether a prospective settler could purchase land.

To understand the social context of real estate transactions requires both a recognition of longer-term changes in the structure of Augusta County's land market and a more detailed examination of underlying individual motives for land sales. The volume of land acquisitions in Augusta County indicates a vigorous real estate market during most of the county's early history. After a slow start in the early 1740s, the number of annual transactions increased, cresting at 358 in 1750 but exceeding two hundred exchanges in nine of the next nineteen years. Unfortunately for newcomers, first-time acquisitions comprised only a small proportion of this volume. Instead, most land transactions involved consolidation and regrouping among existing landowners (Fig. 4).

The undemocratic effect of this reshuffling is not immediately obvious. Within the isolated context of the landowning population, small farmers--men who owned

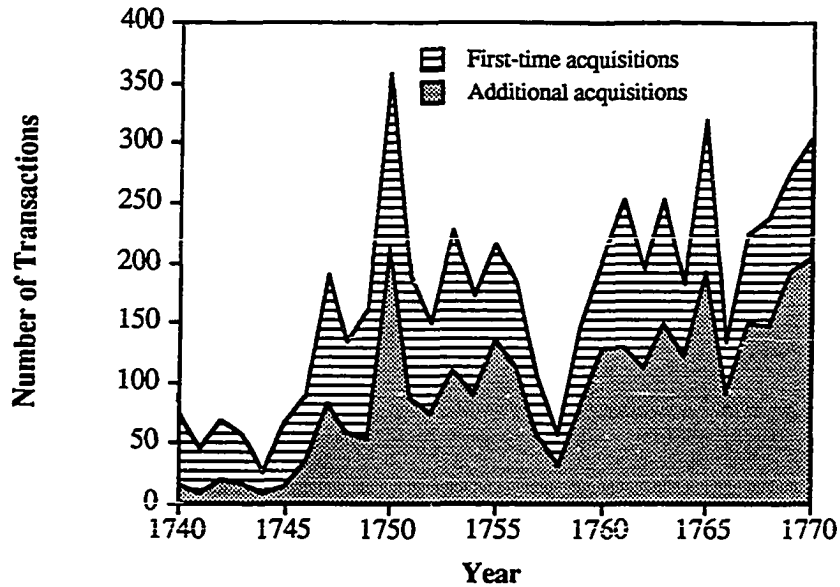
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dower cannot always be distinguished from sales and because the volume of inheritance was relatively insignificant in the county's first decades, this study examines gift, bequest, and dower transactions as an aggregate rather than as discrete types of transfer. Of the 5,162 land transactions in Augusta County before 1770, 3,156 were sales (61.1%), 1,814 were patents (35.1%), and 192 were inheritances, gifts, or doweries (3.7%).

<sup>56</sup> William Beverley to [unknown correspondent], 30 Apr. 1732, in Palmer, et al., eds., *Calendar of State Papers* I:218. From 1738 to 1744, Beverley sold land for an average of seven pence per acre, a price matched by Benjamin Borden and his executors from 1741 to 1744. (Mitchell, *Commercialism and Frontier*, p. 76.) By contrast, good but previously occupied land in Chester County, Pennsylvania, cost between £1 and £1 10s. per acre in 1740, or over thirty-four times more than that in Beverley Manor. [James T. Lemon, *The Best Poor Man's Country: A Geographical Study of Early Southeastern Pennsylvania* (1972; New York, 1976), pp. 67-68.]



FIGURE 4. CONTRIBUTION OF IMMIGRANTS  
TO LAND TRANSACTION VOLUME IN AUGUSTA COUNTY



The Augusta County white population increased over 450 percent between the first full year of the county's independence in 1746 and its initial subdivision early in 1770. During the same period, less than half of all land acquisitions involved newcomers to the county. This illustration does not include 143 transactions involving land patented from Lord Fairfax's Northern Neck proprietorship between 1748 and 1753; those tracts were transferred to Frederick County by a 1753 border adjustment, and cannot be traced through Augusta County records after that time. Sources: for Fairfax Proprietary, see note 39 above; for land transactions, see note 2 above.

no more than four hundred acres--increased as a proportion of all freeholders from 64.6 percent in 1749 to 71.5 percent in 1769 (Table 1).<sup>57</sup> Their share of all patented acreage also expanded over the same period, from 25.2 to 36.8 percent (Table 2). But two more conservative trends offset these apparent gains by the lowest ranks of freeholders. Any landowner, whether large or small, represented an ever-shrinking minority of all men in the county (Fig. 1). Gains within the freeholding ranks by small farmers thus did not alter the fact that most men living in Augusta County never owned any land at all. Of equal importance is that the proportion of large landowners within the county population remained steady despite the arrival of thousands of ambitious immigrants.<sup>58</sup> Neither the expansion of small freeholding nor the healthy volume of transactions diminished the continuing economic clout and social distinctiveness of Augusta County's major land investors.

The men who controlled access to economic independence in Augusta County established the procedures for administering land sales very early in the county's history. Much of this administration was handled by proxy, for the two largest grantors, William Beverley and Benjamin Borden, quickly delegated authority for selling their land to a handful of resident agents. In this they were both observing colonial Virginia custom, and Borden was acting on personal experience as well. Borden was an immigrant from New Jersey who served as a land agent for Lord

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<sup>57</sup> When Augusta County received its independence from Orange County in 1745, the median freehold contained 400 acres. Throughout this essay that figure serves as the boundary between small and medium freeholding.

<sup>58</sup> In 1749, thirty-two out of 1,669 white tithables (1.9 percent) owned more than 1,000 acres. The same ratio existed two decades later, when eighty-one of 4,377 white tithables (1.9 percent) fell in that category. Throughout this essay 1,000 acres serves as the boundary between medium and large freeholding.

TABLE 1. AUGUSTA COUNTY FREEHOLDERS, BY ACREAGE COHORT, 1749 - 1769

		1749			1759			1769		
Total Acreage in Freehold		Number of Freeholders	% of All Freeholders	Cumulative %	Number of Freeholders	% of All Freeholders	Cumulative %	Number of Freeholders	% of All Freeholders	Cumulative %
Large	> 2,000	9	1.6	100.0	18	1.6	100.0	19	1.2	100.0
	1,001-2,000	23	4.0	98.4	56	5.0	98.4	62	3.9	98.8
Medium	901-1,000	10	1.7	94.4	23	2.1	93.4	22	1.4	94.9
	801-900	14	2.4	92.7	23	2.1	91.3	19	1.2	93.5
	701-800	34	5.9	90.2	44	4.0	89.2	47	3.0	92.3
	601-700	26	4.5	84.3	43	3.9	85.3	64	4.0	89.3
	501-600	39	6.8	79.8	69	6.2	81.4	82	5.2	85.3
	401-500	49	8.6	72.9	82	7.4	75.2	119	7.5	80.1
Small	301-400	131	22.9	64.4	194	17.4	67.8	227	14.3	72.6
	201-300	103	18.0	41.5	228	20.5	50.4	314	19.8	58.3
	101-200	106	18.5	23.6	229	20.6	29.9	421	26.6	38.5
	1-100	29	5.1	5.1	104	9.3	9.3	189	11.9	11.9
Total freeholders:		573			1,113			1,585		

Within the ranks of landowners, the proportion of small freeholders--men owning four hundred acres or less--grew from 1749 to 1769. Middling landowners diminished proportionately during this period. The large freeholders who possessed more than one thousand acres retained the same representation. (Sources: see note 2 above)

TABLE 2. DISTRIBUTION OF PRIVATELY OWNED AUGUSTA COUNTY LAND, 1749 - 1769

	Total Freehold Size in Acres	1749			1759			1769		
		Total Acres in This Cohort	% Total Private Acreage	Cumulative % Private Acreage	Total Acres in This Cohort	% Total Private Acreage	Cumulative % Private Acreage	Total Acres in This Cohort	% Total Private Acreage	Cumulative % Private Acreage
<b>Large</b>	> 2,000	144,863	38.2	100.0	130,698	23.6	100.0	116,515	17.7	100.0
	1,001-2,000	30,212	8.0	61.8	72,574	13.1	76.4	86,133	13.1	82.3
<b>Medium</b>	901-1,000	9,639	2.5	53.8	21,997	4.0	63.4	21,224	3.2	69.2
	801-900	11,919	3.1	51.3	19,601	3.5	59.4	16,410	2.5	66.0
	701-800	25,626	6.8	48.1	33,334	6.0	55.9	35,101	5.3	63.5
	601-700	17,035	4.5	41.4	27,903	5.0	49.8	41,320	6.3	58.1
	501-600	21,784	5.7	36.9	38,062	6.9	44.8	45,031	6.8	51.8
	401-500	22,231	5.9	31.1	36,761	6.6	38.0	53,930	8.2	45.0
<b>Small</b>	301-400	48,938	12.9	25.2	70,214	12.7	31.3	81,029	12.3	36.8
	201-300	26,042	6.9	12.3	57,782	10.4	18.7	79,666	12.1	24.5
	101-200	18,191	4.8	5.5	37,582	6.8	8.3	67,001	10.2	12.3
	1-100	2,495	0.7	0.7	8,219	1.5	1.5	14,206	2.2	2.2
Total privately patented acreage:		378,975			554,727			657,566		

By the end of 1769, almost three quarters of the freeholders in Augusta County possessed four hundred acres or less. Despite their overwhelming numerical superiority among all landowners, such men still controlled only slightly more than one third of the county's patented acreage. (Sources: see note 2 above)

Fairfax on the Northern Neck of Virginia. When he received 92,100 acres of Augusta County land, Borden appointed his own land agents, and these early settlers became leading real estate developers in their own right.<sup>59</sup> Most immigrants dealt exclusively with agents of Borden and Beverley, not with the actual owners of the two largest single grants in Augusta County.

Who were these agents, and how did they acquire a commanding position in the distribution of frontier lands? Borden's progress from immigrant to agent to major grantee and his eventual employment of other immigrants who duplicated this evolution suggest a cycle of speculative activity that might continuously generate new opportunities for immigrant advancement, but the appearance is deceptive. Instead of following Beverley and Borden's examples of delegating their privileges and authority, the earliest land agents in Augusta County moved swiftly to exclude any potential competitors from control of the local real estate market (Fig. 5).

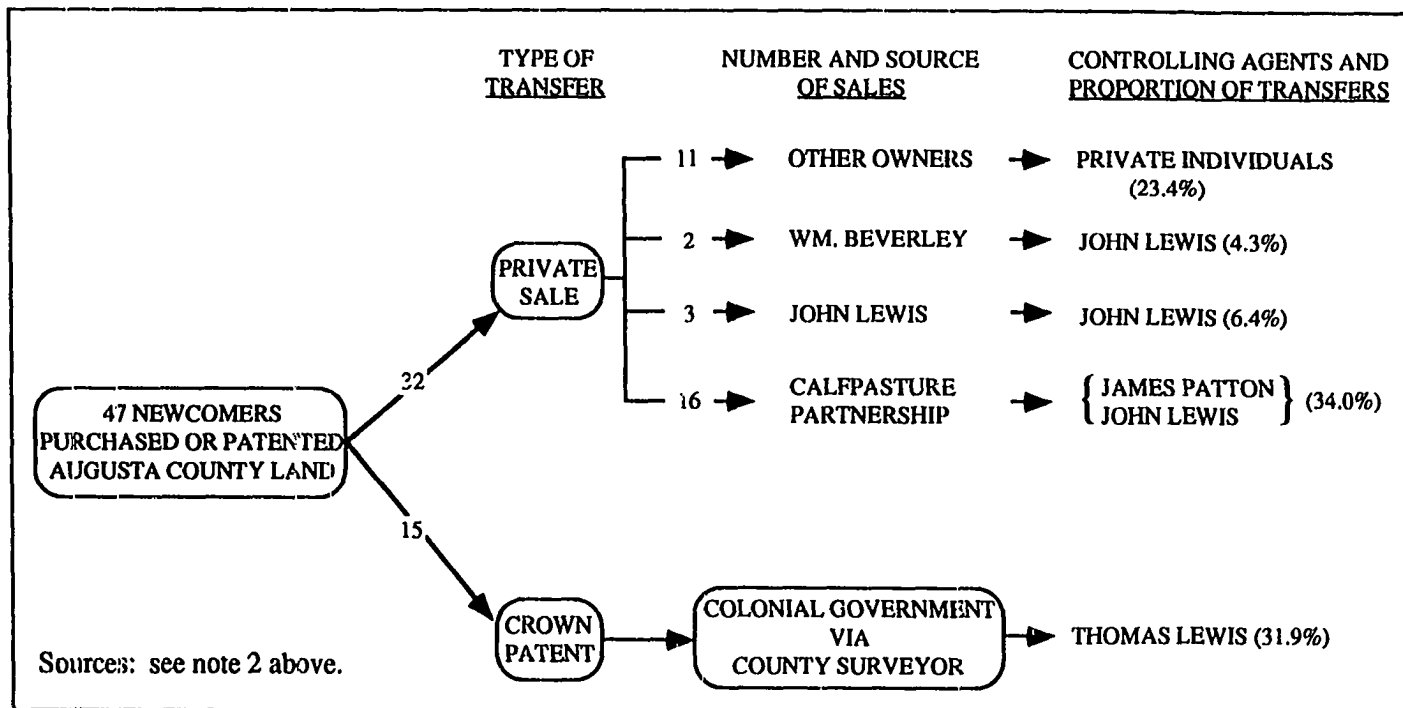
The ascent of agent authority began in 1738, when William Beverley handed over responsibility for showing and selling his Augusta County lands to John Lewis, a native of Northern Ireland. The details of their early meetings and negotiations are unknown, but Lewis's case clearly was strengthened by his adult son, Thomas, a proficient surveyor. Thomas Lewis's influence quickly extended beyond Beverley Manor with his appointment as head surveyor of Augusta County, a position he held from 1745 to 1777.<sup>60</sup>

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<sup>59</sup> Mitchell, *Commercialism and Frontier*, pp. 33, 63; Joseph A. Waddell, *Annals of Augusta County, Virginia, from 1726 to 1871* (2nd ed.; Staunton, 1902). Borden was appointed as magistrate for the Valley of Virginia (at that time within the jurisdiction of Spotsylvania County) on 23 Apr. 1734. (H.R. McIlwaine, ed., *Executive Journals of the Council of Colonial Virginia IV* [Richmond, 1930], p. 319.)

<sup>60</sup> Hughes, *Surveyors and Statesmen*, p. 89, 170.

FIGURE 5. CONTROL OF AUGUSTA COUNTY LAND SALES AND PATENTS TO NEWCOMERS IN 1745



Newcomers to Augusta County usually settled where they were directed by a handful of large speculators. In this 1745 example, John Lewis, his son Thomas Lewis, and his business partner James Patton controlled among them 76.6% of all land transfers to first-time freeholders. Thomas Lewis replaced his father as William Beverley's land agent in 1750, and renewed this relationship with Beverley's heir in 1765. (Augusta County O.B. 2:430, 9:356) No land was sold in Benjamin Borden's 92,100-acre tract in 1745; Borden died in 1743 and his heir did not resume sales until 1746.

Benjamin Borden's agents, members of the McDowell family, held similar qualifications, and his early arrangements with them are better documented than Beverley's. In 1737 Ephraim McDowell, his adult children John and Mary, at least two other sons, and Mary's husband James Greenlee moved to the Valley in order to purchase land in Beverley Manor. Like John Lewis, who was a distant relative of Ephraim McDowell, they too came from Ulster. Benjamin Borden literally stumbled upon their camp one evening in the late summer, somewhere within the manor's boundaries, and asked to spend the night. In the conversation that followed, Borden told the McDowells that the Virginia Council had granted him almost 100,000 acres to the south of Beverley Manor, "if he could ever find it." Borden needed a guide and was willing to offer one thousand acres to anyone who would take him to his property.<sup>61</sup>

The offer intrigued the McDowells, who struck a light and examined the papers that Borden produced to confirm his claim. Satisfied that Borden's grant was legitimate, John McDowell showed him a set of surveying equipment and offered to serve as the speculator's pilot. The two men drew up a contract stipulating that the McDowells proceed immediately to make four settlements on Borden's land, that they cut and mark a packhorse trail to that land, and that John McDowell help Borden perfect his patent by vouching for the existence of other settlements. In return, as soon as the McDowells built houses Borden was bound to give them freehold deeds to a total of 2,800 acres.<sup>62</sup>

The initial bargain with Borden was quite favorable, but the McDowells managed to improve it still further on the following day, when the entire party

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<sup>61</sup> Mary Elizabeth McDowell Greenlee, deposition, 10 Nov. 1806, p. 274.

<sup>62</sup> *Ibid.*; contract between John McDowell and Benjamin Borden, 19 Sept. 1737, in Couper, *Shenandoah Valley* I:282-83.

proceeded to John Lewis's house in Beverley Manor. Lewis may have sharpened the neophyte agents' appreciation of Valley land values, for while at his house the McDowells enhanced the terms of their contract with Borden. Under the revised agreement, Borden not only consented to grant them "100 acres for every cabin they should build, even if they built forty cabins," but also inserted a clause permitting the purchase of his land adjacent to those improved lots at a rate of sixpence per acre, or better than 14 percent less than the average price per acre charged during this period in the adjoining Beverley Manor.<sup>63</sup> To an even greater extent than the first contract, the latter agreement represents the McDowells' bid for a major freehold.

The McDowells executed the terms of their final agreement with vigor. The entire party journeyed to the southwest until they reckoned they were within the Borden grant. Borden and John McDowell then ranged ahead as far as the Forks of the James River and, on their return, surveyed part of the tract's boundary. Once settled, John McDowell and his brother-in-law James Greenlee set about surveying and allocating individual tracts for new settlers on Borden's behalf. Afterward, when potential customers contacted Borden, he "would frequently direct them" to Greenlee or McDowell, "to whose house a great many people resorted . . . to see about lands." Within two years, the number of families residing on the tract easily exceeded that required by the Virginia Council for the confirmation of Borden's grant.<sup>64</sup>

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<sup>63</sup> Mary Elizabeth McDowell Greenlee, deposition, 10 Nov. 1806, pp. 274-275; for land prices see Mitchell, *Commercialism and Frontier*, p. 76.

<sup>64</sup> Mary Elizabeth McDowell Greenlee, deposition, 10 Nov. 1806, pp. 275, 278. Benjamin Borden, Jr., swore that his father was responsible for a total of 145 settlements, or forty-five more than required as a condition of the original patent (Benjamin Borden, Jr., deposition, 3 Sept. 1750, Augusta County Courthouse).



The Council requirement that speculators establish one family for every thousand acres in the largest grants has produced some scholarly misinterpretations of the relationship between speculators and settlers. The most serious of these is the assumption that speculators' dependence on settlers enhanced the bargaining position of immigrants.<sup>65</sup> Augusta County speculators felt no such pressure, however, for they received patents when they proved that their expansive grants were *settled* with sufficient families. There was no requirement that the lands be sold and title transferred.

The case of another early grant in Augusta County demonstrates the importance for newcomers of this distinction between settlement and purchase. In 1737 the Virginia Council authorized a grant of 30,000 acres lying to the west of Beverley Manor on the Calfpasture River. The land ostensibly belonged to Edward Barradall, the attorney general of Virginia, and to John Lewis, but in fact Barradall acted on behalf of William Beverley. The terms of this contract included the typical Council requirement that the developers settle the tract with one family for each thousand acres. In order to ensure compliance with this term, Beverley brought Lewis's relative James Patton into the partnership, promising one quarter of the land in exchange for Patton's bearing the same proportion of all administrative fees and making the "utmost endeavour to procure families to come in & settle it." In early 1742 the partners qualified for a clear title to the grant by relocating on the Calfpasture tract thirty-two families from their homeland in Northern Ireland and from colonies to the north of Virginia.<sup>66</sup>

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<sup>65</sup> Brown and Brown, *Virginia*, pp. 17-18.

<sup>66</sup> McIlwaine, ed., *Executive Journals of the Council*, IV:395, 5 May 1737; in Wilmer L. Hall, ed., *Executive Journals of the Council of Colonial Virginia*, vol. V, (Richmond, 1945), pp. 82-83, 27 Apr. 1742; William Beverley

The subsequent fate of the Calfpasture settlers indicates that they realized few advantages from helping Beverley, Lewis, and Patton meet the grant conditions. Of the thirty-two heads of households who "Builded planted and Improved on the ab[ove] Granted Land" by the early 1740s, only fifteen (46.9 percent) actually received a deed for property there. Nor was theirs a speedy success: none of the fifteen acquired a title earlier than 1745, and two waited until as late as 1750.<sup>67</sup>

The seventeen heads of households who initially settled on the Calfpasture but received no land fared even worse. Five never acquired any property in Augusta County, and the ten men who eventually did attain some freehold in the county waited an average of eleven years for a title.<sup>68</sup> The remaining two men already owned Augusta County land in 1742 and so presumably enjoyed a measure of insurance against their disappointments in the Calfpasture tract. All in all, neither the original settlers who remained on their Calfpasture River improvements nor those who abandoned their investments seem to have drawn much advantage from helping the speculators validate their grant.

The difficulties that newcomers experienced in obtaining deeds for their frontier investments were not confined to the Calfpasture tract. Early in 1739 Benjamin Borden agreed to sell land to eighteen settlers if they would promptly move to his

to James Patton, 22 Aug. 1737, in *WMQ* 1st ser. III (1894-95), p. 226-27; "List of families on the Calfpasture," 17 Mar. 1741/2, Colonial Papers, Vi.

<sup>67</sup> "List of families on the Calfpasture," 17 Mar. 1741/2. Calfpasture speculators deferred issuing deeds to the members of this helpful minority for an average of at least 5.4 years.

<sup>68</sup> The small amount of empirical evidence available about the amount of time necessary for patenting crown land in Virginia does not support the traditional impression that patenting took longer than purchasing in Augusta County. During the period of August 1710 to March 1727 in Prince George County, Virginia, two-thirds of all patents were completed in four years or less (Michael L. Nichols, "Origins of the Virginia Southside, 1703-1753: A Social and Economic Study" [Ph.D. diss., College of William and Mary, 1972], pp. 74-75).

92,100-acre grant, where he could count them toward the total he needed for validation. Borden died in 1743 having made deeds to only four of these eighteen men, and his heir Benjamin Borden, Jr., refused to honor the remaining obligations. Only one defrauded settler sued for his land in 1750, but he died before the court rendered judgement.<sup>69</sup>

Newcomers throughout Augusta County faced other impositions in addition to delayed deeds, and they received little in compensation for their inconvenience. Some contracts, such as those to land in James Patton's New River grant, stipulated that "Neither Shall aney person Sell or Dispose of thier Rights to aney Land untill They Be in possession of Their Deed or pattent Six moneth at Le[a]st."<sup>70</sup> These provisions thus postponed resales of property even beyond the protracted wait imposed by the delayed writing of deeds.<sup>71</sup> To limit settler options still further, speculators discouraged clients from backing out of land contracts by requiring purchasers to post bond for double the purchase price once an agreement

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<sup>69</sup> *James Bell v. Benjamin Borden, Jr.*, [1750], file drawer 389, Augusta County Courthouse ; Lyman Chalkley, *Chronicles of the Scotch-Irish Settlement in Virginia* . . . (1912; Baltimore, 1980) pp. 305, 307. Chalkley gives the date of Bell's original suit as 1751, but the proper year appears to be 1750.

<sup>70</sup> James Patton's advertisement of the New River grant, 10 Oct. 1746, in Draper Mss. 1QQ 57 (microfilm edition, 1980, reel 100), State Historical Society of Wisconsin.

<sup>71</sup> Admittedly, the volume of paperwork worked handled by the county surveyor accounts for some of the tardiness in delivering deeds to purchasers. This was less the case during the early years, however. The work load of Augusta County surveyor Thomas Lewis eventually grew to all but unmanageable proportions, but in the mid-1740s Lewis still had adequate time for the proper performance his administrative duties. If potential clients such as the Calfpasture settlers could not obtain Lewis's services, it was because he chose to handle his own business before theirs: between September 1745 and October 1746, Lewis surveyed a total of 34,506 acres, of which he had an interest in over 80%. (Hughes, *Surveyors and Statesmen*, pp. 113, 118-119.)

to sell was struck.<sup>72</sup> Aspiring purchasers thus could be bound to a contract for years before they had a chance to put part or all of their land back on the market. Taken together, such restrictions helped protect the economic interests of large landowners by retarding any speculative investments on the part of smaller competitors.<sup>73</sup>

Throughout colonial Virginia, the most fundamental distinction of status among white men was drawn on the basis of freeholding.<sup>74</sup> As a result, the dominance that large speculators exercised over access to frontier land bore directly on the organization and character of Augusta County's society. Most men in that fledgling social order owned no land, and even the minority who succeeded in obtaining a contract to purchase often found that their dependence on their grantors stretched on for years. How did major landowners manipulate the opportunities available to newcomers, and how did newcomers react to these social aspects of land sales?

Affluent freeholders used economic and administrative advantages to reinforce their social dominance, but their hegemony did not require--nor did it involve--the exclusion of all latecomers from any position of prominence. Instead, the major

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<sup>72</sup> The Breckinridge Family Papers, RVHS, include one of James Patton's soft-bound volumes of blank bonds. There are two types of bond, one committing Patton to convey fee-simple estate in the land, the other obligating the purchaser to pay twice the price if he reneged. A few completed bonds survive: one was filled out but not removed from the book (John Huggins, bond to James Patton, 1 Feb. 1753). The Preston Family Papers, ViHi, contain two other examples: Benjamin Ogle, bond to Patton, 18 Feb. 1753, and Plackerd Scilar and Frederick Hartsough, bond to Patton, 18 Dec. 1753.

<sup>73</sup> Robert D. Mitchell interprets patterns in sale prices as evidence that both small and large landholders engaged in speculation. This interpretation is correct in a narrow economic sense, but in the larger social context the speculative opportunities for small landholders were significantly diminished by the deliberate actions of large investors. (Mitchell, *Commercialism and Frontier*, pp. 78-80.)

<sup>74</sup> Rutman and Rutman, *Place in Time*, pp. 145-146.

freeholders screened new candidates for favored status, accepting some bids and rejecting others.<sup>75</sup> The case of one Charles Hart illustrates this process and sheds some light on the standards by which established freeholders judged applicants for membership in the ranks of the elite.

Intending to buy Augusta County land from James Patton, some time before October 1745 Hart built a house on property that he hoped to purchase. John Buchanan, an early agent, speculator, and Augusta County justice of the peace, who represented Patton, arrived at Hart's place on 17 October to negotiate a contract for the sale. As Buchanan recalled their conversation, "Hart asked me after what man[n]er I would Lete him have his L[an]d." Buchanan replied that the price was three pounds Virginia currency per one hundred acres, in addition to payment of all surveying fees and administrative costs. Hart attempted to haggle, claiming he had agreed with another agent that he was exempt from the additional charges. Buchanan easily parried this bargaining gambit on the grounds that only he had authority to make a contract. Then the two men began to discuss the tract's dimensions.<sup>76</sup>

According to Buchanan, "Hart said he wanted 1600 acres which he said he would have surveyed half a mile wid[e] on the creek & turn as the creek did." Buchanan objected to Hart's proposal on the grounds that such a large sale of rich

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<sup>75</sup> For the operation of the same process of sponsored mobility in colonial New England, see James Axtell, *The School upon a Hill: Education and Society in Colonial New England* (New York, 1974), pp. 207-213.

<sup>76</sup> Memorandum Book of John Buchanan, 17 Oct. 1745, in Draper Mss. 1QQ 41. Buchanan served as an Orange County magistrate for the Augusta district from 3 Nov. 1741 to Augusta County's independence four years later, at which time the Council included him as the third most senior magistrate (preceeded only by James Patton and John Lewis) in the first Augusta County commission of the peace (Hall, ed., *Executive Journals of the Council* V, p. 73.; Augusta County OB 1:1).

and well-watered bottom land might interfere with other sales. To protect his future interests, Buchanan "that if the run[n]ing it on in that man[n]er did not hurt or prevent the Sale of other L[an]d I would agree to it." Until he had inspected the land, however, Buchanan would not commit himself to one particular course of action.<sup>77</sup>

Buchanan's businesslike recounting makes this exchange appear to be a plain commercial negotiation, but Hart's reaction to the discussion suggests otherwise. "Before Hart had Talked five minuits I Discovered that he was in a great pas[s]ion," Buchanan noted, "which he did not percieve that I observed." The two men continued their conversation until, having "Discourssed a Considerable Tim[e]," Buchanan left to attend other business.<sup>78</sup> He returned to Hart's house the following day and again spent the night, as did one of Hart's neighbors. Before dawn the next morning, Hart and the neighbor "had a long Conference in [the] Dark about the D[eed] as I understood," apparently under the impression that Buchanan could not hear their conversation. Upon arising, Buchanan found that Hart "was in some measer [i.e., measure] fallen from his former Notion of the Surveying his D[eed]," but the atmosphere remained tense. Commenting that Hart "had Before Discovered himself so Rass [rash] & Continued to do so," Buchanan attempted to calm and warn his prospective client by promising "to use him well if he Deserved it." Such blandishments only inflamed Hart, who "used maney Stoborn arguments to prevel with me which put him Still farder from his purpose."<sup>79</sup>

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<sup>77</sup> Buchanan Memorandum Book, 17 Oct. 1745, p. 41.

<sup>78</sup> Ibid.

<sup>79</sup> Ibid., 19 Oct. 1745, p. 46.

Unfortunately for Hart's choler, the weather turned foul, with rain so heavy that Buchanan refused to leave the house. Apparently little privacy was available: the fact that Buchanan had earlier overheard Hart's conversation with his neighbor suggests that the opponents were lodged in close quarters. As a result, Buchanan reported that "we had maney frouless aurguments during the day But to no purpose for I found that man So unreasonable and unjust [that] I did Not Complay in the Least aney farder than I Intended to do him justice &c." By this time, however, Charles Hart had lost all interest in Buchanan's promises of fair play and threatened at length "that unless he got his Land in Such and Such a man[n]er he would Burn all and go off." Buchanan replied that this overwrought outburst "would Cause me to take particuler Notice off him above all that I had met with in the Set[t]lement & Niether would give aney [of] the property or my D[eed] to him But upon his good behav[i]our &c." Like the rain, this wrangling continued all day.<sup>80</sup>

The next morning Buchanan launched a scheme to subdue the intractable Hart. The two men left Hart's place to attend a meeting "with Sundre of the people" at another house, where, in front of the assembly, Buchanan told Hart that "he Should have his Land as his Nieghbours got th[e]irs, if he Desired so," meaning on the terms previously dictated by Buchanan. To emphasize the implications of his offer, the agent "desiered the Company to take Notice of what I said &c." Having delivered this ultimatum, Buchanan departed.<sup>81</sup> Apparently Hart rejected Buchanan's proposal, for there is no record that he ever purchased land in Augusta County.

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<sup>80</sup> Ibid., pp. 46-47.

<sup>81</sup> Ibid., 20 Oct. 1745, p. 47.

Obviously Charles Hart's anger and passion were fueled in part by economic considerations. Hart feared that he would be forced to purchase unproductive land if Buchanan dictated the tract's boundaries, and his argument with Buchanan reveals the importance that he attached to a clear title and the independence it could convey. For all the seriousness of the economic issue, though, Hart's anger was the manifestation of more than economic frustration, and his disagreement with Buchanan transcended his commercial stakes in several important ways.

As Buchanan pointed out, Hart received no better treatment than his neighbors, a statement that reveals much about the neighbors. Like Hart, they had picked a general location for their freehold and settled on it before a deed was made. After signing a contract to purchase, they cleared, planted, built, and fenced, and their labor often continued for years before a deed was actually granted. Economically this investment of labor improved the property, but socially it was an expenditure that bound settlers to real estate they did not own. Perhaps Hart really was a well-to-do exception, affluent enough to "Burn all and go off." Alternatively, he may have been only blustering in the face of Buchanan's authority, or he may have been too rash or too young to properly value his own labor. In any case, his neighbors probably could not afford the luxury of abandoning a great deal of money, time, and effort.<sup>82</sup> Having secured their contracts with a bond of double the purchase price, few settlers could renege and still command the resources necessary for economic independence. Until they received a clear deed, their labors only tied them to their land and to the men who continued to hold its title.

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<sup>82</sup> Given the size of the tract he sought--1,600 acres--Hart's threat may have been credible. A 1,600-acre freehold would have placed him among the most affluent men in the county (Table 1).



In addition to devising such economic constraints, speculators also proved adept at the manipulation of public opinion. When hours of argument proved "frootless" in the Hart case, Buchanan turned for support, not to other land agents nor to the law, but to Hart's fellow settlers. Buchanan announced that he would not sell land to Hart on terms other than those given to the neighbors, shrewdly undercutting Hart's position in two ways. First, Buchanan publicly implied that Hart had sought some sort of favorable treatment, a notion that could only have irritated the other hard-working, possibly hard-pressed farmers. This maneuver put Hart on the defensive by making him seem selfish or exploitive in the community's eyes. More important, Buchanan made his refusal to grant Hart's request appear evenhanded and equitable. By ostensibly treating Hart with fairness, Buchanan managed to conceal the arbitrary nature of the whole transaction while adding the moral high ground to his other real estate holdings. Buchanan then rode away, leaving Hart to face unsympathetic neighbors and a future of ineffectual protest. Regardless of whether Hart could salvage an acceptable real estate deal with Buchanan, the settler's social standing was damaged--possibly beyond repair. Perhaps this reason alone accounts for Hart's disappearance from the county's records.

By the time he concluded the Hart affair, John Buchanan had spent one whole day and substantial parts of two others in heated debate. His account reveals no discernable stress over the proceedings, but the wrangling must have demanded considerable energy and attention. The effort suggests that to this land agent, there was much more at stake than the configuration of one settler's property. Why did Buchanan go to such lengths to settle a question of boundary lines?

Hart's proposed dimensions violated the spirit of a Virginia statute prohibiting the patenting of narrow ribbons of waterfront, but Buchanan voiced no legal

scruples.<sup>83</sup> Indeed, he stated that he would agree to Hart's proposal if it "did not hurt or prevent the Sale of other L[an]d."<sup>84</sup> Buchanan's ostensible concern, then, was economic. But on another level, he was reminding Hart of his local power. Buchanan had ample precedent for selling nothing but river terrace, leaving the thin-soiled highlands for waste. Even as he and Hart bickered, Buchanan's partner James Patton and Patton's associate John Lewis were busily carving filets of prime bottom land from the spiny ridges of their Calfpasture tract. If their acts reflect their motives, neither Patton nor Lewis held the least concern for future sales on the mountains above the Calfpasture valley. When the speculators finished slicing up the Calfpasture tract, virtually none of the barren uplands fell within purchaser

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<sup>83</sup> If it were rectangular, a 1600-acre tract with the half-mile width that Hart proposed would have had a length-to-width ratio of ten to one. With certain exceptions, a 1713 law prohibited the patenting of tracts whose lengths exceeded their widths by a ratio of more than three to one ("An Act declaring what shall be accounted a sufficient seating, planting, cultivating, and improving of lands already granted, or hereafter to be taken up and patented," in Hening, *Statutes at Large* IV:38). Buchanan was no stickler for such technicalities, however: he repeatedly disregarded statutory inconveniences when it suited his purpose (Hughes, *Surveyors and Statesmen*, pp. 97-98).

<sup>84</sup> Buchanan Memorandum Book, in Draper Mss. 1QQ 41.

surveys.<sup>85</sup> The heirs of Benjamin Borden disposed of his 92,100-acre tract in the same fashion.<sup>86</sup>

Buchanan refused Hart's demands because they challenged the developer's way of doing business. As a rule, purchasers selected a general area for settlement, but sellers determined actual boundaries. This meant that Hart's insistence on defining his own tract diminished Buchanan's control over the transaction. If future sales followed such a precedent, land agents' interests would suffer--socially as well as financially. Buchanan's refusal to modify his position demonstrates more than just a concern with the standards for business transactions: he was also maintaining the existing hierarchy of authority. In rebuffing Charles Hart's attempted purchase, Buchanan was also rejecting his bid for elite status, because the substantial 1,600-acre tract that Hart hoped to buy would have provided him with the basis for elite social rank among Augusta County landholders (Table 1).

Judging from his reaction to Buchanan, Hart must have expected that his ability to afford a large freehold would entitle him to cordial acceptance among those with authority in Augusta County. But Buchanan did not acknowledge Hart as a peer, and the latter's "great passion" no doubt involved rage over Buchanan's high-handed insistence that Hart be treated just like his less advantaged neighbors. Buchanan's

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<sup>85</sup> Meredith Leitch's 1947 map, "Colonial Land Patents and Grantees, Calfpasture Rivers, Augusta County, Virginia," depicts the plots surveyed from Beverley, Lewis, and Patton's Calfpasture grant. (Virginia State Library.) For the relative agricultural merits of the Calfpasture valley and its mountainous sides, see John R. Hockman, Joseph C. McKinney, Thomas R. Burruss, David Jones, Robert E. Modesitt, Lewis G. Manhart, and William R. Waite, Jr., *Soil Survey of Augusta County, Virginia*, United States Department of Agriculture, Soil Conservation Service and Forest Service, and Virginia Polytechnic Institute and State University, (Washington, DC, and Blacksburg, 1979), pp. 4-5, "General Soil Map" inset, aerial photo sheets 36, 37, 47, 58, 68, 69, and 79, and associated soil series, phase, and complex descriptions.

<sup>86</sup> Samuel McDowell deposition, circa 1783, in Draper Mss. 4ZZ 4 (microfilm edition, 1980, reel 121).

coolness was thus far more than a negotiating gambit--it also rejected Hart's assertion of prerogative. Nor did Buchanan intend the lesson for Hart alone: Hart's assembled neighbors not only witnessed the climax of the dispute, they also observed Buchanan's power and saw a public demonstration of their own subordination.

Such lessons usually leave only ephemeral traces in the historical record, but as Hart's case reveals they made a great impression on the people involved. Through countless similar manipulations of public and private opportunities, large landholders directly shaped the status hierarchies of Augusta County's society. The success of their efforts is most clearly indicated by matching records of land ownership with those of political officeholding. Of all the surviving documentary evidence concerning rank structures within colonial Virginia's society, public service provides the single best measure of an individual's social status.<sup>87</sup>

Selection for public service depended on land ownership and the approbation of the county court. The former criterion was legal, for by Virginia statute only freeholders could vote or hold office.<sup>88</sup> The second qualification required a subjective appraisal by the county's magistrates. As elsewhere in Virginia, the Augusta County court selected almost all of the county's officials. Land ownership thus qualified a man for public office, but did not give him a voice in the selection of local officeholders.<sup>89</sup>

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<sup>87</sup> Rutman and Rutman, *Place in Time*, p. 143.

<sup>88</sup> "An Act for prevention of undue election of Burgesses," in Hening, *Statutes at Large III*:172.

<sup>89</sup> Freeholders rarely voted: with the exception of Augusta Parish's first vestrymen--who chose their own replacements after the initial election--only burgesses stood for election in the county (Rutman and Rutman, *Place in Time*, pp. 145-146).

The scope of a public servant's authority correlated closely with the size of his freehold, so that from the county's earliest days the accumulation of a large estate significantly improved the odds of achieving a major political office. Out of sixteen residents owning one thousand or more Augusta County acres in 1746, almost all eventually held important political offices: by 1748, nine of the sixteen served as justices of the peace, two more were militia captains, one had become a vestryman, and three were grand jurymen. Only one failed to attain a public office of any sort.<sup>90</sup> Augusta County magistrates used the same standard of measure to fill minor offices, which were assigned almost exclusively to smaller planters. Of the fifty-two men who occupied the low-ranking position of constable in 1746, only six (11.5 percent) held more than four hundred acres. Of those six, none owned as much as one thousand acres.<sup>91</sup>

The importance of the correlation between economic resources and political power lies not in the fact that Augusta County's elite leadership enjoyed advantages unavailable to ordinary settlers, for that has been and continues to be essentially true in all polities. The key question instead involves the ease with which newcomers could join that frontier elite.<sup>92</sup> In colonial Augusta County, where political participation depended on freeholding and political power depended on substantial freeholding, the same large landowners effectively controlled access to offices as well as to property. County surveyor Thomas Lewis was also named as a magistrate in Augusta County's first commission of the peace. By the 1760s he no

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<sup>90</sup> Augusta County OB 1, 2; Augusta County Vestry Book, Virginia State Library, Richmond; seven additional freeholders owned more than 1,000 acres in 1746 but did not live in the county.

<sup>91</sup> Augusta County OB 1.

<sup>92</sup> Clifton McCleskey, *Political Power and American Democracy* (Pacific Grove, CA, 1989), p. 5.

longer served as a justice of the peace, but his interests were well represented on the bench by his father and brothers, and by most of his subordinates. Assistant surveyors John Buchanan, Andrew Lewis, John Poage, William Preston, and James Trimble concurrently sat as magistrates and trafficked extensively in land.<sup>93</sup> Under these circumstances, it was as easy for affluent county leaders to regulate access to public office as it was to control access to private land.

The case of Thomas Turk contains lingering echoes of this conjunction of economic and political control. Turk lost his bid to patent crown lands, just as his father, Robert Turk, had failed to attain office two decades earlier. The elder Turk owned 1,313 acres in 1746, and was the sole large freeholder who never occupied a political office. Perhaps Robert Turk declined political power and responsibility, or perhaps the county court chose not to share its authority with him. As with his son's inability to procure his crown patents, the exact reasons why Robert Turk obtained no office are lost in time, but the events share a key participant. Thomas Lewis served as a magistrate in 1746 and so had a voice in the bestowing or withholding of political power in Augusta County. Lewis's recalcitrant handling of Thomas Turk's land applications may have been a result of Robert Turk's refusal to cooperate politically with his Augusta County peers during the 1740s. Or perhaps instead, Lewis was demonstrating that the sins of the father--those egregious enough to result in his exclusion from local political life--would be visited on the son. In either case, the result was the same. From the 1740s through the 1760s Lewis refused to enhance the standing of the Turk family.<sup>94</sup>

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<sup>93</sup> Hughes, *Surveyors and Statesmen*, pp. 169, 171; Augusta County OB 1-14.

<sup>94</sup> Thomas Turk, petition, 25 Oct. 1770, Vi. For an extended discussion of the roles that wealth and less tangible qualifications played in officeholding

Such a concentration of economic and social power in the hands of a few men enabled the ruling elite of Augusta County to control access to its ranks and to protect itself against the challenges of uncooperative outsiders. Despite a surging population and the rising proportion of small landowners among all landed men, the county's major freeholders gained an ever larger and increasingly disproportionate share of political authority. In 1746, 21.7 percent of the sitting magistrates owned a thousand acres or more. By 1769 that proportion had more than doubled to 50 percent.<sup>95</sup> This expanded political influence guaranteed the continued hegemony of large landowners and their heirs long after Virginia's settlement frontier left Augusta County behind.

Although it contradicts venerable and deep-rooted notions about the distinctively democratic character of frontier society, the economic and political dominance exercised by Augusta County's landholding elite was a reality of the Virginia colonial frontier.<sup>96</sup> By the time Augusta County received its independence in 1745, access to real estate, to positions of authority, and, through them, to elite social status was monitored as carefully as in any Tidewater county. The men who controlled the distribution of position and power *initially* lacked the wealth and family connections so crucial to success among Tidewater social relationships, but they offset these shortcomings through their explicit manipulation of land acquisition and officeholding.<sup>97</sup>

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elsewhere in colonial Virginia, see Rutman and Rutman, *Place in Time*, pp. 143-152.

<sup>95</sup> Augusta County OB 1-14.

<sup>96</sup> Turner, *Frontier in American History*, pp. 1-38.

<sup>97</sup> Virginia historians continue to debate the frontier effectiveness of social institutions from the Tidewater region. According to Richard R. Beeman, early

It is tempting to regard these men as entirely self-made. If old myths of frontier democracy and independence must be revised or abandoned, then at least the successes of men like Lewis and Patton might remain as proof of the frontier's rich potential for some capable pioneers. But this grasp of the situation is still too romantic. The speculators, agents, and surveyors who seized and maintained control of Augusta County were indeed talented men, but the opportunities that they parlayed into fortunes derived in large part from the authority of their sponsors. From the beginning, Virginia's Tidewater elite endorsed their actions and fostered their interests. Governors and Councils gave positions as senior magistrates to immigrants James Patton and John Lewis, while their kinsman and partner Thomas Lewis received the key post of county surveyor from the president and masters of the College of William and Mary.<sup>98</sup> These men were indeed newcomers to Virginia, but they were no strangers to the administration of colonies on the periphery of the English empire. As relatively well-to-do sons of Scots families living in Northern Ireland, they already shared with their Tidewater Virginia counterparts a set of perceptions about the relationship between land and power, and the ends of social and political hegemony toward which power should be

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Lunenburg County, Virginia, was characterized by "a frailty of institutional power and personal authority that made the court and those more informal institutions surrounding it only pale reflections of those on which they had been modeled." (*The Evolution of the Southern Backcountry: A Case Study of Lunenburg County, Virginia, 1746-1832* [Philadelphia, 1984], p. 43.) Such apparent differences between stable and unstable counties may be overdrawn, however; Beeman's analysis has been criticized for its comparison of Lunenburg County at an early stage in development to the Tidewater counties at a relatively late stage. (Anita H. Rutman, "Still Planting the Seeds of Hope: The Recent Literature of the Early Chesapeake Region," *VMHB* 95 [1987], p. 14.) Regardless of the situation in Lunenburg, Augusta County's experience clearly indicates that the county-oriented society of Tidewater Virginia was well suited for expansion, and could be readily understood and accepted by immigrants of high status and low.

<sup>98</sup> Augusta County OB 1:1; Hughes, *Surveyors and Statesmen*, p. 170.



exercised.<sup>99</sup> By the middle of the eighteenth century, these immigrant speculators and surveyors had consolidated the power conferred on them by their Tidewater sponsors into largely unquestioned authority over a quiescent--if not entirely content--population of farmers and laborers.

In taking charge of Augusta County, the speculators and surveyors furthered two of colonial Virginia's long-term goals: expansion into the hinterland and maintenance of the existing social order. Their structuring of access to land and offices enabled the colonial gentry to achieve territorial growth without paying the price of social upheaval. Thus, from a conservative perspective, the Augusta County settlement represents one of the most ingenious frontier policies in British North America, for it ensured that Virginia's periphery was as stable as its core. By 1770 Augusta County represented an expedient version of the hierarchical social system that eastern Virginians had worked out over the course of several generations. This extension of a patriarchal and stratified social system to the Virginia backcountry may have been imperfectly achieved--implementations of policies conceived elsewhere usually are--but Virginia's elites spared themselves the frontier upheavals that racked most other colonies over the course of the eighteenth century.

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<sup>99</sup> The fathers of James McDowell and James Patton fought against James II and the Irish Catholics in 1689. For his services, Patton's father received a manor in Ulster. (J. Houston Harrison, *Settlers by the Long Grey Trail: Some Pioneers to Old Augusta County, Virginia, and Their Descendants, of the Family of Harrison and Allied Lines* [1935; reprint ed., Baltimore, 1984], p. 133; Howard McKnight Wilson, *The Tinkling Spring, Headwater of Freedom: A Study of the Church and Her People, 1732-1952* [Fisherville, VA, 1954], pp. 175-176.)

CHAPTER III  
TINY HANDS AND FIELD HANDS:  
THE RAISING OF A FRONTIER LABOR FORCE

The real estate investments of Augusta County settlers paralleled similar enterprises throughout British North America. This continental traffic in land spurred far-reaching demographic and social changes, with ubiquitous speculation generating such a powerful magnet to settlement that the people drawn to American land constitute one of two major European streams of immigration to the English colonies. The McDowells, the Lewises, and other prominent Augusta County families were typical of that stream, both in their decisions to move to America in family-sized groups and in their speculative transactions in real property once they arrived.<sup>1</sup> But no matter how closely they resembled other immigrant families journeying to America, the Lewises and McDowells were extraordinary settlers once they arrived. They established their distinction long before arriving on the Virginia frontier, so that they bore little resemblance to the other major type of immigrant to the British colonies.

For frontier historians, much depends on this difference. As Bernard Bailyn describes in detail, the second major stream of eighteenth-century European migration consisted of young, single men drawn to North America not by the lure

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<sup>1</sup> Bernard Bailyn, *The Peopling of British North America: An Introduction* (New York, 1986), pp. 60, 65-69; quote is from p. 60.

of land, but rather by that continent's chronic shortage of labor.<sup>2</sup> Bailyn closely scrutinizes these young men before they embark for their voyage to the west, but his critics note that once the voyagers come ashore Bailyn shifts his focus to "the ambitious, self-improving winners in the great scramble for land."<sup>3</sup> As a consequence, key relationships between servile newcomers and established colonists remain unexamined.<sup>4</sup>

What role does the colonial frontier play in this dialogue? When Bailyn takes a panoramic perspective of immigration, he argues that all of America is a frontier for the British Empire. Once he settles into cases, however, Bailyn acknowledges that colonies have margins of settlement, and that great economic opportunities lie within those margins.<sup>5</sup> In this he is partly correct. To immigrant families seeking security from "threatening but not annihilating difficulties," the colonial settlement frontier not only offered an escape from "encrusted burdens and ancient obligations," but often made good on that offer.<sup>6</sup>

But Bailyn is also wrong about frontier opportunity. His whiggish perspective blurs the vital distinction--one that he spent enormous effort in uncovering--

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<sup>2</sup> Ibid., p. 60; Bernard Bailyn, *Voyagers to the West: A Passage in the Peopling of America on the Eve of the Revolution* (New York, 1986), pp. 127-147, 245-270.

<sup>3</sup> Quote from Joyce Appleby's review of Bailyn's *Peopling of North America* and *Voyagers to the West* in *William and Mary Quarterly*, 3d ser., XLIV (1987), pp. 791-796. See also James A. Henretta's review of the same works in *Journal of Interdisciplinary History*, XIX (1988), pp. 138-142.

<sup>4</sup> See reviews of Bailyn's *Peopling of North America* and *Voyagers to the West* by Allan Kulikoff in *WMQ*, 3d ser. XLIV (1987), pp. 796-799, and by Jackson Turner Main in *American Historical Review*, 93 (1988), p. 226.

<sup>5</sup> Bailyn, *Voyagers to the West*, pp. 355-637, *passim*.

<sup>6</sup> Bailyn, *Voyagers to the West*, pp. 199, 637.

between the two streams of migration from Europe. By omitting an analysis of dependent laborers in America, Bailyn implies that they too enjoyed substantial opportunities for economic independence. Such had not been the case in Virginia since the third quarter of the seventeenth century, however: neither the Tidewater region, the Southside, nor Augusta County offered a comparable degree of opportunity in the eighteenth century.<sup>7</sup> Instead, the frontier successes of families like the Lewises and McDowells depended on controlling streams of hard-pressed men and women rising on three continents—Americans with no resources and no other place to turn, newly-arrived Europeans in the same desperate condition, and enslaved Africans who no longer owned even their persons. Frontier opportunities abounded, but for independent masters, not their subordinates.

To exploit those frontier opportunities required labor as well as land. Historians debate the relative economic and social importance of the two commodities, but this artificial dichotomy obscures a more complex pattern of investment.<sup>8</sup> Settlers of modest means tended to invest in land first, and then to acquire servants or slaves and additional property as capital became available.<sup>9</sup> Wealthier immigrants often brought dependent white laborers with them to the frontier, and after initially investing in land, some affluent settlers subsequently liquidated a portion of their

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<sup>7</sup> Allan Kulikoff, *Tobacco and Slaves: The Development of Southern Cultures in the Chesapeake, 1680-1800* (Chapel Hill, 1986), p. 38; Darrett B. Rutman and Anita H. Rutman, *A Place in Time: Middlesex County, Virginia, 1650-1750* (New York, 1984), p. 75; Richard R. Beeman, *The Evolution of the Southern Backcountry: A Case Study of Lunenburg County, Virginia, 1746-1832* (Philadelphia, 1984), pp. 29-30, 70, 171; Russell R. Menard, "From Servant to Freeholder: Status Mobility and Property Accumulation in Seventeenth-Century Maryland," *WMQ*, 3rd ser. XXX (1973), pp. 60-64.

<sup>8</sup> Richard R. Beeman, for example, argues that the control of labor indicated wealth more accurately than freeholding, and provided surer profits than land investments (Beeman, *Evolution of the Southern Backcountry*, p. 33).

<sup>9</sup> Kulikoff, *Tobacco and Slaves*, p. 155.

real estate holdings in order to purchase slaves. Large landowners, especially, favored such conversions in their bequests.<sup>10</sup>

Regardless of the investment strategy chosen by masters, the economic function of laborers remained the same: to produce crops and extract ores from the land, and to enhance the resale value of real estate by clearing fields, constructing fences, digging ditches, and putting up buildings. A number of dependents also possessed trade skills, but during this period Augusta County masters needed unskilled or semi-skilled laborers more than craftsmen. Field hands gave the colonial land boom its vitality: to apply Bailyn's aqueous metaphor for migration, the torrent of laborers flowing to and through England's North American frontier turned the mill wheels that drove the engine of land speculation.

This fundamental economic force played a crucial role in defining social positions upon the frontier. As in the rest of Virginia, the basic unit of Augusta County's social organization consisted of a patriarch and his dependents. The latter group might include the man's wife and their minor children, older children who had come of age but still lived at home, bound indigent children, wage laborers, bound male and female servants and their children, and black slaves of all ages and both genders. Such a diverse lot had its own hierarchies, but no matter how great a

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<sup>10</sup> For examples of settlers bringing laborers with them, see the headright claims of Augusta County settlers James Bell, Robert Scott, William Long, Moses Thompson, and Thomas Black, entries dated 12 May 1740 and 24 July 1740, in Orange County Order Book 2:156, 159, 209, 210, 212. For *post mortem* investments in slaves, see Robert D. Mitchell, *Commercialism and Frontier: Perspectives on the Early Shenandoah Valley* (Charlottesville, 1977), p. 129; James Patton's will, 1 Sept. 1750, in Draper Mss. 1QQ 63 (microfilm edition, 1980, reel 100) State Historical Society of Wisconsin; Augusta County Order Book (microfilm) Virginia State Library and Archives (hereafter referred to as Vi), 11:242.

distance might separate some dependents from others, they all shared a common subservience to their master and his peers.<sup>11</sup>

This mélange of players absorbed their roles through both formal and informal study. Whether child or adult, dependent or master, each participant learned not only their own place in society, but those of a host of other people as well. Unfortunately for modern historians, the social distinctions that were so clear in eighteenth-century Augusta County have been partially obscured by the loss of important records, most notably the county's tax lists for this period. As a result, no precise statements are possible about the extent of several forms of dependent labor. In addition to this insoluble problem of proportions, such records as do survive rarely distinguish American-born servants from immigrants. Thus the relative contributions of Europe, Africa, and America to the population of the Virginia frontier are uncertain. Fortunately, though, a wealth of other evidence survives to offset uncertainties of proportion and place, especially with regard to the way masters educated and controlled their dependent laborers. Indeed, the treatment and training given to different segments of the laboring population reveal the larger social vision of Augusta County's ruling class.

The basic education of children in the intricacies of Augusta County's social hierarchy could not begin until a child was several years old, but adults decided much about a young person's place in society long before the child was ready to learn that place. For most children, those decisions extended the dependent status

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<sup>11</sup> Richard S. Dunn, "Servants and Slaves: The Recruitment and Employment of Labor," in *Colonial British America: Essays in the New History of the Early Modern Era*, ed. Jack P. Greene and J.R. Pole (Baltimore, 1984), p. 158; Rhys Isaac, *The Transformation of Virginia, 1740-1790* (Chapel Hill, NC, 1982), pp. 20-21.

of their childhood even after they attained their majority. This continued second-rate status applied to many young adults, but its operation may be most readily discerned in the cases of children by unmarried parents.

Virginia and its county governments officially frowned on extramarital sexual relations and the bearing of illegitimate children--fornication and bastardy, in contemporary usage. Throughout this period, Virginia law punished both with fines for the offenders, and required the fathers to assume financial responsibility for the child. If paternal support failed, the vestrymen who administered the local Anglican parish drew up a contract for the child's maintenance and education. This contract assigned girls to a master until the age of eighteen, boys until age twenty-one. Upon reaching their majority, the bound youths were entitled to the same freedom dues given to newly freed indentured servants, and so entered society as nominally independent adults.<sup>12</sup>

Two sets of legal records--one clerical, the other civil--document this process in Augusta County. On the clerical side, contracts drawn by the churchwardens of Augusta Parish survive intact in the parish vestry book.<sup>13</sup> The other set of official records dealing with illegitimate children--the county clerk's order books--contain presentments from the grand juries that usually met semi-annually during this period. In addition to presentments, the clerk also recorded in the court order book the magistrates's orders concerning illegitimate children. The clerk occasionally

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<sup>12</sup> "An Act for the better securing the payment of Levies, and restraint of vagrant and idle people; and for the more effectual discovery and prosecution of persons having bastard children; and for making better provision for the poor," in William Waller Hening, comp., *The Statutes at Large: Being a Collection of All the Laws of Virginia...* (13 vols.; Richmond, 1819-23), IV:212-214; "An Act for the relief of parishes from such charges as may arise from bastard children born within the same," in *ibid.*, VIII:374-77. Freedom dues were three pounds ten shillings Virginia currency. ("An Act concerning Servants, and Slaves," in *ibid.*, V:550.

<sup>13</sup> Augusta Parish, Augusta County, Vestry Book, 1747-1787, Vi.

omitted one or the other set of presentments and resolutions, but rarely both in the same year, so an extensive run of grand jury presentments survives from the initial court session in November 1745 to the session of November 1769, just before the county's first subdivision.<sup>14</sup>

Taken together, official records of bastardy cases reflected only a fraction of premarital or extramarital intercourse in Augusta County.<sup>15</sup> Just how much illicit sexual activity took place is unclear, but elsewhere on the southern frontier Anglican itinerant minister Charles Woodmason stormed that in ninety-four out of one hundred wedding ceremonies the women were pregnant.<sup>16</sup> Even if Woodmason inflated his figures for hyperbolic effect, his observations suggest that most unwed mothers dealt with the products of their sexual activity by marriage. The remainder followed a different, socially stigmatized course. Between November 1745 and December 1769, unmarried mothers in Augusta County bore

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<sup>14</sup> For presentments, see Augusta County Order Books 1:134, 199-200, 331-32; 2:33, 118, 264, 293, 362, 495, 568-569; 3:206, 369, 437, 4:64, 189, 329, 5:110, 240; 6:39, 206, 208, 257, 285, 313, 349, 459-460; 7:3, 100-104; 8:321-323, 326; 9:60-64, 157, 341, 430-432, 528; 10:335, 454-457; 11:64, 110, 124, 163-164, 341; 12:127-130, 141, 315; 14:60, (microfilm) Vi. Following some bastardy convictions, the court required fathers to post security that the child would not become a burden upon the parish; these bonds appear in both court order and vestry books. Sometimes fathers anticipated presentment by the grand jury and posted bond for their children before prosecution. For bonds, whether voluntary or otherwise, see *ibid.*, 1:23, 155, 166; 4:117, 5:43, 249, 6:90, 184; 9:209; 12:272; Augusta Parish VB 50, 58, 61, 88, 116, 117, 119, 194, 221, 223, 224, 250, 251, 253, 343, 361, 376, 401.

<sup>15</sup> The grand jury also presented men and women for fornication who never had illegitimate children. For example, the first Augusta County grand jury presented three couples and one widow for fornication or adultery. Of these, the court subsequently required only one man to post bond for his child. (Augusta County OB 1:134, 166.)

<sup>16</sup> Woodmason worked among the backcountry settlements of South Carolina. Richard J. Hooker, ed., *The Carolina Backcountry on the Eve of the Revolution: The Journal and Other Writings of Charles Woodmason, Anglican Itinerant* (Chapel Hill, 1953), pp. 99-100.



at least 165 children, for an average of just under seven per year.<sup>17</sup> By conservative estimate, illegitimate children constituted an average of some 3.3 percent of births in the county (Table 3).<sup>18</sup>

The social context of illegitimacy was clearly diverse, even though information on the fathers is sketchy. Out of 165 notations of illegitimate children in the official records, only thirty-eight named the fathers. A majority of these identified fathers--twenty-two, or 57.9 percent--were freeholders or future freeholders. Of the remainder, five (13.2 percent) were servants, and one (2.6 percent) was a soldier. The occupations of ten non-freeholders (26.3 percent) are unknown, but seven of those ten posted security for the maintenance of their children, suggesting that although they were landless they possessed at least modest financial resources.<sup>19</sup>

Official records contain only incidental mentions of fathers because in practice the punishment for bastardy fell largely on women.<sup>20</sup> As a result, county officials recorded the names of many more mothers than fathers--115 in all, of whom six had a second illegitimate child. These known women provide a much clearer impression of class overtones for the mothers of frontier bastards: at least fifty-one of them (44.3 percent) were bound servants, as were four of the six mothers bearing more than one illegitimate child.

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<sup>17</sup> Augusta County OB, vols. 1-14; Augusta Parish VB

<sup>18</sup> The 1746 illegitimate birth rate is comparable to that for modern American white women in 1950 (1.7 percent of all births), and the 1747 rate is almost equal to that among white women in 1975 (7.3 percent) (United States Bureau of the Census, *Statistical Abstract of the United States: 1982-1983* [Washington, DC, 1982], p. 66).

<sup>19</sup> Augusta County OB, vols. 1-14; Augusta Parish VB

<sup>20</sup> Hening, *Statutes at Large* IV:213.

TABLE 3. ESTIMATE OF ILLEGITIMACY RATE IN AUGUSTA COUNTY 1746-49

	<u>1746*</u>	<u>1747</u>	<u>1748</u>	<u>1749†</u>
Infant baptisms:	123	100	100	93
Known illegitimate children:	2	8	3	1
Total children:	125	108	103	94
Illegitimate as % of known total:	1.6%	7.4%	2.9%	1.1%

Notes:

\* First full year of official Augusta County official records.

† Includes first nine months only.

The Reverend John Craig recorded all Presbyterian baptisms performed by him or under his supervision in Augusta County for nine years, beginning in October 1740 and ending in September 1749, so the 1749 figures include only the nine months from January to the end of September. The above estimate does not reflect the unknown number of infants not receiving a Presbyterian baptism. Consequently, illegitimate children presumably represented a smaller but incalculable proportion of total births than that given here.

Sources: for baptisms of both legitimate and illegitimate children, Diary of John Craig, 1740-1749 (microfilm in Union Theological Seminary, Richmond). For additional illegitimate children: Augusta County Order Book 1:23, 191, 204, 272, 310, 331; 2:33; Augusta Parish Vestry Book (Virginia State Library), p. 50.

Despite the low economic and social status of servant women, county officials rarely intervened in the raising of their illegitimate children. Out of thirty-one mothers whose bastards were bound by churchwardens, only eight were servants (25.8 percent). In accordance with Virginia statute, Augusta County justices of the peace ordered the remaining forty-three servant women to compensate their masters by serving an additional year.<sup>21</sup> Masters then assumed responsibility for their servant women's bastards, but custom, not contracts, defined the extent of this responsibility.

In cases involving free mothers, the court refused to order the binding of any child whose father was capable of fulfilling a contract. The magistrates explicitly stated their position to one John Stevenson: they rejected Stevenson's request that the churchwardens bind his illegitimate child, noting "that the sd Stevenson has a right to bind the sd Child."<sup>22</sup> Stevenson's right derived from a 1748 statute authorizing the father of any child, illegitimate or otherwise, to dispose of the child's tuition and maintenance by will or deed.<sup>23</sup> As interpreted by the magistrates, the right to bind one's children was also a duty, and consequently over four out of every five unwed parents, servant or otherwise, struck their own bargains for the support and education of their offspring without resorting to a churchwarden contract (Table 4).

Unfortunately for the bastards, numerous other needy children also claimed a portion of the county's charitable resources. Illegitimate children faced substantial

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<sup>21</sup> "An act for punishment of fornication and seaverall other sins and offences," and "An act concerning Servants and Slaves," in Hening, *Statutes at Large*, III:139-140, 452.

<sup>22</sup> Augusta County OB 5:300.

<sup>23</sup> "An Act for the better management and security of Orphans, and their estates," in Hening, *Statutes at Large* V:449.

**TABLE 4. DISPOSITION OF ILLEGITIMATE CHILDREN  
NAMED IN OFFICIAL RECORDS, 1745-1769**

	<u>Number of Children</u>	<u>Percent of Total</u>
Bound by vestry	31	18.8%
Bound by parent	2	1.2%
Remained with servant mother	32	19.4%
Court ordered to be bound, but no vestry action	43	26.1%
Unknown	57	34.5%
<b>Total</b>	<b>165</b>	<b>100.0%</b>

Sources: Augusta County Order Books 1-14; Augusta Parish Vestry Book.

disadvantages in this competition, especially with regard to orphans. As defined in contemporary usage, one or both parents of an orphan might still be alive, but if so were absent for an indefinite period. Such was the case with "Margaret Freeland an Orphan Child" whom the court ordered bound "Until such time as her parents or relations Apply for her or in Case they do not till she Comes to Lawfull Age."<sup>24</sup> The lawful age of majority for orphans was no different from that for illegitimate children, but even though the duration of a guardian's responsibility for an orphan was identical to that for a bastard, the fringe benefits might compare much more favorably: taking custody of an orphan often included the stewardship of the child's share of its parents' estate.

The final category of bound wards consisted of legitimate children whose mothers and fathers could not support them. Such parents sometimes voluntarily placed their offspring in other homes--in 1754, for example, the mother of William White chose to bind out her child as a way of providing William with food and clothing in his father's absence.<sup>25</sup> Similarly, Elizabeth Drady bound her son Thomas, "his father Daniel being removed out of this Colony."<sup>26</sup> Sometimes the county court intervened directly on a child's behalf, as in the case of Nicholas Smith's children: the magistrates justified the children's indentures by noting that "the sd Smith is an Idle disolate person."<sup>27</sup>

When magistrates summoned parents "to shew Cause why their Children may not be bound out," they usually cited a failure to provide support "in a Christian

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<sup>24</sup> Augusta County OB 9:420.

<sup>25</sup> Augusta County OB 4:288, 321.

<sup>26</sup> Augusta County OB 6:289.

<sup>27</sup> Augusta County OB 4:363.

Like Manner."<sup>28</sup> In fact, however, the churchwarden indentures reflect less concern with religious doctrine than with cultural conformity, as indicated by the recurring stipulation that a child "be Brought up According to the Custom of the Country."<sup>29</sup> To ensure that children received the necessary elements of a customary upbringing, the Augusta Parish churchwardens carefully enumerated the duties of children to their guardians, and of guardians to their wards.

Contracts listed the dependent's obligations first. The greatest of these was obedience: children must "Honestly Faithfully & Truly serve the sd master & all his Lawfull Commands either by night or by Day Gladly obey." Having defined the child's subordinate status, vestry contracts then went to some lengths to protect the master's property. First came an explicit injunction to that effect: as orphan Lydia Lyon's indenture put it, "she shall not waste her s[ai]d masters goods nor lend them unlawfully." This proviso was followed by a detailed attempt to steer impressionable young people away from the sorts of associates and activities that might tempt them to the abuse of a master's property. The indentures thus further enjoined children not to "play at Cards Dice nor any other unlawfull Game," not to run away, "nor haunt ale houses," and especially not to "Commit Fornication nor Contract matrimony." In short, the vestry's ideal bound child behaved "always as a True & Faithfull servant ought to do" by constantly demonstrating obedience, honesty, fidelity, sobriety, and celibacy.<sup>30</sup>

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<sup>28</sup> Augusta County OB 6:350, 437.

<sup>29</sup> Quote from Mary Watts indenture, 16 Apr. 1768, Augusta Parish VB, p. 462. Such usage was typical throughout the churchwarden contracts.

<sup>30</sup> The quotes, which are typical of the churchwarden contracts as a whole, are drawn from Catherine Kindort's indenture, 2 June 1750, and Lydia Lyon's indenture, 22 Nov. 1768, in Augusta Parish VB, pp. 54, 471.

In return for a child's submission, vestry contracts required masters to support and educate their wards. Most fundamentally, masters agreed to provide "Sufficient meat Drink washing & Lodging." In addition, the indentures called for "Linnen & Woolen Cloaths fit for such a servant," or, less specifically, "wearing apparel fit[t]ing for an apprentice."<sup>31</sup> Masters also acknowledged their obligation to educate the child, which involved both academic skills and professional training: Virginia law required masters to teach all bound boys and girls to read and write, and to train all children in a suitable trade.<sup>32</sup>

When bound children reached their majority their master paid them £3.10 and gave them their freedom. What was accomplished during those years before this formal entry into adult society? Obviously the binding of needy children served a welfare function, ensuring "that the said Childeren do not become burthensome to the said Parish," but the process involved much more than simple maintenance of hapless minors.<sup>33</sup> The churchwarden indentures indicate that parish officials intended children's terms of bondage to prepare them for entrance into Augusta County's society. In addition to introducing bound children to key moral traits such as honesty and sobriety, guardians also trained their wards in the job skills needed for participation in the county's economy. If they did not know how already, girls learned to knit, sew, and spin. Some boys served as apprentices in skilled trades, the most frequently mentioned of which were textile production and woodworking, but the contracts of most boys specified no calling. Such children

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<sup>31</sup> Kindort and Lyon indentures, Augusta Parish: VB, pp. 54, 471.

<sup>32</sup> "An Act for the better management and security of Orphans, and their estates," in Hening, *Statutes at Large* V:452.

<sup>33</sup> Augusta County OB 6:462 (second page of this number).

probably reached their majority with a basic set of agricultural skills, but no calling other than that of ordinary laborer (Table 5).

These moral, scholastic, and economic lessons were important, but Augusta County's indigent children received much more education than that of the meeting house, school room, or workshop. The churchwarden indentures reveal that the objective of educating bound wards was two-fold: to create a place for them in the county's economy, while simultaneously teaching them their place in the social order. Part of the latter training involved growing accustomed to subservience, a lesson that began with learning to "Gladly obey" a guardian's commands. Children needed to know more than *how* to obey, however; they also needed to learn *whom* to obey. This involved interpreting and acting upon the nuances of behavior and material culture that indicated a person's status, among the most basic of which were distinctions in clothing. By providing bound children with "wearing apparel fit[t]ing for an apprentice," guardians taught their wards how dependents dressed.<sup>34</sup> Children then used this knowledge to identify other people's social rank, just as their elders frequently did when rousting poor-looking people on suspicion of being vagrants or runaway servants.<sup>35</sup>

In addition to learning how to calculate their social rank relative to that of outsiders, bound children eventually faced significant gradations of status within their own ranks. While all churchwarden indentures shared the features described above, some contracts also contained additional benefits for the child. Upon reaching his majority, Thomas Gilbert was to receive one breeding mare; Mary

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<sup>34</sup> Quotes from Lyon indenture, Augusta Parish VB, p. 471.

<sup>35</sup> For examples of poor men wrongly jailed on suspicion of being runaways, see Augusta County OB 3:181, 4:143, 200, 268, 9:510, 11:336, 340, 12:343, 14:27.



TABLE 5. OCCUPATIONS ASSIGNED TO BOUND BOYS  
IN AUGUSTA PARISH VESTRY INDENTURES, 1747-1769

<u>Trade</u>	<u>Number of bound boys</u>	<u>Percent of bound boys</u>
Woodworking (carpenter, cooper, joiner, wheelwright)	17	17.7
Textile manufacturing (tailor, weaver)	16	16.7
Leatherworking (cordwainer, saddler, shoemaker, tanner)	9	9.4
Metalworking (blacksmith, coppersmith)	4	4.2
"sufficient" trade	36	37.5
No trade mentioned	13	13.5
Total	95	99.0

Source: Augusta Parish Vestry Book.

Londy's guardian was obligated to pay £4 in addition to her legal dues, plus provide a horse and saddle with a total value of £11; Jonathan Hodge could look forward to "one good new suit of apparel Fit For sundays or Holy Days besides his Working apparel;" Abraham Goodpasture's master agreed to help launch his career as a carpenter and house joiner with six pounds' worth of carpenter and joiner tools plus customary freedom dues.<sup>36</sup>

Out of 160 churchwarden indentures, forty-six (28.8 percent) called for the bound children to receive more than "such freedom dues as the Law allows."<sup>37</sup> These bonuses probably represented the transfer of that portion of parental estates remaining after the deduction of expenses incurred in raising a child. Such benefits provided lucky wards with significant advantages over other bound children.<sup>38</sup> For young adults, owning a horse or a good suit of clothes signalled their superiority to common persons afoot who wore clothes only fit for a servant.<sup>39</sup> These extra provisions also helped to secure economic liberty: his ownership of tools would permit Abraham Goodpasture to begin his career as an independent carpenter rather than as an assistant to an established craftsman.<sup>40</sup> Thus,

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<sup>36</sup> Thomas Gilbert indenture, 24 May 1750; Mary Londy indenture, 29 Aug. 1751; Jonathan Hodge indenture, 17 June 1752; Abraham Goodpasture indenture, 19 Aug. 1767, in Augusta Parish VB, pp. 60, 81, 98, 394.

<sup>37</sup> Quote from Kindort indenture, *ibid.*, p. 54.

<sup>38</sup> Guardians could make "reasonable disbursements" for an orphan's education and maintenance from the profits of the child's estate. ("An Act for the better management and security of Orphans, and their estates," in Hening, *Statutes at Large* V:452.)

<sup>39</sup> For the social significance of horse ownership in colonial Virginia, see Isaac, *Transformation of Virginia*, pp. 98-101.

<sup>40</sup> Not surprisingly, illegitimate children almost never enjoyed such advantages: bastards received only 2 of the 46 indentures stipulating benefits beyond legal freedom dues.

regardless of their form, extra contractual benefits gave a significant head start to a lucky minority of newly-freed young men and women.

One last aspect remains of the context in which Augusta County's bound children learned their social roles: the domestic environment of their rearing. A ward's material circumstances and educational opportunities depended on the status and affluence of the guardian, conditions that varied widely from case to case. Although affluent and mid-level freeholders took custody of a number of children, most guardians were not well-to-do (Table 6). Similarly, a very sizeable proportion lacked even the most rudimentary political authority: some 43.7 percent of all churchwarden indentures named a guardian who held no office (Table 7).

The raising of illegitimate, orphaned, or otherwise unsupported children involved a variety of negotiations between unwed mothers and their mates, masters, or relatives; between parish churchwardens and widows, poor parents, potential guardians, or unwed fathers; and between the county magistrates and their subjects of high rank and low. Out of all these encounters, the most fundamental relationship was that existing between children and their guardians. County officials expected guardians to teach bound children how to be adults in a deferential society--the churchwarden indentures made that broad purpose clear. But what was the tone of this education? How were the children treated?

The best evidence for exploring the quality of a bound child's life comes from the records of how the county court dealt with inappropriate behavior by guardians. On such occasions the court implicitly defined acceptable standards of a guardianship by investigating or punishing the unacceptable. Parish officials sometimes brought these cases to the court's attention, as when churchwarden James Lockhart complained "that James Nealey and David Robinson had misused

**TABLE 6. FREEHOLD SIZE OF GUARDIANS NAMED IN AUGUSTA PARISH  
CHURCHWARDEN INDENTURES, 1747-1769**

<u>Freeholding status</u>	<u>All churchwarden contracts</u>		<u>Contracts with extra benefits*</u>		<u>Bastard contracts</u>	
	<u>number</u>	<u>% of total</u>	<u>number</u>	<u>% of extras</u>	<u>number</u>	<u>% of bastards</u>
<b>Men</b>	155	96.9	45	97.8	28	100.0
High (> 1000 acres)	16	10.0	5		4	14.3
Middle (401-1000 acres)	39	24.4	17	15.2	10	35.7
Low (1-400 acres)	54	33.8	9	19.6	12	42.9
No land	46	28.8	14	34.8	2	7.1
(future freeholder)	(30)	(18.8)	(11)		(1)	(3.6)
(never a freeholder)	(16)	(10.0)	(3)		(1)	(3.6)
<b>Women</b>	5	3.1	1	2.2	0	0
<b>Total guardians</b>	160		46		28	

\* Extra benefits include any obligation of the guardian's to provide more than the customary £3.10 and suit of clothes when the ward reached the age of majority.

The Augusta Parish vestry first met on 6 April 1747. (Sources: Augusta Parish Vestry Book; Augusta County Order Books 1-14; for landholding, see Chapter 2, note 2, above)

TABLE 7. POLITICAL RANK OF GUARDIANS NAMED IN AUGUSTA PARISH  
CHURCHWARDEN INDENTURES, 1747-1769

<u>Officeholding status</u>	<u>All churchwarden contracts</u>		<u>Contracts with extra benefits*</u>		<u>Bastard contracts</u>	
	<u>number</u>	<u>% of total</u>	<u>number</u>	<u>% of extras</u>	<u>number</u>	<u>% of bastards</u>
<b>Men</b>	155	96.9	45	97.8	28	100.0
High office	40	25.0	13	28.3	6	21.4
Middle office	14	8.8	7	15.2	3	10.7
Low office	36	22.5	9	19.6	9	32.1
No office	65	40.6	16	34.8	10	35.7
<b>Women</b>	5	3.1	1	2.2	0	0
<b>Total guardians</b>	160		46		28	

High ranking offices included magistrate, sheriff, burgess, county clerk, county surveyor, king's attorney, vestryman, churchwarden, militia officer of the rank of captain or higher, coroner, and tithable taker. Middle ranking officers included under sheriff, deputy county clerk, deputy county surveyor, militia officer from cornet to lieutenant, clerk of court martial, clerk of vestry, jailer, flour or beef inspector, and, for this table only, Anglican or Presbyterian minister. Low ranking officers included constable, road overseer, militia non-commissioned officer, and grand jury member. (Rutman and Rutman, *Place in Time*, p. 147, with modifications to conform with Augusta County usage) Sources: Augusta County Order Books 1-14; Augusta Parish Vestry Book.

the orphans of Peter Kinder dec[ease]d."<sup>41</sup> Relatives might also complain of guardian misconduct: Mary Sorrel advised the court that Robert Cunningham "did not provide and take Care of [Sorrel's daughter] in a Christian like Manner," and James Berry informed the magistrates that John Jones was abusing ward John Berry.<sup>42</sup> When someone denounced a guardian's handling of a bound child, to what sorts of behavior were they objecting? Synopsized entries in court order books provide few clues, for they omit all but the bare fact of a complaint, as in the clerk's sketchy notation that the court received "The Petition of George Vance against John Rumsey for abusing his Daughter who is bound to him."<sup>43</sup> But such terse summaries conceal the details of a grimmer reality, as the contents of Vance's petition demonstrate.

George Vance bound his daughter Ann to John Rumsey, a small freeholder whose sole political service was as a constable in 1746.<sup>44</sup> The arrangement subsequently soured so badly that in November 1749 Vance informed the Augusta County bench that he felt "oblidged to lay his melloncoley before your wisdoms." Vance complained against Rumsey both for failing to meet the terms of their agreement for Ann's upbringing, and "also for other abuses and [un]mercifull usages towards Ann Vance." After citing the general inadequacy of Ann's clothing and bed, George Vance accused her master of more specific shortcomings. Rumsey had dispatched Ann on a number of difficult errands, including "to the mill

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<sup>41</sup> Augusta County OB 2:555.

<sup>42</sup> *Ibid.*, 6:289, 6:267, 3:187.

<sup>43</sup> *Ibid.*, 2:296.

<sup>44</sup> Rumsey purchased his first 400 acres in 1749 (Augusta County Deed Book [microfilm] Vi, 2:384). For definitions of small, medium, and large freeholds, see Chapter 2, notes 57 and 58 above.

in Cold we[a]ther and nothing upon her to keep out the cold," and to see her father "seven mil[e]s a foot and [with a] boyle on the Inside of her thigh, that is to say a Dreadfull b[o]jilling."<sup>45</sup> Ann's duties included going "in Unseasonable times to hunt Cows in the woods," despite the fact that she "had not Either shifts or Cloathing to Cover her nakedness." To make matters worse, Rumsey abused Ann by "beating & almost strangling her & pul[l]ing her by the hair." Nor was the abuse likely to abate: Vance reported to the court that when he complained to Rumsey the guardian "told me he would Doe noe better by her but [rather would do] worse."<sup>46</sup>

The county clerk duiy filed Vance's petition, but saw nothing sufficiently unusua! about the complaint to merit a detailed entry in the court order books. When the magistrates considered the petition, they likewise found little cause for sympathy with George or Ann Vance. At the court's next session, the justices denied Vance's petition for redress, and to make matters worse they "order[e]d that the said Vance pay unto the said John Rumsey his Costs about his defence in this behalf spende together with seven shillings and sixpence for an attorneys fee."<sup>47</sup> While the court did not confine such rulings to poor men--even affluent churchwardens received fines for "frevilous" complaints on behalf of orphans--the magistrates' attitude undoubtedly inhibited the protests of marginal people like

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<sup>45</sup> In this charge George Vance may have been protesting the distance that Ann walked as well as Rumsey's inattention to her medical needs. Ann's seven-mile hike significantly exceeded the outer limit of five miles travelled by grown men performing routine business in St. Clement's Manor, Maryland, during the third quarter of the seventeenth century (Lorena S. Walsh, "Community Networks in the Early Chesapeake," in *Colonial Chesapeake Society*, ed. Lois Green Carr, Philip D. Morgan, and Jean B. Russo [Chapel Hill, 1988], p. 219).

<sup>46</sup> *George Vance v. John Rumsey*, 28 Nov. 1749, Augusta County District Court, Staunton, Virginia.

<sup>47</sup> Augusta County OB 2:326.

George Vance, whose complaint on behalf of his mistreated daughter resulted only in his own indebtedness.<sup>48</sup>

Other attitudes about the raising of children reinforced economic inhibitions against protesting a guardian's treatment of his ward. The treatment of one Henry Witherington shows that the community would remain silent in the face of a greater degree of abuse by a guardian if the child had a record of misbehavior.

Witherington, a fourteen-year-old bound to John Stevenson, ran away from his master and remained at large for more than 6 months.<sup>49</sup> Eventually Stevenson recovered the boy and fixed "an Iron lock round his neck with a gag in his mouth." The magistrates officially learned of Henry's gag only after he ran away again, was recaptured, and secured temporarily in the county jail. When the sheriff informed the court about the restraining mechanism, the justices "ordered that he Immediat[e]ly take off[f] the same."<sup>50</sup> The court's unhesitating decision to remove the gag demonstrated that the magistrates were certain that such treatment was inappropriate for a boy, but none of Stevenson's neighbors had thought the device worth bringing to the court's attention. By running away earlier, Witherington forfeited any sympathy from Stevenson's nearby peers.

Both the formal training and the routine domestic treatment of Augusta County's indigent children prepared them for an adult life of subordination and dependence. Few escaped that lot: out of all the young men coming of age during the county's first quarter century after having been bound as children by churchwardens or

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<sup>48</sup> When churchwarden John Mathews complained against John McMahon "for abusing Joshua Canterall an orphan Child who is bound to him," the court rejected the motion as frivolous and ordered that McMahon "recover his cost of the said John Mathews" (ibid., 6:183).

<sup>49</sup> Ibid., 1:357, 2:580.

<sup>50</sup> Ibid., 3:184.



ordered bound by the court, only a handful--no more than five--became freeholders.<sup>51</sup> All five of these fortunate sons shared a legitimacy that set them above their bastard brothers: as late as the end of 1770, no illegitimate boys had grown up to become freeholders in Augusta County.

Like the world of bound children, the adult world of dependence featured a diverse set of participants, to include indentured servants, convict servants, and slaves. No systematic records survive that permit a precise measurement of these, but numerous incidental entries in court orders, deed books, private correspondence, and commercial papers provide at least a rough estimate of their relative importance. Most known dependent adults were indentured servants, followed by slaves and, at some distance, by convict servants (Table 8). Assuming that the contracts for indentured and convict servants were comparable to those elsewhere in Virginia, these white laborers served for periods of 5 and 7 years

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<sup>51</sup> Before 1770, the Augusta Parish churchwardens contracted indentures for 96 boys, and the court ordered the binding of 41 more, for a total of 137. Unfortunately, most of these contracts and orders do not specify the child's age. Of those that do, fourteen boys could not have reached their majority by 1770, a number which, if subtracted from the total, leaves a remainder of 123. If all 123 are presumed to have attained their majority before 1770, then the five who also attained a freehold represent no more than 4.1 percent of all bound boys. The upper limit of their proportion can also be calculated: of the 123 bound boys of uncertain age, eight were mentioned earlier than 1749, and so would have reached their majority before 1770, while eighteen more that are mentioned later than 1748 were old enough to have reached age twenty-one by 1770. This means that at least twenty-six boys can be positively identified as born early enough to have reached their majority during the period of this study. If these twenty-six boys were the only ones born early enough to reach twenty-one before 1770, then the five eventual freeholders represent at most 19.2 percent of all eligible bound boys. Both calculations assume that none of the bound boys died as a minor. While that assumption is undoubtedly too optimistic, the surviving records cannot support reliable estimates of Augusta County child mortality during this period. (Augusta County OB 1-14, Augusta Parish VB)

**TABLE 8. GENDER AND TYPES OF KNOWN UNFREE ADULT LABORERS IN AUGUSTA COUNTY, 1738-1769**

	<b>All unfree laborers</b>		<b>Indentured servants</b>		<b>Slaves</b>		<b>Convict servants</b>	
	<u>number</u>	<u>% of total</u>	<u>number</u>	<u>% of total</u>	<u>number</u>	<u>% of total</u>	<u>number</u>	<u>% of total</u>
<b>Gender</b>								
Men:	252	54.4	190	41.1	39	8.4	23	5.0
Women:	139	30.1	107	23.2	23	5.0	9	1.9
Unknown:	71	15.4	4	0.9	67	14.5	0	0
<b>Total:</b>	<b>462</b>	<b>99.9</b>	<b>301</b>	<b>65.2</b>	<b>129</b>	<b>27.9</b>	<b>32</b>	<b>6.9</b>

No systematic tally of Augusta County dependent laborers survives. Most of the laborers noted above were mentioned in one or more of the following sources: Augusta County Order Books 1-14; Augusta County Deed Books 1-17; Augusta County Will Books 1-4; Orange County Order Book 2; Preston Family Papers, Virginia Historical Society; William Preston Papers, Draper Mss. 1QQ-6QQ (microfilm edition, 1980, reels 100-101), State Historical Society of Wisconsin; *Virginia Gazette*; and *Pennsylvania Gazette*.

respectively, but the surviving county records rarely refer to the contractual length of servitude.

While an accurate census of frontier servants and measurement of the duration of their bondage is impossible, evidence for the conditions of service remains available. Masters in Augusta County administered a wide variety of treatments to their indentured and convict laborers, depending on the master's economic situation, the servant's talents, and the personalities of both. At best, servants lived as comfortably as their masters; at worst, their material resources and quality of life differed little from that of a slave. The most persuasive testimony regarding good treatment by some masters comes from the actions of a few servants. Ten out of the 333 known Augusta County servants (3.0 percent) voluntarily appeared before the county court in order to extend the period of their dependence for as much as three years. In two cases the servants motives were not recorded, but in eight other instances, the official records include the terms of the new agreement.<sup>52</sup> Two of these were women, each of whom agreed to continue in their masters service in exchange for permission to marry.<sup>53</sup> Four out of the six men re-enlisted for training in "the art and mistery of a Black Smith and Gun Smith," "the Weaving

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<sup>52</sup> William O'Briant and Thomas Lawler extended their contracts, but their masters' obligations were not noted (Augusta County OB 2:365, 4:107).

<sup>53</sup> On 21 Nov. 1761 Sarah Newman agreed to serve three additional years in exchange for permission to marry another servant. Newman further stipulated "that in Case she Should not have Issue that her masters are to pay her the sum of Five pounds per annum deducting only her Cloaths" (ibid., 7:146). Ar.n O'Bryan also signed up for two additional years service in order to marry, but without clauses modifying the terms in the event she did not inconvenience her employers by bearing a child. O'Bryan's prospective husband neither owned land nor came from a landed Augusta County family, but it is not known whether or not he too was a servant (ibid., 10:417).

trade," "the trade of a Joiner and Carpenter," or "the Taylors Trade."<sup>54</sup> A fifth man committed himself to serve an additional eleven months upon his master "agreeing not to put him to any Laborious Work," and the last signed up for another year in return for support of his child.<sup>55</sup>

Petitions by other servants indicate that the contracts sworn at court represent only a fraction of modifying agreements between masters and servants. It is impossible to estimate the numbers or terms of these informal arrangements, but one feature at least stands out: they were unenforceable. In accordance with Virginia statute, the Augusta County magistrates refused to recognize any additional obligation between servant and master that had not been attested to by both parties in open court.<sup>56</sup> The ten extensions of service recorded in court thus represented the most concerted efforts made by masters and laborers to renew an existing satisfactory relationship.

The experience of the ten reenlisting servants lay at one extreme of the spectrum of treatment meted out to subordinates by Augusta County masters. Whatever economic motives they may have had for employing their laborers, these select masters maintained an acceptable environment at home and at work. Many more

<sup>54</sup> The periods of additional service for these contracts were nine months, eighteen months, and, in two cases, two years (ibid., 4:324, 9:238, 9:345, 12:287).

<sup>55</sup> Ibid., 4:119, 6:146.

<sup>56</sup> This practice is most clearly illustrated by the case of servant John Brown. Brown petitioned the Augusta County court on 16 June 1757, requesting that the court recognize and enforce an agreement he made with his former master. The magistrates summoned the master to answer the complaint at the next court, and he appeared accordingly. Both sides presented their cases on 20 Aug. 1757, after which the court rejected Brown's petition, noting that the "Agreement made between them [was] without the Sanction of any Court" (ibid., 5:369, 6:34; see also "An Act for the better government of servants and slaves," in Hening, *Statutes at Large* VI:358).

Augusta County masters were significantly less agreeable, however. From 1746 through 1769, a total of sixty-seven servants petitioned the Augusta County court for redress of a grievance with their masters.<sup>57</sup>

One of the leading sources of friction involved masters detaining servants past the expiration of their obligated service. In all, twenty servants petitioned the court with complaints almost identical to that Dennis McAnenis filed in 1755: that "his master detains him notwithstanding his time by Indenture is Expired."<sup>58</sup> In five of those twenty cases (25.0 percent) the court held in favor of the servant, as compared to two (10.0 percent) rulings for masters. In the remaining thirteen cases (65.0 percent) the court never resolved the conflict. The Augusta County sheriff summoned eleven masters (55.0 percent) who either never appeared in court or who paid for an indefinite continuance of their case. Despite having ignored their obligation to appear in court, none of these masters ever lost their case by default. Two other cases (10.0 percent) were dismissed without a finding for either party.

Even servants released without difficulty sometimes had trouble obtaining the freedom dues that should have accompanied their liberty. Twenty-eight newly freed servants (40.0 percent of all servant plaintiffs) petitioned the Augusta County court to recover the £3.10 to which their indentures entitled them.<sup>59</sup> Servants won these suits more often than they won actions to recover their own liberty: the court ruled in favor of nine servants (32.1 percent) but only one master (3.6 percent). The court never settled eighteen petitions for dues (64.3 percent) in favor of either

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<sup>57</sup> "An Act Concerning Servants and Slaves" established the procedure for servants to petition county courts for relief from their masters (Hening, *Statutes at Large* III:448-449).

<sup>58</sup> Augusta County OB 4:383.

<sup>59</sup> The contested sum varied in a few cases, depending on modifications to the contract agreed upon earlier by the servant and master.

plaintiff or defendant, a proportion almost identical to that of incomplete suits for undue detention by a master.<sup>60</sup>

Several factors may account for the failure of the Augusta County court to resolve some two thirds of all servant petitions for liberty or freedom dues. The incomplete cases could be construed as evidence of ineffectual or inconsistent county clerks, or of a lackadaisical set of magistrates, but these explanations do not apply to colonial Augusta County. The same man occupied the clerk's office from 1745 through the county's subdivision in 1770, and the court's careful attention to many other administrative details belies the charge of magisterial negligence.<sup>61</sup>

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<sup>60</sup> Fifteen masters (53.6 percent) were summoned but never faced further action, and three other cases (10.7 percent) were dismissed without explanation.

<sup>61</sup> For a recent argument that neither ordinary settlers nor most justices paid much attention to the operation of frontier county courts, see Albert H. Tillson, Jr., "The Militia and Popular Political Culture in the Upper Valley of Virginia, 1740-1775," *Virginia Magazine of History and Biography*, pp. 288-289. Tillson observes that of twenty-three magistrates attending one or more days at the Augusta County court in 1749, "only one came to more than half the sessions [i.e., days], and only eight came to more than one-fourth of them." Similarly, he calculates that "only two of the twenty-two justices attending were present at more than half of the sessions [days]" in 1762 (*ibid.*, p. 288). Tillson's argument is not so strong as these statistics make it appear, however. Augusta County's magistrates and would-be magistrates struggled fiercely in 1749 for places in the county's commission of the peace (see Chapter 5 below). Because of extensive reshuffling of the commission during that year, only six magistrates serving in court in 1749 were authorized to sit at all four quarters. (Augusta County OB 2:68-69, 73-75, 86, 101, 103, 110, 122, 127, 129, 130, 148-150, 154, 159, 161-162, 264, 273, 287-288, 292-294, 297-298, 302, 304.) Given such turnover, magisterial performance can be more fairly assessed by measuring their attendance at the quarters to which they were accredited. In 1749, seven justices attended at least one day in each possible quarter session. Two more sat for one or more days at two-thirds of their authorized quarter sessions, and four showed up for at least one day of half of the potential quarters. Altogether, thirteen magistrates (56.5 percent) attended half or more of the quarters to which they were commissioned. Seen in this light, the 1749 justices as a group cannot be interpreted as indifferent to their responsibilities. If anything, their internecine competition highlights the value they placed on their office. Applying the same perspective to the much more stable situation in 1762 again produces a significantly different view than that which Tillson proposes. The twenty magistrates (not twenty-two, as Tillson counts them) sitting at the quarter sessions attended court for a median number of nine days each (*ibid.*, 7:153, 155, 158, 160, 162-164, 166, 169, 171, 194, 196, 203, 208, 210, 215, 217, 222, 224,

More probably, the high rate of non-completion for servant petitions stemmed from extensive manipulation of the legal system by both servants and masters. Some servants may have found their masters much more tractable when faced with a lawsuit, and some masters may have stalled their case long enough to force the servant to give up and leave the county.

In addition to the forty-eight servants whose masters proved uncooperative at the end of their terms, twenty-two unlucky servants faced such serious neglect or abuse during their service that they felt obliged to petition the court for relief. In eight relief cases (36.4 percent) the court acknowledged the validity of the complaint, and ordered the master to remedy the condition. These interventions represent about the same proportion of petitions as that of servants winning suits to recover their freedom dues, and the five cases (17.9 percent) left pending compared very favorably with servants' unresolved detention and freedom dues suits. But unfortunately for the servants, masters won the remaining eight cases (40.9 percent).

To make matters worse for the plaintiffs, in five of those eight victories by masters the court also ordered that the servant be whipped for false complaint. Servant William Bishop complained in 1750 that his master Charles Campbell "had

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226-228, 230-231, 236, 248, 250, 254, 281, 283, 285-286, 291, 293, 295-296, 301, 307, 327, 337, 341, 355, 358, 360, 363, 367, 390, 392, 395, 405, 441, 443, 448). The justices timed their attendance with care, as evidenced by the fact that eleven of them (55 percent) sat for at least one day in each quarter session. Five more (25 percent) attended three out of four possible quarter sessions, and one of these five missed the November court in order to take his seat in the House of Burgesses. Three justices (15 percent) attended two of the quarter sessions, and only a single magistrate (5 percent) sat in just one quarter. As in 1749, this record is inconsistent with Tillson's interpretation of magisterial apathy. Based on their attendance at the 1749 and 1762 courts, it appears that frontier magistrates took turns serving on the bench, remaining in the vicinity of the courthouse when not on duty. Such behavior would in no way diminish the social significance of court day, and in fact was consistent with contemporary practices in the most settled counties of Tidewater Virginia.

stolen his money and [was] abusing him," but the court judged Bishop's complaint "to be groundless," and so ordered "that he receive his bare back at the Public Whip[p]ing post Ten lashes well laid on." Following the whipping, which was conducted immediately after the court passed sentence, the county sheriff sent Bishop back to his master's house.<sup>62</sup> Five years later another of Campbell's servants again complained of abuse, and met an identical fate.<sup>63</sup> Women risked the same punishment, as Margaret Farrell discovered in 1762, when she "Complained of the Ill Usage of her Master." The court decided that the ill usage was her fault, and so sentenced her to twenty-five lashes, again "well Laid on."<sup>64</sup>

Such punishments suggest that while the Augusta County justices would act against masters if confronted with overwhelming evidence of their abuse, they also assumed that servants would swamp the court docket unless discouraged by a harsh penalty for frivolous complaints. This prejudice netted William Hoopwood twenty-five lashes in 1748 for his complaint against master Valentine Sevier, but Sevier's defense seemed less plausible in the following year when two more of his servants informed the magistrates that they had "been ill used" and "unhumanly abused." This time the court accepted the petitions, ordering Sevier to clothe the two properly, and not to punish any of his servants in the future without having first obtained permission from a county magistrate.<sup>65</sup> When a fourth servant protested in 1753 that Sevier "abuses him by beating and not providing him Cloathes &c according to the Custom of the Country," Hoopwood's original claim was fully

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<sup>62</sup> Ibid., 2:362.

<sup>63</sup> Ibid., 4:471.

<sup>64</sup> Ibid., 7:297.

<sup>65</sup> Ibid., 2:2, 11, 119, 120.



vindicated, but there was still no way to take back the pain and humiliation of his stripes.<sup>66</sup>

The magisterial preference to err on the side of fellow masters even led the Augusta County court to whip a servant for whom one of their own number had interceded. Justice of the peace Richard Woods ordered master Robert Young to appear in court "for abusing his servant man William Sandford" in 1750. Young and Sandford duly appeared, and after hearing both men the justices dealt first with the servant: the court ordered that Sandford immediately "receive on his bare Back Ten Lashes well laid on."<sup>67</sup> Then the court turned to the master, ordering "that the said Young do not correct his said Servant immoderately." If in the future Young thought Sandford needed correction, the master must first request permission from an Augusta County magistrate before punishing the servant.

In the Sandford case, the court expressed its disapproval of both master and servant, whipping the back of one and tying the hands of the other. The justices clearly thought that the servant Sandford had been at fault, but at the same time signalled that Young's response had violated the code of proper behavior for masters. The limits that Young transgressed can be discerned most clearly in extreme cases like that of William Shaw, who complained against his master in 1748 "for whipping him naked and abusing him." Shaw wore an iron collar when he appeared in court to make his complaint, which the court ordered the sheriff to remove. The sheriff was to send Shaw home, from constable to constable, to his master, Daniel Morley. The last constable was to bring both Shaw and Morley before a local magistrate, who was to bind the master to good behavior, as well as

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<sup>66</sup> Ibid., 4:77-78.

<sup>67</sup> Ibid., 2:432.

to an appearance in the next court to answer Shaw's complaint. It is important to note what the court did *not* do when confronted with tangible evidence of an abusive master. The court neither stated that masters were not permitted to whip their servants, nor that masters could not put iron collars on their servants. Instead, the justices sought to instill in the master a sense of moderation when punishing a servant who deserved "correction."<sup>68</sup>

In their handling of each abuse case magistrates demonstrated that they saw their role as one of tempering a master's immoderate behavior, not punishing it. Even in the most flagrant instance the court avoided punishing an abusive master. In the spring of 1758, Catherine Brooke ran away from her master William Brown in order to complain of his treatment to a local justice of the peace. The magistrate bound the master to appear at the May court "for beating and abusing Catherine Brooke his Servant maid," but Brown managed to postpone the case to the August quarter session.<sup>69</sup> In August the justices heard both sides, plus seven witnesses. Despite persuasive testimony "that she had been Used in the most Inhuman Man[n]er," the magistrates "ordered that [Brooke] return to her master's Service." The court then ordered William Brown to use Brooke well in the future, and commanded him to report to the grand jury court at the following session, where the king's attorney would prosecute him for assault.

Brown complied, appearing in November but requesting and obtaining permission to delay his case until the grand jury court in May. At the May court,

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<sup>68</sup> *Ibid.*, 2:65. Morley never responded to his summons, although he continued to live in the county until his death in 1755. Virginia law attempted to codify moderation by prohibiting masters from whipping the bare backs of their servants, a punishment reserved exclusively for use by the county court. (Hening, *Statutes at Large* III:448)

<sup>69</sup> Augusta County OB 6:158.

over a year after Brooke's original complaint, he rejected the civil hearing to which he was entitled and requested instead a criminal trial. Since such trials required the time-consuming procedure of obtaining a special commission for an oyer and terminer court from the governor and council, Brown's case was again tabled. This time the matter lay unresolved for over two more years, until at last the prosecuting attorney declined to pursue the case further and the grand jury presentment was dropped. Given that his various stalling tactics bought delays totalling three years and three months from the court's first official notice of the case, Brown may well have postponed any prosecution until Catherine Brooke completed her service and perhaps even left the county. Beyond doubt he could not have succeeded in this gambit without the tacit cooperation of the county clerk and at least some of the magistrates, one of whom was so unsympathetic to the servant's cause as to vote for waiving Brown's liability to pay the witnesses attending the August 1758 hearing.<sup>70</sup>

The injustices surrounding Catherine Brooke's case arose from the failures of cultural and legal inhibitions that theoretically ought to have prevented or at least punished the "inhuman" treatment she received. The incident should never have arisen in the first place, of course: county officials expected masters to regulate themselves in their behavior toward their servants. When that self-control failed--that is, when a master's temper broke free of his culturally derived "common sense"--then servants could and did appeal for redress to a local magistrate. In Catherine Brooke's case, the master's original abuse was too flagrant to ignore, so the local

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<sup>70</sup> Ibid., 6:182, 184, 230, 285; 7:101. For a thorough discussion of oyer and terminer courts, see Peter Charles Hoffer and William B. Scott, eds., *Criminal Proceedings in Colonial Virginia: [Records of] Fines, Examination of Criminals, Trials of Slaves, etc., from March 1710 [1711] to [1754] [Richmond County, Virginia]* American Historical Association, American Legal Records X (Athens, GA, 1984), pp. xliv-xlix.

justice of the peace invoked the county court's full authority by binding the master to appear at the bar and defend his acts. When William Brown eventually presented his excuse, the court moved to punish him at the next possible opportunity. Until that time, the system for protecting servant rights worked precisely according to statute. But even though the court intervened, there were still important limits to magisterial activism. William Brown evaded prosecution and the court declined to exercise its right to auction the wronged servant to a more benign master.<sup>71</sup>

Brooke still had to go back and serve out her time with the abusive William Brown.

The number of interventions by individual magistrates on behalf of abused servants is incalculable, but it is safe to assume that the eight petitions for relief reaching the court represent only a minor fraction of the total incidents. These cases of servant abuse suggest a profile for the sort of master likely to treat servants harshly. In seven out of the eight incidents, the abusive master owned little or no land. Some of these men--no women were summoned for abusing their servants--walked an economic tightrope, straining limited resources to maintain their own independence. Such men pushed their servants harder in the fields while giving servants fewer amenities in return. The remaining abusive masters were the semi-independent sons of county freeholders, using their servants to produce a crop on a portion of their father's land. Although these masters faced fewer economic uncertainties, they too felt pressure to demonstrate their proficiency as farmers. Combined with youthful inexperience in the precise modulation of power over subordinates, such pressure almost certainly accounts for the harsh behavior of these young men. Servants bound to members of these two groups, the straitened

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<sup>71</sup> "An Act for the better government of servants and slaves," in Hening, *Statutes at Large*, VI:358.

and the ambitious, presumably fared worse than their contemporaries even when that treatment was not sufficiently harsh to warrant appeal to the county court.

Beyond the question of the treatment of servants, any intervention in abuse cases by magistrates was charged with additional social significance. When justices challenged abusive masters, they expressed an explicit criticism either of a struggling farmer's worthiness for independence, or of the father who had failed to imbue in his son an appropriate sense of proportion for dealing with subordinates. But what was appropriate treatment? Like the churchwarden contracts for binding minor children, servant indentures referred to food, shelter, and washing "fitting for a servant" or "fitting for an apprentice."<sup>72</sup> Throughout Virginia, ordinary white people enjoyed occasional or seasonal treats such as milk or fruit, but usually the diet of all but the affluent consisted mostly of corn prepared in one of a limited variety of ways and augmented sporadically with some meat, typically pork or less frequently beef.<sup>73</sup> This fare could be unreliable as well as monotonous, for their dependence on corn left frontier farmers vulnerable to natural disasters, as when flooding in 1749 created food shortages in parts of Augusta County during the winter and spring of 1750.<sup>74</sup> Under these circumstances, even unabusive masters could provide no more than scanty as well as tedious fare.

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<sup>72</sup> Augusta County Deed Book 6:198, 7:3-4; Hening, *Statutes at Large* III:448.

<sup>73</sup> Rutman and Rutman, *Place in Time*, p. 130; Joseph Doddridge, *Notes on the Settlement and Indian Wars of the Western Parts of Virginia and Pennsylvania from 1763 to 1783, inclusive, together with a Review of the State of Society and Manners of the First Settlers of the Western Country* (1824; Parsons, WV, 1976), p. 88; William Eddis, *Letters from America* (Cambridge, MA, 1969), p. 67.

<sup>74</sup> Journal of Thomas Walker, entries for 14 Mar. and 15 Mar. 1750, William C. Rives Collection, Library of Congress, Washington, DC; Adelaide L. Fries, trans., "Diary of a Journey of Moravians from Bethlehem, Pennsylvania, to

The master's condition similarly circumscribed the range of possibilities in servant housing. As in Tidewater Virginia, most people, including many of the well-to-do, lived in houses with one or two rooms and perhaps a floored loft.<sup>75</sup> While such buildings could provide good shelter if well made, even a prosperous farmer might live in a relatively inferior dwelling, as revealed by the comparison of two contemporary houses in Augusta County. In 1754 a pair of Augusta County carpenters agreed to construct a solidly-made log house for the wealthiest man in the county. Their contract called for a one-room building twenty feet square, to include several features for greater comfort, such as a wooden floor, high ceiling, and spacious loft. Since the prospective owner agreed to feed and lodge the carpenters during their work, to provide nails, and to find horses and additional hands for moving heavy timbers, the entire project was worth more than the carpenters' fee of £12.10.<sup>76</sup>

By comparison, one year later a plantation house in the same area was evaluated at £1.10. The house was somewhat smaller--twenty-two and one-half feet by twelve feet--and presumably also contained only a single room. It served as the headquarters of a well-developed farm that included three additional outbuildings, an orchard of one hundred trees, a large and well-fenced grainfield, and ten acres of meadow. Not including the purchase price of the land, the livestock and improvements were worth at least £115, marking this farmer as a prosperous man. Despite his success, though, the owner's house was appraised at about one eighth

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Bethabara in Wachovia, North Carolina, 1753", in Newton D. Mereness, ed., *Travels in the American Colonies* (New York, 1916), p. 344.

<sup>75</sup> Camille Wells, "The Eighteenth-Century Landscape of Virginia's Northern Neck," *Northern Neck of Virginia Historical Magazine* XXXVII (1987), pp. 4239-40.

<sup>76</sup> James Patton agreement, 15 Jan. 1754, Preston Family Papers, Virginia Historical Society, Richmond (hereafter cited as ViHi).

the value of the first dwelling.<sup>77</sup> For the occupants, the difference in value between the two buildings almost certainly translated into a significant difference in comfort, but the second house was by no means the home of a poor family. Servants who resided with their masters in houses of the second sort would have lived no more meanly than their superiors while still facing considerable privation, especially in cold or wet weather.

Servant diets and lodgings might differ little from those of masters, but servant clothing had a distinctive and socially important appearance. As described by their masters in the runaway advertisements published in colonial newspapers, servants invariably presented a motley appearance. Some articles of servant clothing might be new or of fine quality, as with the "Camblet Coat, with a Collar lined with Plush or Velvet," "ruffled Shirt," "good blue jacket with metal buttons, new dark brown breeches with metal buttons," "new felt hat," and "new shoes" that a few Augusta County runaways wore when they took flight. But while some servant garments were good, others were old or coarse. Even the runaways with fine clothes also wore obviously inferior goods, such as "Leather Breeches," "an old felt hat, an old blue coat," and "a coarse shirt."<sup>78</sup> More typically, a runaway servant's entire wardrobe was distinctively old, rough, or mended: "black Leather Breeches, mended with blue Cloth," "dark coloured jacket with a white stripe down the back,

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<sup>77</sup> Evaluation of Peter Evans' land, 15 Mar. 1755, Executive Papers p. 352, Augusta County District Court, Staunton, Virginia. The more accessible transcription of this document in Lyman Chalkley, *Chronicles of the Scotch-Irish Settlement in Virginia* (3 vols; 1912; Baltimore, 1980), I:445, mistakes the first log house for a "lay" house and omitted the larger house altogether. Chalkley also garbled the values for the buildings: in the original, no value was listed for the 100 fruit trees, the first log house was worth £1, and the missing, larger house was worth £1.10.

<sup>78</sup> *Virginia Gazette*, 7 Nov. 1754; *Va. Gazette* (Rind), 14 Apr. 1768; *Va. Gazette* (Purdie & Dixon), 22 Dec. 1768.

an old hat, coarse shirt and trousers, and old shoes," "coarse spun shirt made out of hemp linen, sheep gray stockings, and country made shoes," "an old fur hat," "old buckskin breeches," "shoes tied with leather strings," "a light coloured jacket, double breasted, but no buttons on it," "a coarse whitish coloured cloth jacket with sleeves, coarse shirt, and short wide trousers," "a brown cloth waistcoat, patched with sail duck."<sup>79</sup> Judging from the apparel of advertised runaways, then, the servant population at large was "but meanly cloathed" in garments that usually were at least "all about half worn."<sup>80</sup>

Even when bound to an unabusive master, then, indentured or convict servants in Augusta County faced difficult tenures, for their dependency compounded the routine discomforts of ordinary eighteenth-century life. Between the two extremes of patient masters and abusive ones lay a hard life with only fleeting luxuries. Thanks to the limits of their masters' resources, frontier servants enjoyed at best a narrow potential for diversity and quality in their material life. Given such prescribed conditions, what options did servants exercise in response to their situations?

About fifty servants reduced their term of obligation by repurchasing their contracts. Mary Mahon "agreed to a[c]quit her mistress her freedom Dues" in exchange for an immediate release from her indenture.<sup>81</sup> Apprentice Benjamin Tudor not only forfeited his dues, but also gave his master bond for payment of £8

<sup>79</sup> *Pennsylvania Gazette*, 11 Apr. 1765; *Va. Gazette* (Purdie & Dixon), 17 Oct. 1766; *Va. Gazette* (Purdie & Dixon), 26 Feb. 1767; *Va. Gazette* (Purdie & Dixon), 14 Apr. 1768; *Va. Gazette* (Purdie & Dixon), 23 June 1768; *Va. Gazette* (Rind), 14 July 1768; *Va. Gazette* (Rind), 11 Aug. 1768; *Va. Gazette* (Rind), 7 Sept. 1769.

<sup>80</sup> *Va. Gazette* (Rind), 23 June 1768; *Pa. Gazette*, 23 June 1768.

<sup>81</sup> Augusta County OB 11:334.



in order to procure his liberty.<sup>82</sup> But by far the greatest opportunity for a male servant to pay off the remainder of his obligation arose during the Seven Years War, after Lieutenant Governor Robert Dinwiddie approved the enlistment of servants in the Virginia Regiment in 1756. The terms of such enlistments--as defined by act of Parliament--provided for colonies to pay masters a prorated sum based on the initial purchase price and time remaining in the servant's contract.<sup>83</sup> Servants and masters alike seized on this opportunity. Within four months of Dinwiddie's authorization, forty-one men in Augusta County volunteered for a transfer from private service to public. The switch profitted their masters and outraged Dinwiddie, for instead of prorating the indenture values according to Parliamentary statute, recruiter John McNeil committed the Virginia government to purchase servant contracts at the prices assessed by a team of Augusta County officials. Dinwiddie subsequently criticized the recruiter for having "taken the wrong Method in enlist[ing] [th]em by hav[ing] [th]em valued," and after reviewing McNeil's list of inflated payments the governor fumed that "I observe one [servant] valu[e]d at £17; I dare say more than the first Purchase, another at £15, 16[s]. 6[d]., having only 40 Mo[nth]'s [remaining] to serve." Yet, desperately pressed for military manpower, Dinwiddie ultimately had no choice but to accept the

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<sup>82</sup> Ibid., 11:507.

<sup>83</sup> Robert Dinwiddie to George Washington, 19 Aug. 1756, in R.A. Brock, ed., *The Official Papers of Robert Dinwiddie, Lieutenant-Governor of the Colony of Virginia, 1751-1758* . . . (2 vols.; Richmond, 1883-84), 2:480.

opportunism of the Augusta County masters, and to send £500 for McNeil "to pay the Masters for the Serv[an]ts enlisted."<sup>84</sup>

A second recruiter competed with McNeill during the fall of 1756, locating at least three more servants willing to leap from the frying pan of their indentures to the fire of the army.<sup>85</sup> No additional enlistments followed, although one other servant used the war to shorten his term without the risks or discomforts of military life: Richard Mihills persuaded his master to relinquish a year's service in exchange for Mihills' promise that "he would not Inlist in his Majesties service during the term of his servitude."<sup>86</sup> The servants remaining in the county after the 1756 rush clearly preferred not to exchange discomfort for danger. Given the harsh conditions of eighteenth-century army life and the recent bloody defeat of General Braddock's British troops within the northern boundaries of Augusta County, their reluctance is understandable.

While some male servants clearly preferred the hardships and risks of dependent life in the army to the drudgery of remaining a laborer on an Augusta County farm, most servants chose less adventurous responses to their environment. Through exceptionally good behavior or pleasing personality, a few managed to elicit special rewards or compensations from their masters. Sarah Donnelly's mistress ordered in her will that the servant not be sold out of the family, and Betty Taylor's "tender

<sup>84</sup> George Washington, "After Orders," 17-19 Dec. 1756, and Washington to Dinwiddie, 19 Dec. 1756, in W.W. Abbot, et al., eds., *The Papers of George Washington, Colonial Series* (4 vols.; Charlottesville, 1983-84), 4:61-63; Dinwiddie to Capt. John McNeil, 25 Dec. 1756, in Brock, ed., *Dinwiddie Papers*, 2:571; Dinwiddie to Washington, 27 Dec. 1756, in *ibid.*, p. 575.

<sup>85</sup> Peter Hogg to Washington, 8 Dec. 1756, Washington to Hogg, 24 July 1757, and Washington to Andrew Lewis, 29 July 1757, in Abbot, et al., eds., *Washington Papers*, 4:47, 325, 347.

<sup>86</sup> Augusta County OB 5:257.

care" of her master in his final days earned her a gratuity from his estate "over and above her wages."<sup>87</sup> Daniel Goodwin deported himself so well that his master certified in court an acquittal of the remainder of Goodwin's service.<sup>88</sup> Paragons like Donnelly, Taylor, and Goodwin were most notable in their rarity, however. In Augusta County's first twenty-four years, only two masters appeared in court to certify that their servants had served their time honestly.<sup>89</sup> Most of the remainder apparently completed their obligations without misbehaving so badly as to receive public punishment, but also without distinguishing themselves by their industry or integrity. In the end, though, the patience of this quiescent majority served as no more than its own reward.

Few Augusta County servants attained not only their freedom but also their independence after completing their contractual obligation. Out of 216 known servant men, only sixteen (7.4 percent) acquired land in Augusta County as of 31 December 1770.<sup>90</sup> The fate of the remainder is unclear. Many surely emigrated to

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<sup>87</sup> Margaret Campbell's will, Sept. 1769, Campbell-Preston Papers, Library of Congress; John Lewis, will, 28 Nov. 1761, ViHi.

<sup>88</sup> Augusta County OB 6:455.

<sup>89</sup> *Ibid.*, 1:130, 5:189. Such certificates benefited servants who intended to establish their independence rather than enter another term of service. Virginia statute authorized these certificates "to the end poor people may not be destitute of employment, under suspicion of their being servants, as well as to prevent servants running away" ("An Act for the better securing the payment of Levies, and restraint of vagrant and idle people; and for the more effectual discovery and prosecution of persons having bastard children; and for making better provision for the poor," in Hening, *Statutes at Large*, IV:208-209; quote from "An Act for the better government of servants and slaves," in *ibid.*, VI:362).

<sup>90</sup> For sources of landholding statistics, see Chapter 2, n. 2.

the southward, carrying their meagre resources into the Carolina backcountry.<sup>91</sup> But an unknown proportion of servants chose to remain in Augusta County for years or even decades. They drifted occasionally into the public records as a consequence of their petty crimes, while living between those glimpses in the shadowy world of free but not independent white laborers. Thomas Clofford, a servant in 1769, was tried and acquitted for horse theft in 1790.<sup>92</sup> James Denniston was a servant in 1762, when he ran off and was recaptured on two occasions. After he was freed, Deniston took thirty-nine lashes once in 1769 for shop breaking and stealing sundry coins, and again in 1780 for stealing valuable papers and \$400 in Continental currency and Virginia bills of credit.<sup>93</sup> Servant John Dunn stabbed a man in 1765, for which he received thirty-nine lashes. Freed by 1768, Dunn endured another thirty-nine lashes in that year for stealing a pair of silver buckles. He was jailed for an unspecified felony in 1769, and whipped on a third occasion in 1773 for stealing a watch and a razor. In addition to the third whipping, the court pronounced Dunn "a person of bad behaviour" and jailed him until he could post £20 recognizance for his future good conduct.<sup>94</sup>

This shadow land of marginal laborers almost certainly provided a context for that final option exercised by servants seeking relief from their lot--to run away. Most evidence pertaining to runaways is derived from official records dealing with servants who were recaptured. These records may or may not also represent fairly

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<sup>91</sup> Mathew Gillespy, for example, came to Augusta County as a servant in 1740, and after attaining his freedom moved to Granville County, South Carolina (Orange County OB 2:138; Chalkley, *Chronicles*, I:531).

<sup>92</sup> Augusta County OB 13:78, 21:187.

<sup>93</sup> *Ibid.*, 7:298, 7:395, 14:61, 17:263.

<sup>94</sup> *Ibid.*, 9:247, 12:467, 15:220.

the runaways who were never caught, but the in any event failed cases still reveal the duration of time that runaways remained at large and the distribution of servants among masters of varying status. It is thus possible to sketch a profile of the group as a whole, and to hypothesize about why and how they fled. The recaptured runaway cases likewise offer a window into the master world, indicating how masters wove and maintained the social snares that inhibited or thwarted servant flight.

A minimum of ninety-nine Augusta County servants ran off at least once before 1770. Of these, eighty-four (84.8 percent) were men and fifteen (15.2 percent) were women. Five of the women ran off with a male servant; others may have accompanied a free man, but even if all of the remainder fled by themselves, male fugitives still outnumbered solo females at the rate of over eight to one.<sup>95</sup> The inhibitions restraining women from flight by themselves included their vulnerability to male assault, lack of training in skills that could support independence, and pervasive cultural role as subordinates to men.<sup>96</sup> In addition to their gender, fugitive servants were also distinguished as either indentured or convict laborers. Of the two, convict servants showed a proportionally greater inclination to run off.<sup>97</sup> Convicts comprised sixteen of the ninety-nine Augusta County runaways before 1770 (16.2 percent) but only thirty-two of 333 known servants (9.6

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<sup>95</sup> By comparison, 116 women were included in the a total of 333 servants identified before 1770 in Augusta County, so that among the known servant population men outnumbered women by slightly less than two to one.

<sup>96</sup> Mary Beth Norton, *Liberty's Daughters: The Revolutionary Experience of American Women, 1750-1800* (Boston, 1980), pp. 3-39.

<sup>97</sup> Unlike indentured servants, many convicts wanted to return to England. This desire, rather than any distinction by masters in their treatment of convict and indentured servants, accounts for the higher rate of convict runaways (Frederick Hall Schmidt, "British Convict Servant Labor in Colonial Virginia," [Ph.D. diss., College of William and Mary, 1976], pp. 220, 233, 266-267).

percent). Fifteen out of the sixteen convict runaways were men (93.8 percent), a higher ratio than the total twenty-three males out of thirty-two known convicts (71.9 percent).

The dissatisfactions that triggered servant flight arose from one of several specific complaints. The most dangerous if not the most common of these was a master's violence. As indicated by servant petitions to the county court for protection, masters might punish servants as long as they did not exceed a broadly defined community standard of "moderate correction." Servants complaining to the court of such excesses never named women as the offenders, so women who oversaw male servants presumably were unlikely to offer even "moderate" punishment. This comparatively better treatment probably accounts for the fact that out of a total of 111 runaway incidents no male servants deserted a mistress. If mistresses had any tendency to abuse women servants, it was masked in the runaway statistics by the relative tendency of women not to run off: only one woman servant fled from a mistress.<sup>98</sup>

Servants also ran away to escape close supervision by masters. Once again servant men found mistresses less objectionable than masters, since women were less likely to work in the fields beside their servants. The frequency with which servants ran away fluctuated seasonally, with the summer being the most popular time for flight: it was harder to work and easier to live outdoors during the warmest months (Table 9). The pace of a servant's work depended on more than the season, however. Masters in a vulnerable economic position were more likely to drive their servants in an effort to squeeze as much value as possible out of their

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<sup>98</sup> Four Augusta County women can be identified as holding servant contracts before 1770 (Augusta County OB 4:186, 7:458, 11:334; Margaret Campbell's will, Sept. 1769, Campbell Family Papers, Library of Congress, Washington, DC).

**TABLE 9. SEASONAL VARIATIONS IN CONVICT AND INDENTURED SERVANT FLIGHTS  
IN AUGUSTA COUNTY, 1738-1769**

	<b>Season known</b>		<b>Winter</b>		<b>Spring</b>		<b>Summer</b>		<b>Fall</b>	
	<b><u>No.</u></b>	<b><u>%known</u></b>	<b><u>No.</u></b>	<b><u>%known</u></b>	<b><u>No.</u></b>	<b><u>%known</u></b>	<b><u>No.</u></b>	<b><u>%known</u></b>	<b><u>No.</u></b>	<b><u>%known</u></b>
<b>Women</b>	12	13.0	2	2.2	0	0	8	8.7	2	2.2
<b>(Women alone)</b>	(8)	(8.7)	(1)	(1.1)	(0)	(0)	(5)	(5.4)	(2)	(2.2)
<b>Men</b>	80	87.0	21	22.8	16	17.4	28	30.4	15	16.3
<b>Total runaways</b>	92	100.0	23	25.0	16	17.4	36	39.1	17	18.5

Sources: Augusta County Order Books 1-14; *Virginia Gazette* 11 July 1751, 11 July 1754, 17 Oct. 1766 (P&D), 26 Feb. 1767 (P&D), 14 Apr. 1768 (R), 16 June 1768 (R), 23 June 1768 (P&D), 23 June 1768 (R), 14 July 1768 (R), 11 Aug. 1768 (R), 22 Dec. 1768 (P&D), 7 Sept. 1769 (R); *Pennsylvania Gazette* 11 Apr. 1765, 21 Aug. 1766, 23 June 1768; Chalkley, *Chronicles of Scotch-Irish Settlement* I:445.

investment. But despite the harsher working conditions they tended to impose on their servants, such masters suffered a smaller proportion of runaways than their share of the total known servant population (Table 10). This success in restraining servant flight can be traced to the nearly constant contact between hard-pressed masters and their dependents. Living together under a single roof and working together on just one farm made servant life not only harder, but more difficult to flee.

Masters with medium and large freeholds encountered more obstacles to the close control of their servants. On bigger farms masters were more likely to assign servants to independent tasks in distant fields. Moreover, these wealthier masters usually occupied political offices requiring their occasional absence from the farm: of the thirty-four masters of runaways owning more than four hundred acres, only two held no office. Disaffected servants readily exploited such absences, so that in exchange for wielding a broader authority in the county society as a whole, affluent men exercised less supervision over their own estates (Table 10).

Confronted with their inability to prevent servant flight, Augusta County masters of all ranks resorted to the same techniques and institutional controls that thwarted runaways throughout colonial Virginia. Masters set in motion the machinery for apprehending fugitive servants by alerting neighbors to their loss, usually with an advertisement posted at public places such as the court house and the county's various churches.<sup>99</sup> These notices included detailed descriptions of the runaway and any other information that might be useful for locating the truant. If a servant was likely to have escaped the county's boundaries, masters published similar advertisements in colonial newspapers. The full extent of this type of advertising is

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<sup>99</sup> Chalkley, *Chronicles*, I:445; Rutman and Rutman, *Place in Time*, p. 53.



TABLE 10. RELATIVE PROBABILITY OF CONVICT & INDENTURED SERVANT FLIGHT FROM MASTERS OF VARYING STATUS, AUGUSTA COUNTY 1745-1769

<u>Master's freehold status</u>	<u>No. of servants per economic cohort</u>	<u>No. of flights per economic cohort</u>	<u>Ratio of flights to servants held by this cohort</u>
1000 acres or more	36	16	1 : 2.3
1-999 acres	180	72	1 : 2.5
no land	64	22	1 : 2.9
town lot only	2	0	--
women	4	1	1 : 4.0
unknown	47	--	--
total	333	111	1 : 3.0

Servants were most likely to run away from masters with large freeholds and least likely to run away from women and masters with no property outside of Staunton. One man ran away, was captured, and later ran away again; both incidents are included in the above figures, so that the total number of fugitive servants was 110. Sources: no systematic tally of Augusta County dependent laborers survives. Most of the laborers noted above were mentioned in one or more of the following sources: Augusta County Order Books 1-14; Augusta County Deed Books 1-17; Augusta County Will Books 1-4; Orange County Order Book 2; William Preston Papers, Virginia Historical Society; William Preston Papers, Draper Mss. 1QQ - 6QQ (microfilm edition, 1980, reels 100-101), State Historical Society of Wisconsin; *Virginia Gazette*; and *Pennsylvania Gazette*. For landholding sources, see Chapter 2, note 2, above.

now incalculable, since probably more than two thirds of all Virginia newspapers are missing between 1738 and 1769. As a result, only fourteen Augusta County runaways are known to have been advertised. Though small, this sample still provides significant clues about the pursuit of Augusta County's fugitive servants.

Newspaper advertisements for runaways reached a much more narrowly defined audience than did similar notices tacked to public buildings within the county. Although a few Augusta County men subscribed to Virginia newspapers, masters used newspapers primarily to reach an audience outside the county.<sup>100</sup> This deliberate selection can be seen clearly in an advertisement by John McKemey, whose convict servant eloped on 1 May 1768. McKemey was so sure of the convict's destination that he completely ignored the Virginia papers--all of which survive for this year--and chose to advertise instead solely in the *Pennsylvania Gazette*.<sup>101</sup> Master Thomas Stewart likewise published his servant's defection in the same paper in 1765, but since the *Virginia Gazette* does not survive for that period it is impossible to ascertain if Stewart chose his audience as precisely as McKemey.<sup>102</sup> Still, the absence of any other advertisements for Augusta County's runaway servants in the *Pennsylvania Gazette* suggests that Stewart would not have advertised there without good cause. Virtually no North Carolina newspapers remain from before 1770, so it is impossible to know if Augusta County masters followed the same practice for that colony.

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<sup>100</sup> For an example of an Augusta County man of mid-level status and wealth subscribing to the *Virginia Gazette*, see David Robinson to William Preston, 1 May 1769, in Draper Mss. 2QQ 109.

<sup>101</sup> Two versions of the *Virginia Gazette* were published at this time, one by Rind and the other by partners Purdie and Dixon. A complete set of 1768 issues survives for each version. McKemey's advertisement appeared in the *Pennsylvania Gazette*, 23 June 1768.

<sup>102</sup> *Pa. Gazette*, 11 Apr. 1765, p. 3, col. 3.

In addition to their role in alerting readers in a geographically specific area to the flight of a servant, newspaper advertisements for runaways also targeted a certain type of reader. The advertisers could not hope to reach all of the people their runaway might encounter, but they knew that magistrates and sheriffs throughout Virginia followed such notices closely. This meant that runaways drawing the attention of those officials for any other reason were likely to be identified, seized, and secured until claimed by the master. Augusta County officials routinely performed the same service for masters from other counties, as when they apprehended a fugitive Irish convict servant named Mathew Thorp for stealing a sorrel gelding. Thorp not only was found guilty and referred for further trial to the General Court in Williamsburg, but upon checking the back numbers of the *Virginia Gazette* the county sheriff determined that Thorp "answers exactly the description of a man some time ago advertised" by his master in Westmoreland County.<sup>103</sup>

Advertisements for runaways in the *Virginia Gazette* reached an audience of about 800 subscribers, most of whom held extensive wealth and high social status.<sup>104</sup> The purchasers may have passed their newspapers to less affluent, non-paying readers, but presumably Augusta County masters aimed the notices for their truant servants at the subscribers. The advertisements, in other words, spoke primarily to those elites throughout the colony who enforced Virginia's system for snaring and returning runaway laborers. But if the audience for these

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<sup>103</sup> *Va. Gazette* (Rind), 10 Jan. 1771, p. 3, col. 2, and 2 May 1771, p. 3, col. 1; Augusta County OB 14:215.

<sup>104</sup> Robert M. Weir, "The Role of the Newspaper Press in the Southern Colonies on the Eve of the Revolution: An Interpretation," in Bernard Bailyn and John B. Hench, eds., *The Press & the American Revolution*, (Worcester, 1980), p. 113.

announcements consisted largely of society's upper crust, the advertisers decidedly did not. Of the fourteen Augusta County masters whose notices survive, only one owned more than a thousand acres.<sup>105</sup> While this sample is admittedly both small and incomplete, affluent Augusta County masters--men who could best afford the price of a newspaper advertisement--appeared confident that the normal friction of Virginia social intercourse would dampen and ultimately arrest the momentum of their runaway servants. Less wealthy masters purchased advertisements in order to speed that process, and to further diminish the chance that the servant would escape altogether.<sup>106</sup>

The chances of a fugitive servant achieving permanent freedom were already slight, even without a newspaper advertisement. Runaway laborers in colonial Virginia risked discovery with every social contact. Each new encounter with another person involved an evaluation by both parties, a mental estimation of the rank of the other. In a society that placed heavy emphasis on one's position in the hierarchy of status, runaways could not expect to avoid rigorous scrutiny. They could only hope to evade direct challenges to their assertion of independence, a frail prospect indeed given the complex standards by which status was measured. Too many clues pointed to the runaway's low condition: rough clothing, coarse manners, crude speech, lack of money. Too many people viewed low-status transients with suspicion: parish authorities anxious to avoid further burdens on their fellow taxpayers, county officers with an eye to the criminal potential of poor whites, straitened farmers hopeful of securing a cash reward for taking up a

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<sup>105</sup> *Va. Gazette* (Purdie & Dixon), 17 Oct. 1766, p. 3, col. 3.

<sup>106</sup> *Virginia Gazette* advertisements of moderate length cost only three shillings for the first week and two shillings for each week thereafter throughout the period of this study. For the earliest notice of these rates, see *Va. Gazette* 8 Oct. 1734, p. 4, col. 2.

fugitive, ambitious young men eager to prove their readiness for greater responsibility.<sup>107</sup> Runaways attempted to deflect suspicious inquiries with forged documents or, failing that, with glib but threadbare explanations.<sup>108</sup> Some attempted to avoid detection by changing their names, though they risked heavy penalties for the act.<sup>109</sup> Once seized, however, most responded to official questions with candor. When brought before a local magistrate by their captors, they confessed their status and identified their masters. The magistrate then committed them to jail, where they remained until returned to or claimed by their masters.<sup>110</sup>

Most fugitives captured within Augusta County belonged to local masters, but runaways from elsewhere in Virginia also fell into the net. Such outsiders clearly hoped to slip into obscurity on the frontier, as in the case of William and Hannah Daylies, Irish convict servants who fled from Richmond County through Essex County, where they reportedly claimed that "they lived in *Augusta*, and inquired the

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<sup>107</sup> For a detailed analysis of the indicators of social status and the process of evaluating a person's position in the hierarchies of colonial Virginia, see Isaac, *Transformation of Virginia*, pp. 18-138.

<sup>108</sup> *Va. Gazette* (Rind) 7 Sep. 1769, p. 4, col. 1; Augusta County OB 4:200.

<sup>109</sup> *Pa. Gazette* 11 Apr. 1765, p. 3, col. 3; *Va. Gazette* (Purdie & Dixon) 26 Feb. 1767, p. 3, col. 2; Hening, *Statutes at Large* IV:174, 5:552, VI:362-363. In 1749 the Augusta County court punished two recaptured runaways for changing their names, adding six months to each of their terms (Augusta County OB 2:154, 298).

<sup>110</sup> "An Act for amending the Act concerning Servants and Slaves; and for the further preventing the clandestine transportation of Persons out of this Colony," in Hening, *Statutes at Large* IV:168-173; "An Act concerning Servants, and Slaves," in *ibid.*, V:552-557; "An Act for the better government of servants and slaves," in *ibid.*, VI:363-367; "An Act to amend the act for the better government of Servants and Slaves," in *ibid.*, VIII:135-136.

road that way."<sup>111</sup> If the Daylies persisted on their course--and it is unknown whether they successfully crossed the Piedmont counties--then they passed through Augusta County without incident, but a number of their peers did not (Map 3). To their presumed chagrin, eastern runaways learned that on the frontier as throughout the Chesapeake region "the utmost vigilance [was] observed in detecting persons under suspicious circumstances who, when apprehended, [were] committed to close confinement, advertised, and delivered to their respective masters."<sup>112</sup>

This ubiquitous vigilance ensured that most Augusta County runaways remained at large for only short periods of time, as may be seen in the court records of seventy-one runaways recaptured before 1770.<sup>113</sup> Although two exceptional flights stretched on for 832 days, these extreme incidents lay far beyond the typical experience. The median absence for a recaptured Augusta County fugitive was only fourteen days. Servants remained at large for more than two months in only ten out of seventy-one cases (14.1 percent). Most truants quickly discovered that flight could not solve the continual calculus of position within Virginia's social hierarchy. Such social appraisals were inescapable and ultimately all but unbeatable: only the exceptional runaway servants could maintain the fiction of their freedom against a constant evaluation by authorities and opportunists.

Servants faced stiff punishments for their desertion. Perhaps some arrived at home after having been passed from constable to constable, with each new custodian administering a whipping. John McGinnis alias Dormaut, a runaway from Essex County, received such a sentence in the Augusta County court in 1748,

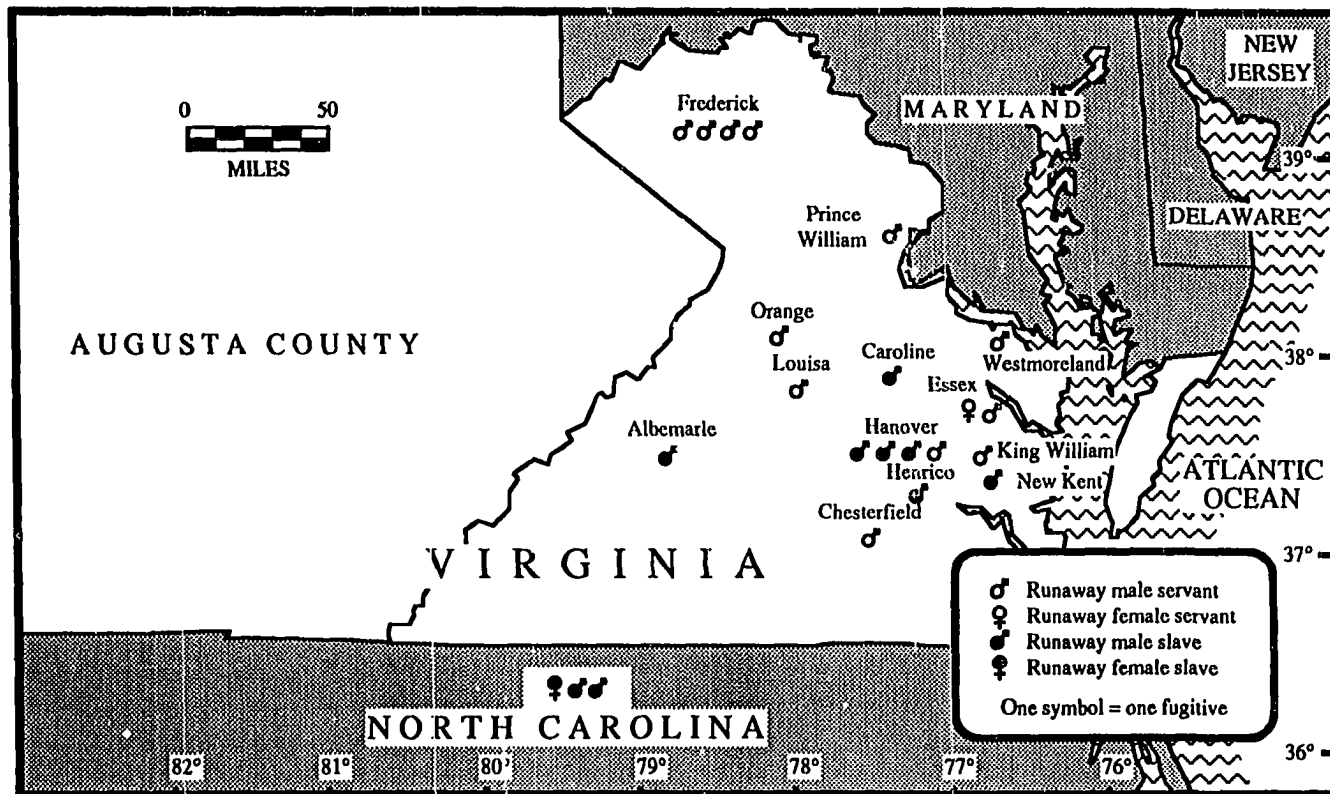
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<sup>111</sup> *Va. Gazette* (Purdie & Dixon), 26 Mar. 1767, p. 3, col. 2.

<sup>112</sup> Eddis, *Letters from America*, p. 28.

<sup>113</sup> A total of eighty-four runaways were taken up again during this period, but the length of their absence was not noted for thirteen of these.

MAP 3. ORIGINS OF FUGITIVE LABORERS CAPTURED IN AUGUSTA COUNTY, 1745-1769



The flights of twenty-three fugitive servants and slaves ended in Augusta County before 1770. Sources: Augusta County O.B. 2:5, 43, 48, 53, 3:196, 241, 473, 4:263, 318, 421, 491, 501, 6:143; *Virginia Gazette* (Rind) 22 Dec. 1768.

when the magistrates "ordered that he be tyed and conveyed from Constable to Constable till he be brought to his said Masters house and that he receive ten lashes on his bare back well laid on by each Constable."<sup>114</sup> But with this one exception, the Augusta County court did not order whippings of servants sent from constable to constable back to masters in other counties. Similarly, the court sentenced only two Augusta County runaways to lashings at the public whipping post, preferring to hand the great majority of servants back to their masters.<sup>115</sup> In light of the court's readiness to whip servants for other offenses, this restraint suggests that in most cases the magistrates did not perceive running off to be a public threat worthy of corporal punishment.<sup>116</sup> Instead, the justices deferred punishment to the masters, for whom Virginia law permitted ample restitution.

By statute, recaptured runaways owed their masters compensatory service in the amount of twice the length of their absence. Since the median flight of Augusta County servants lasted for only two weeks, this penalty alone was hardly draconian in practice. In most cases, however, compensatory service constituted only a small fraction of the runaway's total obligation, for in addition to the required service for absent time, servants were also liable for all expenses incurred by the master in the course of their recovery.<sup>117</sup> This liability punished servants far more severely than having to make up time lost, or even than taking a whipping.

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<sup>114</sup> Augusta County OB 2:5; Hening, *Statutes at Large* III:456-457.

<sup>115</sup> Runaway Charles Conner received 25 lashes in 1753, and John Meely took 39 lashes "for being of bad behaviour & frequently Eloping from his masters service" in 1756 (Augusta County OB 4:7, 5:177).

<sup>116</sup> The court ordered public whippings of servants on twenty-eight occasions before 1770 (*ibid.*, 1-14).

<sup>117</sup> Hening, *Statutes at Large* V:557, VI:367-68.



As elsewhere in Virginia, Augusta County justices of the peace established the liability of servants for their truancy when masters presented the runaways in court with an account of the expenses incurred in recapturing them. These expenses compounded quickly, for they might include advertising costs, reward money, property stolen by the servant, jailer's fees, sheriff's fees, clerk's fees, and transportation home. Having examined the accounts, the magistrates ordered the servant to repay the master in full. Servants liquidated this debt at the end of their contracted time with payments of cash or tobacco, or they served an additional term in lieu of such payment. In either case the servants faced enormous disadvantages. They might apply their freedom dues of £3.10 to the debt, but without their freedom dues most servants faced a future of continuing dependence. On the other hand, if servants chose to protect their cash dues by serving their master for an additional stint, they paid dearly for the money. Virginia statute set a grossly unfavorable exchange rate--for servants--of forty-five days of labor per ten shillings or one hundred pounds of tobacco spent by the master.<sup>118</sup> This settlement fell far below the market price for white labor: servants worked off their runaway expenses at a rate of two and two thirds pence a day, while free laborers in Augusta County made from four to twenty times as much.<sup>119</sup>

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<sup>118</sup> Ibid.

<sup>119</sup> Philip Fithian noted that laborers in Augusta County commonly earned wages as high as two shillings a day in 1775 (Robert Greenhalgh Albion and Leonidas Dodson, *Philip Vickers Fithian: Journal, 1775-1776* [Princeton, NJ, 1934], p. 147). Other sources support Fithian's generality while indicating that the rate for Augusta County day labor varied widely, depending on the task. In 1749 one worker charged four shillings on one day and five shillings on another for hauling logs. The same man also mowed for two shillings six pence per day, and reaped for two shillings three pence per day (*John Philips v. Valentine Sevier*, [1749], Augusta CH File Drawer 387). By contrast, another laborer fifteen years later received only one shilling a day for mowing, as well as one shilling a day for "working at Fodder & Corn" (George Scott, account to William Thompson, 3 Mar. 1764, Preston Family Papers, ViHi). A carpenter who built a grainery for a mill in

The Virginia formula for calculating servant debts greatly lengthened the terms of most runaways. Of eighty-nine cases for which the debt was recorded, only five (5.6 percent) owed less than ninety extra days. If all recaptured fugitives paid their runaway expenses with extended terms, the shortest obligation was forty-two days, the longest 2,315 days. The average extension ran 436 days, and the median totalled 315--the exact number of days needed to work off a debt of £3.10, the amount of a servant's freedom dues. Even if they offset their obligation by forfeiting every shilling of their dues, half of Augusta County's recaptured runaways still had time to serve.

There is no way to know what percentage of the Augusta County servant population turned truant, nor, having fled, what proportion of the runaways was taken up again. Given that servant flight eludes precise quantification, how should historians interpret this eloquent servant behavior? It might be argued that runaway servants evaded their contemporary masters as easily as they dodge modern historians, and that the captured fugitives represent only a minor fraction of all escape attempts.<sup>120</sup> Swallowed up by the vast North American interior with its chronic need for labor, perhaps most fugitives started anew as free workers, accumulating the capital needed to purchase a farm and eventually settling into a life of modest independency. But if extensive numbers of successful runaways might be expected to live quietly ever after, their masters could hardly be supposed to bear their losses silently. Virginia masters were notoriously vociferous about economic

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1759 also received only one shilling a day for his efforts (John Robinson, receipt, 25 July 1759, Account Book of William Preston, Draper Mss. 6QQ 159 [microfilm edition, 1980, reel 101], State Historical Society of Wisconsin)

<sup>120</sup> For the suspicion "that for every servant who was recaptured...there were many more who were never recovered", see Baeman, *Evolution of the Southern Backcountry*, p. 45. Baeman offers no evidence in support of this opinion, however.

infringements on their own independence, venting their outrage in private journals, personal correspondence, newspapers, and petitions to the colonial government. There was no general outcry over servant flight, however, and few Augusta County masters even went so far as to advertise for their fugitives in colonial newspapers.

Arguably the silence of masters reflected a different economic calculation: instead of losing money when a servant ran off, perhaps masters made a net profit. If servants remained at large, masters escaped the payment of freedom dues, a potential relief in Virginia's cash-poor economy. But this argument for one rational economic calculation by masters collides with another such equation: masters' expenses were calculated at rates that guaranteed significant extensions of servant obligations. More importantly, the masters most likely to run short of money represented an overwhelming proportion of the masters paying for newspaper advertisements, and their announcements all offered cash rewards for seizing their runaways. Clearly, then, the typical master's quiescence did not indicate a strategy for evading cash payments for dues.

The responses of masters to the flights of their dependents strongly suggests that although the proportion of the servant population which ran off remains incalculable, the experience of the known runaways was representative of that for the unknown fugitives as well. All servants thus enjoyed only a slim chance of successful escape, and once retaken they faced heavy financial penalties for their flight. Yet despite the obvious hazards, some persisted in running off. Did servants accept the risks of flight as the price of a chance at liberty? Given the experience of their less rebellious peers, this interpretation of fugitive motive is unlikely. Even the well-behaved Augusta County servants rarely attained a freehold, and without the capital of their freedom dues, runaways faced a still poorer prospect of achieving independence. Most probably, fugitives sought no

more than a respite from their situation. They cared little about the extended terms that punished such truancy because they expected to serve one master or another for the rest of their lives.

Servants and masters came to Augusta County with a deeply ingrained understanding of dependency and authority. Whether they hailed from Pennsylvania or Piedmont Virginia, Northern Ireland or the Rhine basin, white frontier settlers had known since childhood that society revolved around an axis of patriarchal authority. Yet despite their shared perceptions about the organization of social hierarchies, many white immigrants to Augusta County faced an alien social force in the form of chattel slavery. While they understood relations among each other, they could not always immediately comprehend slavery's mores and nuances. Many black pioneers also found the Virginia variant of European patriarchy unfamiliar, for while some of Augusta County's first slaves were veterans of American bondage, others came directly from Africa with no clear understanding of their assigned roles as permanent dependents. White and black settlers alike had much to learn, and quickly.<sup>121</sup>

Two forces shaped that education, and thus directed the evolution of slavery in Augusta County. The first involved cultural background: since settlers came to the frontier from three continents, their prior experience played a key role in molding the social contours of racial bondage. Regardless of their earlier preparation, immigrants to western Virginia also found that their life was shaped by unique geographic and economic factors. Shut off from any significant participation in the

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<sup>121</sup> For an early narrative of slave experiences in western Virginia that is based on other secondary sources, see J. Reuben Sheeler, "The Negro on the Virginia Frontier," in *Journal of Negro History* 43 (1958), pp. 279-297.

tobacco trade by the Blue Ridge Mountains, Augusta County planters did not even begin to develop a staple crop until the latter 1760s, several years after the firm establishment of slavery. The social environment of frontier slavery thus differed from that of eastern Virginia both in the diversity of its participants and the distinctiveness of its economy.

The varied origins of immigrants to Augusta County guaranteed that the extent of previous contact with bondage varied widely among all settlers, black as well as white. At one extreme, some newcomers to Augusta County had a lifetime's experience with American slavery. Will, a slave born in the West Indies about 1750, was brought to the frontier via Philadelphia when he was twelve years old. By the time he reached Augusta County he had been owned by at least two earlier masters, and by his late twenties he had been purchased twice more. As an adult, if not before, he spoke English well, an indicator of extensive acculturation.<sup>122</sup> Will's knowledge of slavery thus included both his youthful perceptions of bondage in the Sugar Islands and a glimpse of city life in Philadelphia. By contrast, other Augusta County slaves were at least third-generation Americans, imbued with a detailed knowledge of the traditions and practices of slavery in Virginia.<sup>123</sup> For them, slave life involved a constant lack of control over their own destinies, but also included extensive ties and contacts with numerous other blacks, many of whom were women or children. This creole slave culture not only provided a richer context for social interactions among blacks, but also helped some recently arrived Africans adapt to life as subordinates in this new world.<sup>124</sup>

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<sup>122</sup> *Va. Gazette* (Dixon and Hunter), 4 Dec. 1778, p. 4, col. 2.

<sup>123</sup> *Va. Gazette* (Rind) 8 Nov. 1770, p. 2, col. 3.

<sup>124</sup> For an extensive description of slave life in Augusta County's Piedmont neighbors, see Philip D. Morgan, "Slave Life in Piedmont Virginia,

Just as one portion of the black pioneers knew slavery all too well before they arrived in Augusta County, a few white settlers also had extensive knowledge of the institution. John Madison, clerk of the Augusta County court, was born into the Tidewater Virginia gentry. The son of a King and Queen County militia captain, Madison developed his extensive frontier landholdings with slaves whom he housed in eastern-style quarters.<sup>125</sup> Madison was exceptional, however, for the great majority of Augusta County's white settlers immigrated from Northern Ireland or German-speaking Europe via Pennsylvania.<sup>126</sup> As a result, most masters spent little time living with slavery before purchasing their first slave.

These early masters relied primarily on other Augusta County slave owners for their introduction to slavery. Such lessons could carry a stiff price, as the unscrupulous Joseph Tees demonstrated in 1753. Tees owned several slaves, one of whom, a boy of eleven named Gloster, posed an annoying problem. Gloster had a quarrelsome personality and a sickly body: one visitor to Tees's house discovered the boy "in a verry bad Condition his side all bur[n]t and sore and Cold and Shivering." When advised to pay more attention to Gloster's needs, Tees replied that "he aīd not care what became of him for he was good for nothing." On another occasion, a different observer found Tees and his slaves "in the field at work," followed at some distance by the stragglng boy. Tees asked this second visitor "whether he did not want to buy a negro," but the caller rebuffed Tees's

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1720-1800," in *Colonial Chesapeake Society*, ed. Lois Green Carr, Philip D. Morgan, and Jean B. Russo (Chapel Hill, 1988), pp. 438-483. For quantitative details of slavery's expansion into the Piedmont, see Philip D. Morgan and Michael L. Nicholls, "Slaves in Piedmont Virginia, 1720-1790," *WMQ* 3d ser. XLVI (April 1989), pp. 222-227.

<sup>125</sup> Lyon G. Tyler, ed., *Encyclopedia of Virginia Biography* vol. 1 (New York, 1915), p. 282; Augusta County OB 6:35.

<sup>126</sup> Mitchell, *Commercialism and Frontier*, p. 43.

overture, replying that "he did not but if he did [he] would have nothing to do with that boy . . . for that he was much swell'd and unhealthy." Tees's commentator concluded his remarks with the disparaging assessment that he "would not give three bits" for Gloster.

Tees apparently realized that he must market the ailing Gloster soon or not at all, for his two visitors would surely spread the news of the boy's infirmities. The master accordingly arranged to sell Gloster to Samuel McCune, a small landowner who knew nothing about slaves.<sup>127</sup> Tees told McCune that Gloster was "a Good Sound healthy negro . . . worth six pounds per annum." While Tees admitted that Gloster "had got a Cough with [i.e., from] going to the top of the mountain with him," he assured McCune that the boy "was a good worker and never lost an hours work."

McCune accepted Tees's word, agreed to a price of £45 payable in several installments, and took Gloster home. By nightfall Gloster was "in a verry bad Condition having a verry bad Cough, Shortness of breath and very much swell'd in his Leggs and Belley to a great degree." McCune sought medical treatment for Gloster within a few days, taking the boy "to a person to be blooded." By then it "appeared by the Shortness of breath as if the Pangs of Death were upon him," so McCune asked Tees to take Gloster back and refund the purchase price, less £5 for Tees's trouble. Tees deflected McCune's request for a refund by offering to help the novice sell Gloster to someone else, if in turn McCune would not give Tees "a bad Character" around the neighborhood. McCune again followed Tees's instructions, publicly declaring that not only was the purchase satisfactory, but that "the said Tees had proved an honest man thereon." Prompted by Tees, McCune

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<sup>127</sup> McCune owned 176 acres in Beverley Manor that he purchased from William Beverley in 1749 (Augusta County Deed Book 2:421-422).

offered "the s[ai]d Slave to sale to sundry persons affirming that he was a good boy and Could work as well as himself at Grub[b]ing thrashing or the like." When asked why he wanted to part with Gloster, McCune explained "that his wifes dislike to negroes was his reason for offering him to sale."

But Gloster had been sold for the last time. His swelling and coughing worsened, until at last "he could not so much as pull off[ ] his Shoes & Stockings or do any manner of work." By May 1753 the slave's health "was so bad that he was Expected to die Every night for some nights," and at last he did, some six months after being sold by Tees. When McCune paid his final installment on the dead boy, Tees "offered to allow him seven pounds ten shillings out of the Price" if McCune would not sue, but for once McCune could not be misled. He petitioned the Augusta County court for relief from the perfidious Tees, and a jury awarded him £31 damages in March 1754. Given an original purchase price of £45, McCune's venture into slaveholding cost him a hefty £14 plus the medical bills for Gloster's treatment. The loss ultimately stemmed from a combination of ignorance and naiveté, as McCune subsequently acknowledged: "being ask't how could he buy such a distemper'd Negro the s[ai]d McCune replied that he was no judge, that Tees told him all negroes was so."<sup>128</sup>

Gloster's final sale and the events surrounding it provide useful insights into the evolution of slavery in Augusta County. Clearly slavery formed an important component of neighborhood conversation, as evidenced by the extensive comments offered by neighbors to both Tees and McCune. Persons less gullible than Samuel McCune could learn a great deal about slaves from similar discussions, to include

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<sup>128</sup> Augusta County OB 4:139-141.



much functional information about their maintenance and character, without risking the purchase price.

In addition to conveying these economically useful details, such conversations also built or reinforced negative racial attitudes toward blacks. When McCune lied about "his wives dislike to negroes," he alluded to a sentiment that apparently had substantial currency in Augusta County, even at this early date--otherwise the lie would have been implausible, and McCune's mentor Tees never wanted for a persuasive fiction. Such antipathy toward blacks probably was reinforced by gossip about Gloster's mysterious illness. Gloster died a horrible death, and when his body was examined just three hours later it was "found to be [so] much swell'd that he purg'd and smelt bad."<sup>129</sup> The physical details of the slave's decline and demise left such a vivid impression on white viewers and listeners that when McCune sued Teas to recover his losses the jury members repeatedly mentioned Gloster's extraordinary bloating, using a form of the verb "to swell" six times in their report. White people simply did not die like that, at least not in the experience of Augusta County farmers from Pennsylvania or Europe. Almost certainly the gruesome aftermath of Gloster's death underscored existing white prejudices concerning the racial inferiority of blacks.<sup>130</sup>

If most whites came to Augusta County knowing little about Virginia-style slavery, one sector of black immigrants knew even less. Of all the people involved in frontier slavery the least experienced were those just arriving from Africa. Some

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<sup>129</sup> Ibid., 4:140.

<sup>130</sup> Winthrop Jordan suggests that when whites recoiled from gruesome aspects of slavery they typically salved their horror by dehumanizing the victims (*White Over Black: American Attitudes Toward the Negro, 1550-1812* [1968, repr. New York, 1977], p. 233). Rather than engendering sympathy, then, Gloster's death was more likely to compound the racial prejudices of whites in Augusta County.

of these were adults sent in lots directly from their ships to Augusta County masters, as with "sixteen slaves sold from the True Blue" in 1759 and "three Negers from the marquis of Rockingham" in 1760.<sup>131</sup> In the absence of tithable lists for Augusta County during this era the total number of African imports is incalculable, but one portion of them, the children, can be tallied precisely.

Virginia law required masters to certify the ages of their newly acquired African children in the appropriate county court.<sup>132</sup> Seventy-three Augusta County masters registered ninety-one children between 1753 and 1767 (Fig. 6).<sup>133</sup> In general these certification rituals conformed statistically to patterns elsewhere in Virginia. Registrations crested in August, reflecting the greater frequency of slave ship arrivals in June and July (Fig. 7).<sup>134</sup> As in Piedmont Virginia the average age of both boys and girls declined over time, although Augusta County's child slaves typically were over a year older than their Piedmont cousins (Table 11). The most pronounced distinction of Augusta County slave children lay in the distribution of their genders. From 1753 to 1767 boys outnumbered girls by a ratio of two to one, while in the Piedmont the two sexes were roughly balanced (Table 12).

Who taught African children how to be American slaves? In most cases their masters dominated their education, for only seven out of the seventy-three masters (9.6 percent) can be identified as owning other slaves before procuring an African

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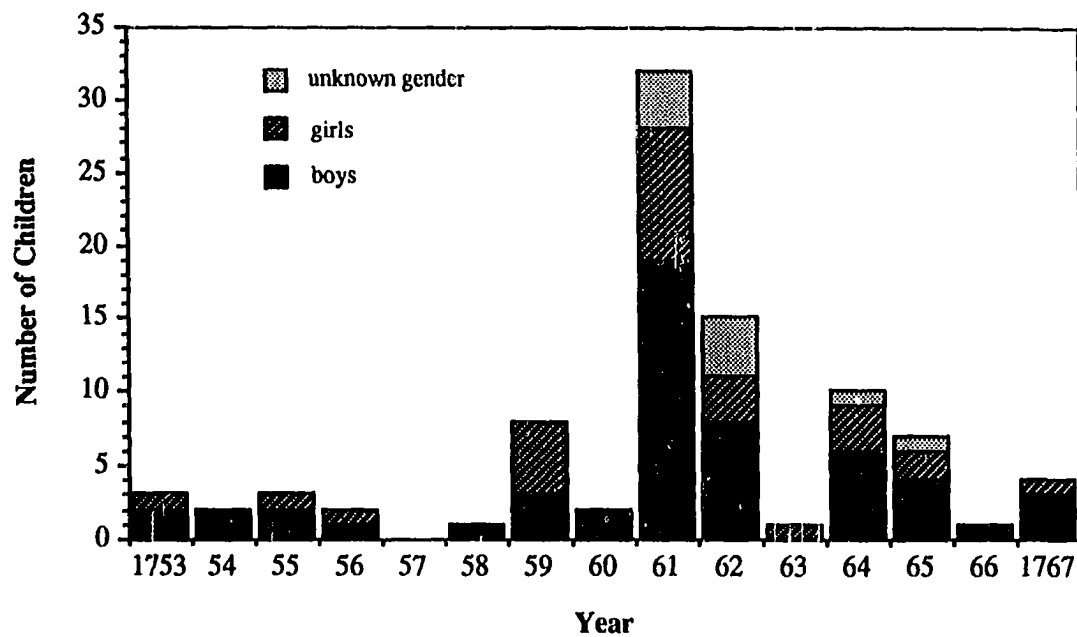
<sup>131</sup> William Preston receipt for sum paid for 16 slaves, 28 Aug. 1759, Preston Family Papers, ViHi; Thomas Lewis to William Preston, 4 Sept. 1760, Preston Family Papers, ViHi.

<sup>132</sup> Hening, *Statutes at Large* III:258-261, VI:40-44. For a detailed analysis of African child registrations in Piedmont county courts, see Morgan and Nicholls, "Slaves in Piedmont Virginia," pp. 217-223, 247-251.

<sup>133</sup> Augusta County OB 3:444 to 11:232.

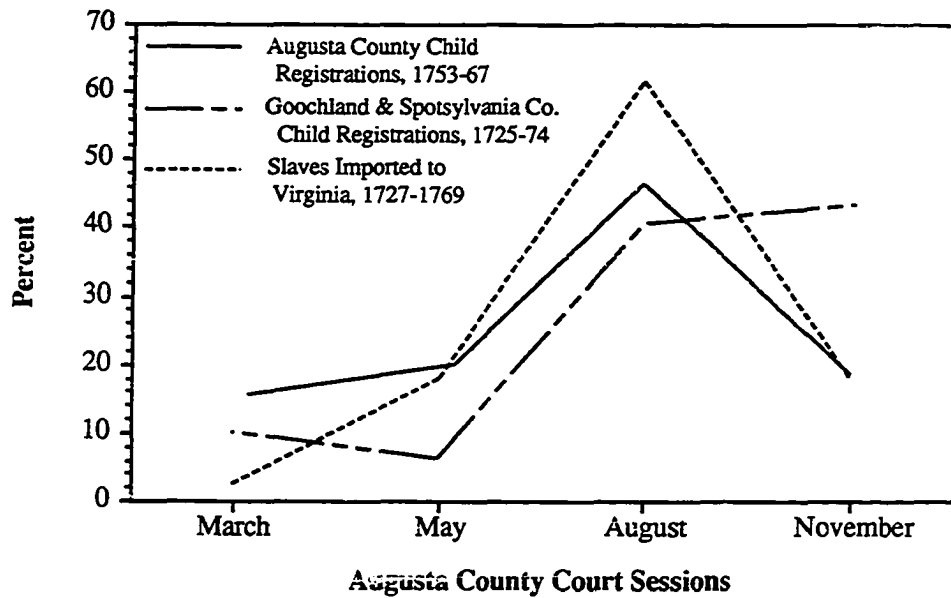
<sup>134</sup> Morgan and Nicholls, "Slaves in Piedmont Virginia," pp. 250-251.

FIGURE 6. REGISTRATION OF AFRICAN SLAVE CHILDREN  
AUGUSTA COUNTY, VIRGINIA, 1753-1767



No African children were registered in Augusta County before 1753 or in 1768 and 1769.  
Source: Augusta County O.B. 3:444 - 11:232.

FIGURE 7. SEASONAL VARIATION IN AFRICAN SLAVE IMPORTS



Sources: Augusta County O.B. 3:444 - 11:232; Morgan and Nicholls, "Slaves in Piedmont Virginia," p. 250.

TABLE 11. COMPARISON OF AVERAGE AGES OF AFRICAN CHILDREN

1750-1769

	<u>1750 - 1759</u>		<u>1760 - 1769</u>	
	<u>Boys</u>	<u>Girls</u>	<u>Boys</u>	<u>Girls</u>
Augusta County*				
average age in years	11.8	12.4	10.3	11.5
number	11	8	45	20
Piedmont Virginia				
average age in years	11.0	11.1	10.1	11.0
number	473	467	561	520

\* None registered before 1753 or between 1767 and 1769

Sources: Augusta County Order Books 3:444 - 11:232; Morgan and Nicholls, "Slaves in Piedmont Virginia," p. 223.

TABLE 12. REGIONAL COMPARISONS OF RATIOS  
OF REGISTERED AFRICAN BOYS TO REGISTERED AFRICAN GIRLS  
1750-1769

	<u>1750 - 1759</u>	<u>1760 - 1769</u>
Augusta County	1.38*	2.25†
Central Piedmont	1.08	0.92
Southside	0.97	1.16
Northern Piedmont	0.95	1.31

\* n = 19 children

† n = 65 children

Augusta County masters registered ninety-one children -- including fifty-six known boys and twenty-eight known girls -- between 1753 and 1767. Because the genders of seven children cannot be identified, the Augusta County figures listed here differ slightly from totals given in the text. No African children were registered in Augusta County before 1753 or between 1767 and 1770. (Sources: Augusta County Order Books 3:444 - 11:232; Morgan and Nicholls, "Slaves in Piedmont Virginia," p. 222.)

child. Even this figure could be high: since the identification of slave owners is not systematic, a master might not have retained his earlier slave at the time he purchased a child. To diminish still further the role of slaves in educating black newcomers, the children known to have been purchased by masters currently holding other slaves were not always permitted to live with the older hands. William Preston owned at least sixteen other slaves when he registered the boys Swift and Jack, aged 15 and 14 years respectively, on 24 May 1760.<sup>135</sup> Seven months later he sent the young Africans to live with George Patterson, a renter of Preston's, whom they were to help work a thirty-acre field of corn and oats. Preston delegated the daily care of Swift and Jack to Patterson, agreeing to provide food, clothing, and tools for the slaves if the renter's family would "Cook the Negroes Victuals & Wash their Shirts."<sup>136</sup> Swift and Jack thus learned the routines of frontier farm life from Patterson and his family, not from Preston's other slaves.<sup>137</sup>

The lessons administered to Africans by whites who were themselves newcomers to Virginia-style slavery probably had an uneven quality, since neither whites nor blacks initially held a common perspective on slavery. Depending in part on individual personalities this shakedown period may have provided opportunities for some frontier slaves to create a relatively unabused life, but the

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<sup>135</sup> Preston receipt for slaves, 28 Aug. 1759, Preston Papers, VHS; Augusta County OB 6:387.

<sup>136</sup> William Preston and George Patterson, memorandum of agreement, 23 Jan. 1761, Breckinridge Family Papers, Roanoke Valley Historical Society.

<sup>137</sup> The process of acculturation in Augusta County thus differed from that in eastern Virginia, where most African newcomers learned slavery on plantations with a mixture of creoles, newcomers, and acculturated Africans. (Kulikoff, *Tobacco and Slaves*, pp. 330-334)

quality of slave relationships with masters also depended on external economic pressures beyond the control of either.

Other frontier slave societies--those of contemporary Georgia, for example--acquired a well-deserved reputation for harshness, with masters driving slaves to produce staple crops in a debilitating environment.<sup>138</sup> This was not the case in Augusta County, however, for farmers initially grew no staple crops. Numerous frontier settlers sold produce from the county's earliest days, but they did not buy slaves in order to increase their exports of grain, livestock, or butter.<sup>139</sup> Using the registration of African children in Augusta County as a rough index, the importation of slaves preceded the exportation of agricultural staples, most notably hemp, by a number of years. Imports of Africans crested in the early 1760s, while production of hemp did not begin in earnest until 1767 (Figs. 6, 8, 9).<sup>140</sup> Even then the crop never approached the ubiquity of tobacco in eastern Virginia: in 1769, the county court validated hemp bounty claims for only 214 men out of 1,585 freeholders (13.5 percent).<sup>141</sup> Judging from the activities of Augusta County's known slaveholders, slavery played a relatively minor role in hemp production, both in the number of slaveowners planting hemp and in the amount of hemp certified (Figs. 8, 9). The largest slaveholder of the 1760s, William Preston, made but one hemp

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<sup>138</sup> Jordan, *White over Black*, pp. 261-263; Peter H. Wood, *Black Majority: Negroes in Colonial South Carolina from 1670 through the Stono Rebellion* (New York, 1974), pp. 74-79.

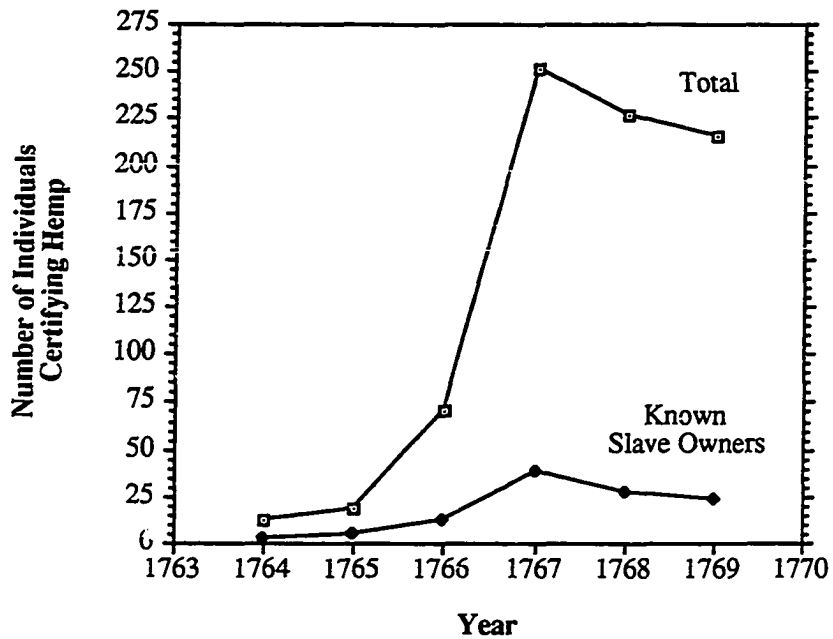
<sup>139</sup> Mitchell, *Commercialism and Frontier*, pp. 135-149.

<sup>140</sup> For details of hemp production in western Virginia, see Mitchell, *Commercialism and Frontier*, pp. 163-166.

<sup>141</sup> One Augusta County woman, Jane Muldrough, also received hemp certificates in 1769 (Augusta County OB 12:198). Since the tally of freeholders does not include women, her contribution to hemp production is omitted from the above proportion.

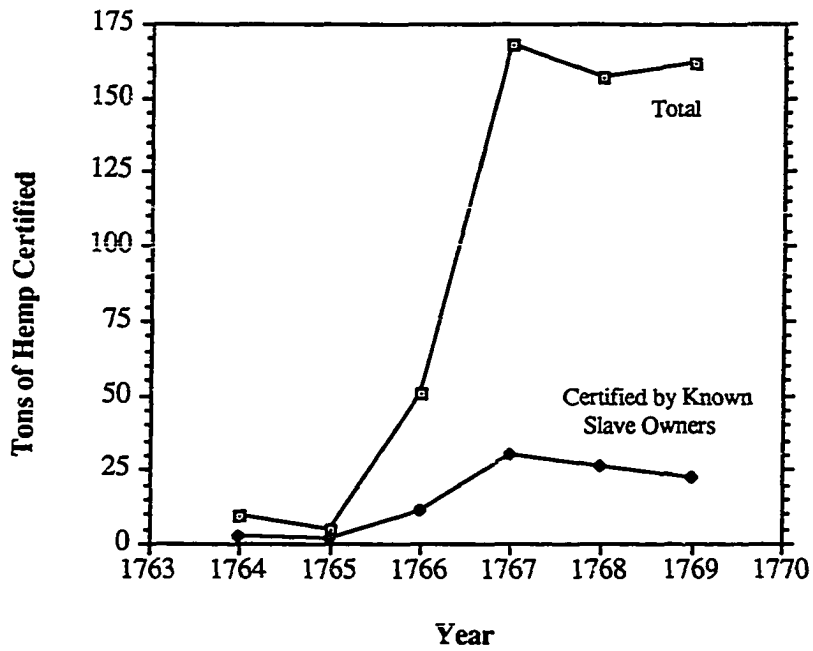


FIGURE 8. PARTICIPATION BY SLAVE OWNERS IN  
AUGUSTA COUNTY HEMP PRODUCTION, 1764-69



Sources: for hemp, Augusta County O.B. 8:387-14:60. No systematic tally of the Augusta County slave population survives for this period. Most of the known slaves were identified from Augusta County O.B. 1-14, Augusta County Will Books 1-4, Augusta County Deed Books 1-17, Preston Family Papers, ViHi, and William Preston Papers, Draper Mss QQ.

FIGURE 9. TONNAGE CONTRIBUTED BY SLAVES  
TO AUGUSTA COUNTY HEMP PRODUCTION, 1764-69



Sources: see Figure 8.

crop, and that ranked as only the fifteenth largest total weight certified for an individual in 1768.<sup>142</sup> Preston's relative lack of involvement seems typical for masters, whose representation among hemp producers declined steadily in Augusta County after 1765 (Fig. 10).

If masters did not buy slaves in order to meet an expanding demand for agricultural staples, why *did* they purchase slaves? The best clues as to purchaser motives lie in the wealth and status distinctions among the masters who registered African children. Forty-eight out of the seventy-two men purchasing African children (66.6 percent) owned little or no land.<sup>143</sup> This proportion slightly exceeds that represented by the forty-four purchasers holding minor or no political office (61.1 percent), which suggests that some of the masters with small freeholds were sons of more influential men. In general, however, the economic standing of most purchasers of African children resembled that of Samuel McCune, the small freeholder who was Gloster's last master. At the opposite end of the economic spectrum, William Preston and just eight other purchasers (12.5 percent) owned more than one thousand acres. Counting Preston, twelve men (16.6 percent) held high political office when they purchased African children (Table 13).

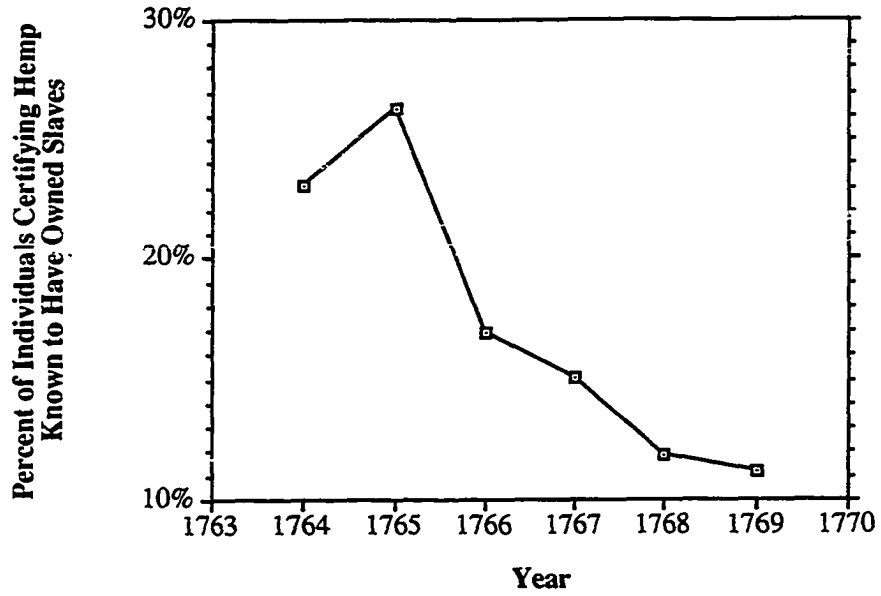
The economic motives impelling affluent men like Preston to purchase slaves may be readily inferred. To large freeholders, slavery offered a reliable source of labor for the development of their extensive real estate tracts. As one contemporary observer noted on the nearby Maryland frontier, slaves were preferable to wage laborers because "labouring Men are not to be had always," and even when

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<sup>142</sup> Augusta County OB 11:489 to 13:34.

<sup>143</sup> One woman bought an African child: Elizabeth Crawford registered a ten-year old boy named Prince on 19 June 1764, making a total of 73 purchasers of African children before 1770 (Augusta County OB 8:497).

FIGURE 10. SLAVE OWNERSHIP BY HEMP PRODUCERS  
AUGUSTA COUNTY, VIRGINIA, 1764-1769



Sources: see Figure 8.

TABLE 13. STATUS OF MASTERS  
REGISTERING AFRICAN CHILDREN  
IN AUGUSTA COUNTY, 1753-1767

**13a. Master's Freeholding**

<u>Master's freeholding status</u>	<u>No. of masters registering slave children</u>	<u>Proportion of all masters registering slave children</u>
MEN	72	98.6%
1000 acres or more	9	12.3%
401-999 acres	14	19.2%
1-400 acres	32	43.8%
owned no land	16	21.9%
town lot only	1	1.4%
WOMEN	1	1.4%
TOTAL	73	100.0%

**13b. Master's Officeholding**

<u>Master's officeholding status</u>	<u>No. of masters registering slave children</u>	<u>Proportion of all masters registering slave children</u>
MEN	72	98.6%
high office	12	16.4%
middle office	16	21.9%
low office	28	38.4%
no office	16	21.9%
WOMEN	1	1.4%
TOTAL	73	100.0%

Sources: for slave children, Augusta County Order Books 3:444 - 11:232; for land, see Chapter 2, note 2, above; for offices, Augusta County Order Books 1 - 14; for definitions of office ranks, see Table 7 above.

available "they eat up the Profits."<sup>144</sup> But if slaves represented a medium risk, long term capital investment for William Preston and his gentlemen peers, they offered a very different opportunity for farmers like Samuel McCune. In McCune's words, a slave "Could work as well as himself at Grub[b]ing thrashing or the like."<sup>145</sup> McCune and his peers acquired slaves to reduce the brute toil that gentlemen never endured--digging stumps from fields, or threshing grain amid choking clouds of dust and chaff. Frontier gentlemen bought slaves for the future, but small farmers bought them for the present.

Only a few of Augusta County's slaves are known to have worked as anything other than field hands during the earliest days of slavery.<sup>146</sup> Most slaves performed the same agricultural tasks as their owners, sometimes laboring alongside a master, as did the slaves of Joseph Tees. This shared experience was a mixed blessing. Raising grain in Augusta County was not nearly so burdensome as growing rice and indigo in South Carolina or Georgia, or sugar in the Caribbean islands, but the numerous slaves laboring to produce those staples shared a broader and presumably richer community life than that available to the few slaves on Virginia's frontier.<sup>147</sup> For slaves in Augusta County, performing the same tasks as white farmers also meant living under virtually constant supervision by their masters.

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<sup>144</sup> Louis Ourry to Henry Bouquet, 29 Nov. 1761, Bouquet Mss., Library of Congress, Washington, DC.

<sup>145</sup> Augusta County OB 4:141.

<sup>146</sup> A number of slaves labored in the New River lead mine, and at least one worked in the Mossy Creek iron works (John Pendleton Kennedy, *Journal of the House of Burgesses of Virginia, 1766-1769* [Richmond, 1906], p. 66; *Va. Gazette* [Dixon and Hunter] 4 Dec. 1778, p. 4, col. 2).

<sup>147</sup> Wood, *Black Majority*, pp. 195-217.

The advantages and disadvantages of slave life in Augusta County are difficult to weigh with respect to other areas of the British colonies, but a comparison of slaves prosecuted for felonies in a Tidewater county and on the western frontier shows clearer distinctions in the quality of slave life within colonial Virginia. In the twenty-four years between 1746 and 1769, the Augusta County court convicted slaves of felonies on eight occasions.<sup>148</sup> During another twenty-four year period, beginning in 1730 and ending in 1754, Richmond County magistrates convicted sixteen slaves, but this apparently higher frequency was due to that county's much more numerous slave population--1,235 tithable slaves in 1755, compared to 40 taxable slaves counted in Augusta County during the same year.<sup>149</sup> While the exact number of frontier slaves is unknown for any other year in this study, Augusta County's slave population clearly produced a much higher proportion of convicted felons than did its counterpart in Richmond County.

Several factors probably contributed to this relatively greater rate of prosecutions per slave on the frontier. Eastern Virginia slave owners sometimes exported their fractious slaves during the eighteenth century, and while many of these deportees

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<sup>148</sup> Courts of oyer and terminer handed down six convictions (Augusta County OB 6:35, 8:325, 11:488, 12:133-134, 13:72-73). A called court ordered that a slave receive a lashing and lose an ear (*ibid.*, 14:59) A regularly scheduled court ordered the castration of a slave (*ibid.*, 5:125)

<sup>149</sup> Hoffer and Scott, eds., *Criminal Proceedings in Colonial Virginia*, pp. 133-134, 180-181, 181-182, 187-188, 213-214, 222-223, 225-226, 227-228, 232-233, 236-238, 239-242, 244-246. The 1730 death while in prison of the slave James is counted as a conviction because the court ordered the sheriff to quarter James's body and impale the head on a pole (*ibid.*, pp. 133-134) The 1745 trial of Scipio is counted as a conviction because although acquitted of the charge of storebreaking Scipio received 39 lashes for escaping from jail and refusing to reveal the name of the person who assisted him (*ibid.*, pp. 225-226) For 1755 slave and white tithable counts see "A List of Tithables Sent the Lords of Trade," 23 Feb. 1756, in Brock, ed., *Dinwiddie Papers*, pp. 352-353. Slave tithables were defined as slaves of both genders aged sixteen years and older; white tithables were males only of eighteen years or more.

were shipped to the Caribbean or to other mainland colonies, some doubtless ended up in Augusta County and similar frontier markets.<sup>150</sup> The relatively high proportion of adult Africans among Augusta County's initially small slave population may have increased the likelihood of overtly rebellious behavior.<sup>151</sup> Possibly a lack of familiarity with the nuances of slave discipline led Augusta County magistrates to prosecute slave felonies more vigorously, but the identical acquittal rates in Augusta and Richmond counties--20.0 percent--suggests that white inexperience contributed little to the greater frequency of felony prosecutions on the frontier.<sup>152</sup>

The self-destructive behavior of Thomas Lewis's slave Hampton fleshes out the statistical evidence that frontier slaves pushed hard against the limits imposed by their masters, even in the face of extraordinary punishments. Hampton's downward spiral began in 1756, when Lewis complained to the Augusta County court that "Hampton frequently absconds from his service." To make matters worse, the slave "several times attempted to ravish Ann West and other white women." Lewis proposed to the magistrates that "to prevent the like mischief [Hampton] be dismembered," and the court accepted the master's solution,

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<sup>150</sup> Virginia codified the informal practice of transportation in 1801, requiring that all deportees be sold out of the state (Philip J. Schwarz, *Twice Condemned: Slaves and the Criminal Laws of Virginia, 1705-1865* [Baton Rouge, 1988], pp. 11, 27-29, 100).

<sup>151</sup> Orlando Patterson, *The Sociology of Slavery: An Analysis of the Origins, Development and Structure of Negro Slave Society in Jamaica* (1967; Cranbury, NJ, 1969), pp. 275-276.

<sup>152</sup> Two Augusta County slaves and four Richmond County slaves were acquitted (Augusta County OB 2:353, 8:386; Hoffer and Scott, *Criminal Proceedings*, pp. 150-151, 215, 225-226). See also note 149 above.



authorizing Lewis to "employ any such skilfull person as he shall think proper to castrate the s[ai]d slave."<sup>153</sup>

Despite his emasculation, Hampton continued to threaten the peace in Augusta County. At different times in 1757 he broke into a number of houses "with force and arms," stealing four shillings from a white woman, a rug and sundry goods from the slaves of another master, and a jacket, two shirts, a hat, a razor, a knife, and other items worth a total of £1.3.3 from three white men. When arraigned in Augusta County court for his alleged depredations, Hampton "said he was in no wise thereof guilty," but the four magistrates hearing his case--two of whom had approved his castration the previous year--thought otherwise. The court ordered the sheriff to hang Hampton, and recorded his value as £43 so that master Thomas Lewis could obtain compensation from the colonial government for his loss by the execution.<sup>154</sup>

By his various crimes Hampton repeatedly expressed resentment and contempt for his master, for white women, for the property of white men, for other slaves--in short, for every aspect of his enslavement. Castrating Hampton neutralized only one form of expression for his anger. Ultimately white authorities could not ignore Hampton's flamboyant challenges, and from their perspective the only remedy for his rebellious attitude was execution. Given such an uncompromising response to

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<sup>153</sup> Augusta County OB 5:125. For the punitive context of castration, see Schwarz, *Twice Condemned*, pp. 22, 156, 162-163.

<sup>154</sup> Augusta County OB 6:35-36. For the statutory authorization to pay masters for their losses by the execution of a slave, see Hening, *Statutes at Large* VI:107. For the practice and implications of compensation in Virginia, see Schwarz, *Twice Condemned*, pp. 11, 20, 40, 52-53, 73. For an analysis of compensation in North Carolina, see Marvin L. Michael Kay, "'The Planters Suffer Little or Nothing': North Carolina Compensations for Executed Slaves, 1748-1772," *Science and Society* 40 (1976), pp. 288-306.

assertions of independence by slaves, what sort of social climate awaited that handful of free blacks who voluntarily brought themselves to the frontier?

More than any other single factor, white reaction to immigrating blacks depended on whether the newcomers appeared to be legally free or merely runaways who had liberated themselves. County authorities dealt easily with the latter type, using the same procedures for apprehension and return that worked so well with indentured servants. By the end of 1769, the flight of ten runaway slaves ended in the Augusta County jail (Map 3). In Virginia as a whole, most fugitive slaves ran off in order to see their relatives, to live as free persons in towns, or to reject completely both slavery and the country where slavery grew.<sup>155</sup> Of those possibilities, the militant rejection of slavery alarmed whites more than any other motive. Masters occasionally raised the spectre of an alliance between slaves and Indians, as when Augusta County magistrate William Fleming warned Virginia's governor that Indian raiders were "saving and Carressing all the Negroes they take," but in reality such fears probably afford a truer gauge of settler tensions over Indian raids than of the insurrectionary threat posed by a union of slaves and Indian warriors.<sup>156</sup>

Runaway blacks faced the same social friction that hindered the flights of white servants, but compounded by a racial identity as permanent dependents. Similarly, legally free blacks who sought to establish an independent living in Augusta County found that racial prejudices multiplied the already-daunting obstacles confronting ordinary whites seeking to purchase land. Despite formidable odds, however, at

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<sup>155</sup> Mullin, *Flight and Rebellion*, p. 106.

<sup>156</sup> William Fleming to Gov. Fauquier, 26 July 1763, Draper Mss. 3ZZ 50, as transcribed in George Reese, ed., *The Official Papers of Francis Fauquier, Lieutenant Governor of Virginia, 1758-1768* (3 vols.; Charlottesville, 1980-83), 2:998.

least one free black held freehold title to Augusta County real estate before 1770. His story illustrates the evolution of racial prejudice among white settlers in the county, and illuminates the options and limitations experienced by free blacks on the Virginia frontier.

His name was Edward Tarr, and he first appears in the annals of Augusta County as an unnamed "Free Negro" visited by a party of Moravian ministers in October 1753. These ministers traversed the length of Augusta County from north to south via a major route that came to be known as the Great Wagon Road, passing through the Augusta County seat at Staunton on 24 October and pitching camp that evening some eight miles past the courthouse. The following day they resumed their journey, noting that the "road runs constantly south-west." After making six miles they paused for breakfast, then continued six more miles before halting at noon. The diarist of the trip did not record the mileage they covered in the afternoon, but that evening they set up camp on a hill about a half mile short of "the only smith in these parts." Assuming their rate of advance during the afternoon was comparable to that of the last two days, the ministers probably were about thirty miles southwest of Staunton.

One of the Moravians travelled ahead to this blacksmith shop in order to have a horse shod. He returned in the evening to tell his companions that the smith, a free black, and "his wife, who was a Scotch woman, were very friendly." The couple told their visitor "that they had recently come hither from Lancaster" County, Pennsylvania, where they had often heard Moravian preachers, both in Lancaster County and in Philadelphia. Nor was their interest in the Moravian message superficial: "they were now reading the 'Berliner Reden,'" a collection of sermons published in German. "During the night the woman baked bread," and she and her husband served breakfast to some of the Moravians the following morning. She

also begged that when the ministers returned from North Carolina to Pennsylvania that "they would not pass them by but [would] stop and speak to them, for they loved people who spoke of the Saviour." The fact that such speech might be in German did not matter, because "[t]he negro understood German weil."<sup>157</sup>

The Moravian's unnamed "Free Negro" was remarkable for having the resources and skills to set up and run his own blacksmith shop, for fluency in German, and for living with a white woman--the description of her as a wife probably was inaccurate. Within seven months the man added yet another distinction to his list of accomplishments by purchasing the land on which he was living when the Moravians passed by. The purchase transferred 270 acres on Mill Creek, about thirty miles southwest of Staunton on the Great Wagon Road, to Edward Tarr (Map 4).<sup>158</sup> Tarr's occupation as a blacksmith was confirmed the following year in the Augusta County court's assignment of responsibility for maintaining a stretch of the Great Wagon Road from Isaac Taylor's to Tarr's shop.<sup>159</sup> His racial identity surfaced in the documentary record two decades later,

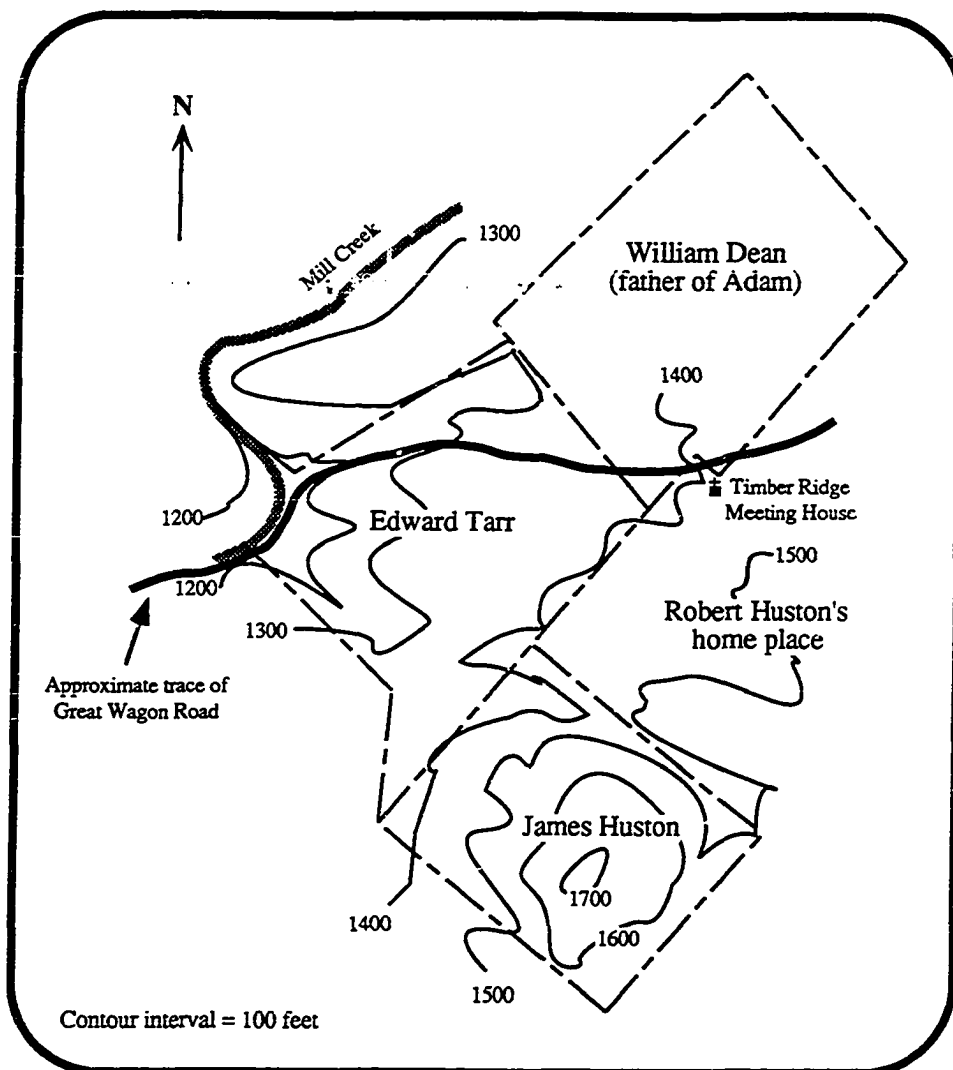
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<sup>157</sup> Fries, "Diary of the Moravians," pp. 338-339.

<sup>158</sup> Tarr was named as a resident of Augusta County when he purchased the land from Jacob Gray for £60 on 15 May 1754 (Augusta County Deed Book 6, pp. 212-214). Jacob Gray bought the land from Isaac Gray, who in turn purchased it from Benjamin Borden, Jr., heir of the original patentee (*ibid.*, 3:365-368, 4:354-356). For approximate locations of original purchaser Isaac Gray's tract and the neighboring pieces of property, see J.R. Hildebrand, "Map showing 92,100 acre grant for Benjamin Borden," Virginia State Library. Hildebrand's map should be used as a guide to the relative positions of tracts, not a definitive locator. Interchange 53 of the modern U.S. Interstate Highways 64 and 81 lies within the colonial bounds of Tarr's land. For distance to Staunton, see "General Highway Map, Augusta County," and "General Highway Map, Rockbridge County," (Richmond: Virginia Department of Transportation, 1987). Modern U.S. Highway 11 essentially follows the route of the Great Wagon Road in these counties (William Couper, *History of the Shenandoah Valley* [3 vols.; New York, 1952], 1:351).

<sup>159</sup> Augusta County OB 4:411.

MAP 4. SKETCH RELATING LOCATION OF EDWARD TARR'S LAND  
TO THAT OF KEY NEIGHBORS



Sources: Augusta County Deed Book 1:461-462, 2:120-122, 6:212-214; Augusta County Will Book 3:21; Cornwall Quadrangle, USGS Virginia 7.5 Minute Series (Topographic).

when an Augusta County magistrate described the same tract of land as belonging to "*Edward Tarr, commonly known by the name of Black Ned.*"<sup>160</sup>

Tarr's land lay about thirty miles south of Staunton astride the Great Wagon Road. As far as official records are concerned Tarr lived and worked on his land without incident for several years, but beginning in 1760 Tarr's luck began to sour. Acting on a grand jury presentment, the king's attorney prosecuted him on 24 November for unlawfully retailing liquor.<sup>161</sup> Augusta County magistrates commonly used such prosecutions to force lower class settlers into more submissive behavior, as was almost certainly true in this instance. Tarr probably made a conciliatory gesture to the county officials and endured a period of probation, because the king's attorney discontinued the case on 24 August 1761.<sup>162</sup> Pressured by the liquor charge, Tarr attended the following court session in November 1761, where he recorded a certificate of his freedom given under the hands of two Augusta County magistrates.<sup>163</sup> Neither Tarr nor the court had thought such a validation necessary seven years earlier when he recorded his land deed from Jacob Gray, but by the early 1760s the mood of the county was shifting perceptibly.

Under normal circumstances Tarr's attempt to renew the legitimacy of his relatively high status would have provided a measure of social insurance, but he could never get enough coverage for some catastrophes. In September 1763 an Augusta County slave named Tom shot his master, John Harrison, Jr., in the back.

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<sup>160</sup> *Va. Gazette* (Pinckney), 9 Feb. 1775, p. 3, col. 3. Original italics.

<sup>161</sup> Augusta County OB 6:349, 459.

<sup>162</sup> *Ibid.*, 7:102.

<sup>163</sup> *Ibid.*, p. 145.

According to official records Harrison "languished the Space of Twelve Hours" before dying, suggesting that he received help soon after the attack, but family tradition holds that Harrison died in the corn field where he was shot, and that his body lay undetected for so long that once found it had to be buried immediately in the field.<sup>164</sup> In either case, the crime sent a tremor through the county. The slave Tom was soon captured, and stood trial on 9 November 1763. Tom confessed, and the court ordered "that he be hanged by the Neck Untill he be dead . . . and that then his head be Severed from his body and affixed on a Pole on the Top of the Hill near the Road that Leads from this Court House to Edward Tar[r]'s." And hang him they did: six days later the county levy included a credit of 343 pounds of tobacco to sheriff John Bowyer "for Executing Negro Tom."<sup>165</sup>

Displaying the severed heads of executed slave felons was deliberately macabre but not unusual. Virginia officials commonly ordered such exhibits to intimidate other slaves, but why did the court link Harrison's murder to Edward Tarr by ordering Tom's head to be placed on a pole near Tarr's house?<sup>166</sup> Harrison and his field hands lived at the northern end of Augusta County, some sixty crow-flight miles from Edward Tarr, so Tom's head struck little fear in the hearts of slaves near the scene of the crime.<sup>167</sup> Instead the court was sending a signal to a free man,

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<sup>164</sup> For the traditional account, see J. Houston Harrison, *Settlers by the Long Grey Trail: Some Pioneers to Old Augusta County, Virginia, and Their Descendants, of the Family of Harrison and Allied Lines* (1935; Baltimore, 1984), p. 181.

<sup>165</sup> Augusta County OB 8:325-326, 328.

<sup>166</sup> In the great majority of cases, Virginia courts ordered the display of an executed slave's head as part of a sentence for crimes against white persons rather than for crimes against property (Schwarz, *Twice Condemned*, p. 15, 72, 81-82).

<sup>167</sup> Harrison, *Settlers by the Long Grey Trail*, p. 160.

Edward Tarr. The spiking of Tom's head "on the Top of the Hill" near Tarr's land was a threat made doubly unnerving by the membership of the court of oyer and terminer that convicted Tom and ordered his decapitation and display. Two of the magistrates present had signed Tarr's certificate of freedom two years earlier. Their judgement now sent the chilling message that the tolerance formerly granted by high-ranking officials to Augusta County's leading free black was rapidly evaporating.

Tarr's fall from grace accelerated over the next week. On 15 November, six days after Tom's conviction, an Augusta County grand jury presented a white woman, Ann Moore, "for living and Cohabiting with a Negro called Ned."<sup>168</sup> Ann Moore had a long association with Edward Tarr, and quite possibly she was the "Scotch woman" whose enthusiasm for the Moravian message so impressed Bishop Spangenberg. Less speculatively, when Edward Tarr was prosecuted for illegal liquor sales in November 1760, Ann Moore's name immediately followed his on an indictment for disturbing the peace.<sup>169</sup> The pairing of the two names continued in the court's 24 August 1761 report of prosecutions, but while the magistrates dropped Tarr's charges they indefinitely continued the case against Ann Moore.<sup>170</sup> Based on the conjunction of Ann Moore's name with Edward Tarr's in 1760 and the Scotch or Scotch-Irish origins of her name, it appears that by the time she was presented for an illicit sexual relationship with a black man, Moore almost certainly had been living with Tarr for at least three years, and possibly the relationship began over a decade earlier. Given that the Moravian ministers found

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<sup>168</sup> Augusta County OB 8:326-327, 9:64.

<sup>169</sup> *Ibid.*, 6:459.

<sup>170</sup> *Ibid.*, 7:102.



them openly sharing a house on the busiest road in the county, this could hardly have surprised county officials in 1763.

But if affluent county officials were willing to tolerate Tarr's long-established practice of living with a white woman, lower ranking settlers felt less permissive. Their annoyance surfaced in the 15 November 1763 grand jury presentment of Ann Moore for her association with Tarr. The presentment had a highly personal quality, because one of Tarr's next door neighbors, James Huston, served as the jury's foreman, and another next door neighbor's son, Adam Dean, also sat as a jury member (Map 4).<sup>171</sup> Neither Dean nor Huston held any county office before their appointments, an unexceptional fact in Dean's case but a very rare occurrence for a grand jury foreman like Huston. The selection of Huston marked the first time in thirteen years--and the first time in the last eighteen consecutive grand juries--that a foreman brought no prior official experience to this important post. By comparison, Huston's immediate predecessor, a vestryman, served on seven previous grand juries. The foreman to serve next after Huston was a proccessioner with experience on four earlier grand juries.<sup>172</sup>

The elevation of James Huston had great significance in Tarr's saga. Augusta County magistrates sometimes selected inexperienced men for responsible positions

<sup>171</sup> James Huston owned 200 acres adjoining Tarr's southeastern property line (Augusta County Will Book 3:21; Augusta County Deed Book 2:120-122; Hildebrand, "Borden Map"). Adam Dean's father, William Dean, owned 265 acres adjacent to the northeastern edge of Tarr's property (Augusta County Deed Book 1:461-462; Hildebrand, "Borden Map;" Augusta County Will Book 5:107-108).

<sup>172</sup> The grand jury foreman of 1762, Thomas Gordon, occupied a seat on Augusta Parish's original vestry and served on grand juries in 1747, 1749, 1751 (twice), 1754, 1756, and 1757 (Augusta Parish VB 1, 3, 4, 157; Augusta County OB 1:192, 2:288, 561, 3:202, 4:320, 5:240, 6:39, 7:355). Robert Christian, grand jury foreman in 1764, served as a proccessioner in 1747 and on grand juries in 1749, 1750, 1756, and 1758 (Augusta Parish VB 6; Augusta County OB 2:104, 485, 5:110, 6:208, 9:157).

as an endorsement of their leadership potential, but not in Huston's case: after 1763 he was not appointed to another office for at least as late as the end of 1770. Given his lack of credentials for the job, Huston's selection as a grand jury foreman probably reflected his complaints to the sheriff or to magistrates about the black man who lived next door. Shaken by the murder of John Harrison, county authorities withdrew their toleration of Tarr and gave a normally unqualified neighbor a one-time opportunity to vent his hostility by harrasing the woman Tarr lived with.

The wording of Ann Moore's grand jury indictment reveals the extent of Huston's animosity toward Tarr. Previous county records--the deed to Tarr's land, the records of his grand jury prosecution, his certificate of freedom, the assignment of responsibility for road maintenance, and the definition of boundaries for tracts of land belonging to white men--invariably referred to "Edward Tarr." Although in his daily encounters with white society he may have been "commonly known by the name of *Black Ned*," in the crucial arena of the law Tarr always retained the dignity of a white man's name. Huston attempted to remove even that badge of status by accusing Ann Moore of living "with a Negro called Ned."<sup>173</sup> Despite both a certificate of freedom and independent economic standing as a landowner, the accusation stripped the free man Edward Tarr of his surname and referred to him only by a diminutive form of his first name. White men called their slaves in the same way.

Huston's attack apparently drove Ann Moore out of the county. On 25 May 1765 she failed to appear at the grand jury court to answer her long-standing charge for disturbing the peace and the more recent complaint of living with a black man.

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<sup>173</sup> Augusta County OB 9:64.

To discourage her from ever returning, the magistrates fined her in absentia for the two offenses, five shillings and costs for the first charge, one thousand pounds of tobacco and cask for the second.<sup>174</sup> Edward Tarr likewise bent to his neighbor's pressure, moving off his land but refusing to leave Augusta County.<sup>175</sup> Thanks in part to his skill as a blacksmith, Tarr continued to live among the white people he had known for years. His personality undoubtedly also helped ease some tensions, for he managed to reestablish himself in the good graces of magistrate James Lockhart, who supported Tarr in 1761 by signing his certificate of freedom but then participated in the conviction and decapitation of slave Tom in 1763. Somehow Tarr won back the magistrate's protection by 1767, when Lockhart presided over the Augusta County court that ordered the payment of almost £8 to Tarr "for repairs to the prison of this County."<sup>176</sup> With that order Tarr exited the county's documentary records. A white newcomer to Augusta County purchased Tarr's land in 1772, but because the deed was recorded in the now-destroyed General Court records, it is impossible to know if Tarr was alive at the time of the purchase.<sup>177</sup>

Had Tarr been a white man, he might have lived out his days unconventionally but unmolested on his Mill Creek land. For all of racism's considerable role in dictating the terms of his life, however, it is important to recognize that the legal machinery used to suppress Tarr's independence operated no less effectively

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<sup>174</sup> Augusta County OB 9:431, 432.

<sup>175</sup> On 22 Nov. 1764 the county clerk referred to the landmark of a decade's tenure as "Edward Tarrs old Shop," indicating that Tarr no longer lived and worked there (*ibid.*, 4:411, 9:172).

<sup>176</sup> *Ibid.*, 10:478.

<sup>177</sup> *Va. Gazette* (Pinckney), 9 Feb. 1775, p. 3, col. 3; Augusta County Deed Book 26:64.

against upstart white men. County officials pressured Tarr for racial reasons, but the techniques they used could manipulate whites as easily as blacks.

The operation of those techniques can be viewed in detail in the career of Edward Tarr's prosecutor and next-door neighbor, James Huston. James probably was raised as a Presbyterian by his father Robert, an early settler in Augusta County who provided the land for the Timber Ridge meeting house.<sup>178</sup> Robert Huston died in 1760, leaving James Huston and two other sons as minor orphans. Although the loss undoubtedly was a blow to the youths, Robert had accumulated a middle-sized estate before his death, and so bequeathed a small freehold to each of the boys. James thus inherited the two hundred acres of land southwest of his father's home place, adjoining Edward Tarr.<sup>179</sup> The tract gave James a freeholding status that few of his peers in Augusta County could match, but as farmland it compared unfavorably with many other sites in the area. Most of the two hundred acres consisted of a steep knoll, which severely limited any agricultural potential, and because the property lay well off the main traffic artery in the area, the Great Wagon Road, its commercial value was also negligible (Map 4). Given that the Robert Huston family had not lived on this tract, it probably lacked improvements as well. James Huston's legacy thus gave him independence, but with only a slim margin for error. His economic insecurity almost certainly was compounded by a sense of social vulnerability, for although he could draw support from other family members, he had lost his primary social sponsor, his father.

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<sup>178</sup> The Timber Ridge meeting house already stood on Huston's land in 1759 when he sold slightly more than an acre to the congregation's trustees for the nominal price of five shillings (Augusta County Deeds 8:212).

<sup>179</sup> Augusta County Will Book 3:20-21.

Huston was still in his early twenties when he headed the grand jury that presented Ann Moore for living with Edward Tarr. Given the quality of his education and his shaky toehold on independence, how would this young man have reacted to his observations of neighbor Edward Tarr? Almost everything about Tarr contradicted the tenets of Huston's upbringing. As a black, Tarr should have been a permanent dependent, but instead he was a freeholder. To make matters still more irritating for Huston, Tarr's land was well watered and more fertile, but thanks to his skill as a blacksmith Tarr could afford to neglect some of his land's agricultural advantages. The black man's home was a social center--that much is plain from his prosecution for illegal liquor sales--and the court's order to impale a slave felon's head nearby suggests that at least some of his clients were black people, free or otherwise. Lower class whites also frequented Tarr's place, such as the mother of Joseph Vance, an illegitimate child temporarily cared for by Tarr in 1759.<sup>180</sup> Finally, as an ultimate affront, Tarr lived with a white woman. Virginia law prohibited interracial marriages, not to mention fornication, but county officials seemingly ignored Edward Tarr's blatantly illicit relationship with Ann Moore.

Tarr thus led what appeared to be a very fulfilling life--financially secure, socially busy, sexually active--while flaunting the customs that gave order to James Huston's world. Given Huston's education in frontier-style dependency, his upbringing in the shadow of a Presbyterian meeting house, and his precarious economic situation, the young man's motives for protesting Ann Moore's affair with Tarr are understandable. But if Huston's behavior had clear causes, the purpose behind the response by Augusta County officials to Huston's complaint is not so immediately obvious. Instead of merely instructing Huston to lay his

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<sup>180</sup> Augusta County OB 6:296. For the churchwarden indenture binding Vance to John Bowen, Jr., see Augusta Parish VB, p. 247.

accusation before the grand jury, county leaders put Huston in charge of the grand jury. For no apparent reason, the appointment breached a firmly established protocol regarding the appointment of seasoned men as grand jury foremen.

Their departure from normal procedures reveals that county officials perceived a need for an extraordinary response both to Huston's explicit complaint against Ann Moore and to his implicit criticism of free black independence. By vesting Huston with a new but temporary political power, the county's elite leadership accomplished two crucial ends. First, they renewed their own credibility as the local source of social authority--tarnished by their long tolerance of Ann Moore's liaison with Tarr--by delegating the clout necessary to correct the situation. As a ritual, that delegation not only endorsed Huston's status as an independent man, but also reaffirmed and bolstered the status of the more wealthy and powerful county officials.<sup>181</sup> At the same time, Huston's appointment served a second, preemptive, end. If the county leadership gave Huston less than full recognition, they ran the risk of creating a dissident with a valid complaint against the legitimacy of their claim to omnipotence in county social affairs. If Huston were dissatisfied with his treatment at their hands, he might with good cause challenge the county leadership and rally other disaffected men against the local elite.

The majority of settlers in colonial Augusta County lived out their lives as dependents of one sort or another: wives, sons, daughters, bound children, wage laborers, indentured servants, convicts, or slaves. Elite men in the county faced a daunting problem in controlling this mass. Obviously the high-ranking social authorities could not handle the job through direct oversight, for their own laborers

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<sup>181</sup> Isaac, *Transformation of Virginia*, pp. 113-114.

ran away more frequently than any others. How then did the elite maintain any semblance of social order on the frontier?

The solution applied by Augusta County leaders relied upon decentralized control. Members of the local elite delegated the responsibility for supervising the county's subordinates to that majority of all masters, the men who were barely independent. Such men typically resembled James Huston in youth, economic vulnerability, and indoctrination in deferential behavior. Unlike servants and slaves, most of whom expected to be dependents for the rest of their lives, these marginal masters scrambled constantly to defend their independence. They were reliable overseers because their self interest linked them economically and socially to the county elites. By manipulating access to land and political power through hundreds of small transactions and minor appointments, Augusta County leaders effectively controlled the men who supervised the labor force.

For frontier society as a whole, such regulation produced a generally stable if highly restrictive environment. Insecure small freeholders shored up that stability by zealously enforcing the statutes and conventions of Virginia-style deference. As long as a handful of elite men arbitrarily dispensed land and power, this system was unbeatable by any of its lesser participants. James Huston and his hard-pressed peers realized that the traditional rules of social order offered their best chance for remaining independent, so they willingly participated in the enforcement of those rules. Elite control over frontier resources thus generated and exploited a constant struggle among people with limited means, producing an environment in which the fears of men like James Huston throttled the hopes of men like Edward Tarr.

CHAPTER IV  
FOR MINE IS THE KINGDOM:  
RELIGIOUS DIVERSITY AND SOCIAL UNITY

A majority of Virginia's frontier inhabitants repeatedly chose the comforts of the tents of the ungodly over those offered by the mansions of heaven. This tendency can be seen clearly in Augusta County during the 1740s, when some 390 Presbyterian adults sponsored child baptisms. Of those sponsors, about one out of every five owned no land at the time and did not subsequently acquire land in the county (Table 14). Strikingly, this ratio between landless and freeholding sponsors represented almost the inverse of their proportion in the county at large: during the same period, freeholders averaged only about one quarter of the county's tithable white population.<sup>1</sup> In other words, people with an economic stake in society demonstrated the most interest in church services. The landless, by contrast, saw little reason to engage in religious rites, even fundamental ones such as baptism.

Despite their own religious activism, the freeholders of Augusta County tolerated a notable degree of apathy among their landless contemporaries. Between 1746 and 1769, county grand jurors presented no landless people for failure to attend church.<sup>2</sup> At first glance, this nonchalance by the landed minority apparently

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<sup>1</sup> During the four years between 1746 and 1749, the proportion of freeholders to white tithables was 27.16 percent, 21.74 percent, 29.37 percent, and 32.06 percent respectively. Total tithable figures for the years before 1746 are not available. For calculation of freeholding ratios, see Chapter 2, n. 2.

<sup>2</sup> During the same period, grand juries presented three freeholders for failure to attend church. Two of the offenders, George Campbell and John Moore, were Presbyterians; the affiliation of the third, Joseph



TABLE 14. SPONSORS OF PRESBYTERIAN BAPTISMS  
IN AUGUSTA COUNTY, OCTOBER 1740 to SEPTEMBER 1749

<u>Status of Sponsor</u>	<u>Number of Sponsors</u>	<u>Proportion of Total Sponsors</u>
<u>Women Sponsors</u>		
Widows:	3	0.8%
Unwed mothers:	2	0.5%
Mistress of unwed servant:	1	0.3%
Unspecified relationship:	1	0.3%
Total women sponsors:	7	1.8%
<u>Men Sponsors</u>		
Sponsor owned land at earliest baptism:	89	22.8%
Sponsor acquired land after earliest baptism:	210	53.8%
Sponsor owned no land as of 31 Dec. 1770:	84	21.5%
Total men sponsors:	383	98.2%

Two of the male sponsors were masters of the baptized children, and one was the master of the child's mother. The remaining 380 men were fathers. (Sources: for baptisms, Diary of John Craig, 1740-1749, microfilm in Union Theological Seminary, Richmond; for landholding, see Chapter 2, note 2, above)

contradicts modern interpretations of religion's social role in colonial Virginia. Historians such as Rhys Isaac and Dell Upton argue that the established church in eastern Virginia reinforced elite social values, but churches in Augusta County attracted only a small fraction of the potential landless audience.<sup>3</sup> The unchurched remainder thus missed their Sunday schooling in hierarchical values, an educational gap which seems to have been of little concern to county authorities.

Despite its apparently limited popularity, however, religion played a key role in the organization and functioning of Augusta County's society. In the course of their worship, freeholding families affirmed two critical aspects of their social identity. In relation to each other, freeholders reaffirmed gradations of status and power. At the same time, they reminded themselves of their united identity as the leaders of the county. This second by-product of organized worship was as critical as the first: in order to lead effectively, Augusta County's elite had to maintain not only its own legitimacy, but also its own unity.

West of the Blue Ridge Mountains, religious practices took on a character distinctive from that of the eastern part of Virginia. The inhabitants of Augusta County enjoyed a wide--though exclusively Protestant--range of theological options. (Table 15) Viewed with hindsight, this mixture of beliefs seems potentially volatile, especially given the evangelical enthusiasm attending the mid-century Great Awakening. Surprisingly, though, people in Augusta County

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Skidmore, is unknown (Augusta County Order Book [hereafter cited Augusta County OB] 5:107, 6:459, 7:103, entries dated 24 Mar. 1756, 24 Nov. 1760, 24 Aug. 1761 [microfilm] Virginia State Library and Archives [hereafter cited as Vi]). For sources of general statements concerning landholding in Augusta County, see notes to Figure 1 of this chapter.

<sup>3</sup> Rhys Isaac, *The Transformation of Virginia, 1740-1790* (Chapel Hill, NC, 1982); Dell Upton, *Holy Things and Profane: Anglican Parish Churches in Colonial Virginia* (Cambridge, MA, 1986).

TABLE 15. RELIGIOUS AFFILIATION OF FREEHOLDERS  
IN AUGUSTA COUNTY, 1738-1769

<u>Denomination</u>	<u>Number of freeholders</u>	<u>% of total freeholders</u>
Anglicans	31	1.3
Baptists and Quakers	12	0.5
German Reformed, Lutheran, or Germanic name	282	11.5
Presbyterians	793	32.4
(Positive identification as Presbyterian)	(683)	(27.9)
(No ID, but last name starts "Mc")	(110)	(4.5)
Unknown	1,329	54.3
<b>Total</b>	<b>2,447</b>	<b>100.0</b>

Sources: for names of freeholders, see Chapter 2, note 2, above. For affiliations, see Diary of John Craig, 1740-1749 (microfilm in Union Theological Seminary, Richmond); Timber Ridge Subscribers, 22 July 1753, in Preston Family Papers, ViHi; Tinkling Spring Commissioner Book, 1741-1767 (microfilm) UTS; "Agreement between the Reformed and Lutheran Congregations," 31 Oct. 1769, in *WMQ* 1st ser. XIII (April 1905), p. 248; Augusta Parish Vestry Book, 1747-1787, Vi; Minutes of the Smith Creek/Linville Creek Meeting, mss. in Baptist Historical Society, University of Richmond, Virginia; New Providence Church Papers, 14 Nov. 1771, Alderman Library, University of Virginia; Augusta County Deed Books 1:444, 6:331, 7:16, 14:450, 19:84; Augusta County OB 9:167, 12:145; Hanover Presbytery Minutes, 1758-1769, pp. 117-118, as quoted in Wilson, *The Tinkling Spring*, pp. 170-171. Sons were counted in the same denomination as their fathers if there was no evidence of other affiliation. In cases where two or more men with the same last names were positively identified as members of one denomination, and where no one with that last name was identified as belonging to another denomination, all men with that last name were counted in that denomination. None of the men whose last names began with "Mc" were positively identified as anything but Presbyterian, so all men whose names began "Mc" were counted as Presbyterians.

avoided major confrontations over religious differences, demonstrating instead as much concern for social order as for the theological content of religious beliefs.

The county's Anglican minority attended repetitive, formal Church of England services that emphasized the relationship between man and state as much as that between man and God. Old Side Presbyterians shared some Anglican concerns for solemn and decorous ceremony, but disagreed over certain doctrinal aspects of the service. To a greater extent than in Anglican congregations, Presbyterian sermons focused pointedly on man's depravity and God's judgement. Following the Great Awakening in the 1740s, Presbyterianism included a New Side distinguished by an emphasis on evangelism and on conclusive demonstrations of conversion.

A more radical denomination, the Separate Baptists, were even more demonstrative, sharing their emotions and religious experiences to a degree unacceptable to staid Presbyterians and Anglicans. Baptists criticized Anglican and even Presbyterian ceremonies for their sterility, and in contrast Baptist rituals contained a powerful emotional charge that contributed heavily to their popular appeal. A similar relationship existed between the more formal German Reformed and Lutheran congregations and a minority of evangelical Moravians and pietistic Mennonites.<sup>4</sup>

Given the numerical inferiority of Anglicans in Augusta County, it is hardly surprising that Presbyterians, Lutherans, and even Baptists occupied key public offices. Despite this imbalance, however, Augusta County's religious mélange

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<sup>4</sup> Upton, *Holy Things and Profane*, pp. 4-5, 9-10, 189-190; Isaac, *Transformation of Virginia*, pp. 148, 164-167; Klaus Wust, *The Virginia Germans* (Charlottesville, 1969), pp. 43-49; Warren M. Billings, John E. Selby, and Thad W. Tate, *Colonial Virginia: A History* (White Plains, NY, 1986), pp. 277-278; Robert F. Scott, "Colonial Presbyterianism in the Valley of Virginia, 1727-1775," *Journal of the Presbyterian Historical Society* XXXV (June 1957), p. 77.

took an Anglican form. As in the rest of colonial Virginia, the local government of Augusta included a vestry for the administration of Augusta Parish. Older, densely populated counties of eastern Virginia often included more than one parish, but Augusta Parish and County shared congruent borders. This common identity emphasized the unity of parish and county authority: Augusta Parish authority often extended to temporal affairs, and the secular Augusta County court routinely acted on behalf of the established Church of England.<sup>5</sup>

Some of the vestry's duties--notifying the county grand jury of moral infractions, for example--contributed directly to the maintenance of moral standards in the parish. In general, however, vestries were more concerned with the administrative support of the Church of England. Vestries boosted local Anglican interests by levying parish taxes for ministers' salaries, church and chapel construction, and the purchase of religious books and furnishings. When the parish acquired a glebe in order to augment the Anglican minister's salary, the vestry handled all contracts for purchase of land and construction of buildings. These administrative duties also included welfare functions such as the indenturing of minor orphans and illegitimate children, and the providing of care for parish indigents.<sup>6</sup> The vestry's activities contributed to social stability in both punitive and pragmatic ways. County leaders hoped that punishments for disruptive behavior such as drunkenness or fornication would deter such unacceptable behavior. When social inhibitions failed, however, the vestry also had resources

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<sup>5</sup> Billings, Selby, and Tate, *Colonial Virginia* p. 171; Isaac, *Transformation of Virginia*, p. 65.

<sup>6</sup> Upton, *Holy Things and Profane*, pp. 5-9. For a recent interpretation of the dismantling of the glebe system, see Thomas E. Buckley, S.J., "Evangelicals Triumphant: The Baptists' Assault on the Virginia Glebes, 1786-1801," *William and Mary Quarterly* 3d. ser. XLV (January 1988), pp. 33-69.

for dealing with the consequences. If fornication resulted in an illegitimate birth, for example, the vestry could ensure the proper rearing of the child by removing it from the mother's presumably wanton influence and binding it to a more responsible guardian.

Legal and administrative vestry functions helped define and enforce a particular form of social order that, because of its association with Tidewater and Piedmont Virginia, seems peculiarly Anglican. Despite this image, vestry enforcement of social standards in Augusta Parish usually was not controversial in terms of theological content. As practiced in western Virginia, the Church of England's *social* message was acceptable to the Presbyterian, Lutheran, and German Reformed settlers. Yet, beneath their apparent permissiveness, the people of Augusta County displayed a keen awareness of religious beliefs, and acted on those perceptions in socially significant ways.

By the end of the colonial era a number of Anglican, Presbyterian, German Reformed, Lutheran, and Baptist meetings were active in Augusta County, but their origins generally are obscure. Even the early record of the established church is fragmentary. Augusta's first Anglican minister, John Hindman, arrived in April 1747 and served for just over a year before dying.<sup>7</sup> One or two visiting ministers tended the county's Anglican flock until late in 1752, when the parish received a

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<sup>7</sup> For the arrival of the Rev. John Hindman, see *Augusta Parish, Augusta County, Vestry Book, 1747-1787* (hereafter referred to as *Augusta Parish VB*), Vi, p. 1, 6 Apr. 1747. See also *Diary of John Craig, 1740-1749*, (microfilm) Union Theological Seminary, Richmond, entry dated 5 Apr. 1747. For Hindman's death, see Lyman Chalkley, *Chronicles of the Scotch-Irish Settlement in Virginia* (3 vols.; 1912; Baltimore, 1980), I:17.

second Church of England parson, Rev. John Jones.<sup>8</sup> Jones preached at a variety of locations in addition to holding services in Staunton. The Seven Years' War interrupted these supplementary meetings, but the parson resumed them soon after the restoration of peace. Jones presided over Anglican services in Staunton and at alternate locations throughout the 1760s.<sup>9</sup> When his advancing age made travel impossible, the vestry hired a curate to assume the itinerent portion of Jones's duties.<sup>10</sup>

Reverend Jones's main locus of ministry was the county seat. Like his predecessor, Jones initially administered the sacrament in the court house, but in 1760 the parish vestry voted to build a church in Staunton.<sup>11</sup> Constructed at a cost of slightly over £500, the building was completed and received in June 1763.<sup>12</sup> Its

<sup>8</sup> For Anglican minister Robert Rose's visit to Augusta County in 1751, see *Diary of Robert Rose, 1746/7-1751*, Colonial Williamsburg Foundation Library, entry dated June 1, 1751; *Augusta Parish VB*, p. 108, entry dated Nov. 15, 1752.

<sup>9</sup> Early alternate sites for worship services, sometimes referred to as chapels of ease, included James Neeley's on Roanoke River; the home of John Mathews, Sr., in the Forks of the James; Capt. Daniel Harrison's house; and an additional location near John Madison's. [*Augusta Parish VB*, pp. 3, 166 (20 July 1747, 27 Nov. 1755)] For the disruption of Anglican services by enemy raids during the Seven Years' War, see *ibid.*, p. 197 (entry dated 19 Nov. 1757). *Ibid.*, pp. 351, 357, and 376 (entries dated 20 Nov. 1761, 19 Nov. 1762, and 24 Nov. 1764) indicate two supplementary Anglican sites. Entries on *ibid.*, pp. 426, 452 (entries dated 20 Nov. 1767 and 18 Nov. 1768) indicate a new third site.

<sup>10</sup> *Augusta Parish VB*, p. 465, entry dated Nov. 22, 1769.

<sup>11</sup> For the earliest agreement to hold formal services in the court house, see *ibid.*, p. 1, dated April 6, 1747. When construction of an Anglican church was first proposed at the vestry meeting of Nov. 21, 1758, the motion failed by a vote of 5 to 4. It was approved unanimously at the meeting of May 20, 1760 (*ibid.*, pp. 236, 318).

<sup>12</sup> *Ibid.*, pp. 320, 393 (entries dated Nov. 25, 1760, June 25, 1763).

close attention to modern, high-style decoration achieved two ends, one theological, the other social. The careful ornamentation of the church's chancel and pulpit enhanced the dignity and theological impact of the Anglican service.

Simultaneously, the building included materials, designs, decorations, and workmanship that only the wealthiest Virginians could afford. Like their more affluent counterparts in Tidewater and the Piedmont, the Anglican elite of Augusta County built the house of God with the craftsmanship of their own houses, and thereby equated their social values with the theological values of the Church of England.<sup>13</sup>

Depending on the building in which they worshipped, then, Augusta County's Anglicans received a variety of impressions about the church's social role. When the visiting Rev. Robert Rose "preached to a House full of people being a Room about 16 feet [square]" he was delivering the Church of England's message in its most elemental form: without any church, and with very little of England.<sup>14</sup> Rose toured the Valley only once, but for parish minister Jones the challenge of invoking the united authority of church and state in such bucolic surroundings was a regular feature of a long career. Standing before his congregation in the county court house or, later in the parish church, Jones could rely on a measure of architectural

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<sup>13</sup> Upton, *Holy Things and Profane* pp. 159-160. For the church contract, see Augusta Parish VB, pp. 323-324. The chancel included "a Semicircle of Rails and Ballisters with a good Table Conformable to the Place both of which to be Painted." The contract also stipulated that the "Pulpit Reading Desk and Clerks Seat [are] to be built in a Fashionable and methodical manner with a Canopy over the Pulpit and Pilasters neatly voluted the whole Jobb & every Part of [it] to [be] finished & Completed in a serviceable Beautifull and Workmanlike Manner." The church building was received as "completely Finished according to agreement" (Augusta Parish VB, p. 493, entry dated June 25, 1763).

<sup>14</sup> Rose Diary, date is approximately June 1, 1751.



reinforcement for his ministry. When leading the worship in a private citizen's house, however, he and his message were on their own.

Material settings were such an integral part of the Church of England service in Tidewater Virginia that sometimes it has been difficult for modern historians to imagine a successful ministry without them. Frontier Anglican itinerants in Southside Virginia have thus received poor marks, but this conclusion may not follow inevitably in Augusta Parish.<sup>15</sup> Anglican preaching certainly lacked the emotional appeal of evangelical oratory, but Church of England services nevertheless attracted some of the frontier's ordinary people. To support this common interest, the alternative locations for itinerant services in Augusta Parish increased from two to three in the late 1760s.<sup>16</sup> When Reverend Jones grew incapable of ministering to this circuit at the end of that decade, the parish vestry persuaded him to take a pay cut in order to finance a curate to act in his stead. Jones remained responsible for the parish church services, for which he received £50 per year and continued to live on the parish glebe. By comparison, his curate was to receive £100 for sustaining the outlying ministry.<sup>17</sup> While the curate's larger stipend was in part compensation for the lack of his own glebe living, the

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<sup>15</sup> Richard R. Beeman, *The Evolution of the Southern Backcountry: A Case Study of Lunenburg County, Virginia, 1746-1832* (Philadelphia, 1984), p. 21. In early Lunenburg County, Beeman assesses the Anglican circuit ministry as undermining the church's influence by diffusing ministerial energy and dissipating meager parish resources.

<sup>16</sup> Readers for two additional Anglican sites received a portion of the parish levy in the early 1760s. Readers for three sites were paid in the latter part of the decade (Augusta Parish VB, pp. 351, 357, 376, 426, 452, entries dated 20 Nov. 1761, 19 Nov. 1762, 24 Nov. 1764, 20 Nov. 1767, 18 Nov. 1768).

<sup>17</sup> Augusta Parish VB, p. 465, entry dated 22 Nov. 1769.

size of his salary demonstrated the vestry's belief in the importance of Anglican itinerants.<sup>18</sup>

If expansion of the number of worship sites and concern for maintaining a curate reflected the vitality of the Church of England in Augusta County, Anglicans still remained only an influential minority. The majority of the county's population--some contemporaries mistakenly thought almost all of it--were at least nominal Presbyterians.<sup>19</sup> To most outsiders, these Presbyterians seemed to be all of one stripe. For locals, however, there were clear distinctions between Old Side and New Side congregations as early as 1749.

During the earliest years of settlement, Valley Presbyterians fell under the jurisdiction of the conservative Donegal Presbytery, which ordained the first permanent Augusta County minister, the Rev. John Craig, in August 1740.<sup>20</sup> Craig's congregation built a meeting house at a site known as Tinkling Spring in the mid-1740s.<sup>21</sup> The ministers responsibilities expanded to include a second congregation--called "Augusta" by Craig but commonly referred to as the "Stone

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<sup>18</sup> The Anglican circuit ministry appears much less successful in North and South Carolina, as suggested throughout the diary and letters of the Rev. Charles Woodmason, published in Richard J. Hooker, ed., *The Carolina Backcountry on the Eve of the Revolution: The Journal and Other Writings of Charles Woodmason, Anglican Itinerant* (Chapel Hill, NC, 1953).

<sup>19</sup> *Virginia Gazette*, 5 Mar. 1752, p. 1, col. 1.

<sup>20</sup> Autobiography of John Craig, (microfilm) Union Theological Seminary, p. 23.

<sup>21</sup> Craig Diary, 7 Apr. 1745. The diary is primarily a record of baptisms.

Meeting House"--early in the winter of 1749.<sup>22</sup> The county's Presbyterian leaders belonged to the Tinkling Spring congregation, while the Augusta meeting consisted largely of persons whom Craig described as "fewer in Number & much Lower as to th[e]ir worldly Circumstances."<sup>23</sup>

Members of the Tinkling Spring congregation received some of the same social messages that Anglican architecture later conveyed in the Augusta Parish church. Seating at Tinkling Spring was arranged hierarchically, with the most expensive pews, rated at £1.12.6 a year, located directly in front of the pulpit. In this location, the occupants were visible from every other seat in the house (Fig. 11).<sup>24</sup> As did Anglican parish churches throughout Virginia, the Tinkling Spring meeting house thus reinforced the association between secular leadership and divine sanction.

The Tinkling Spring meeting house was not a perfect replica of Anglican parish churches, but the congregation's leaders clearly understood the subliminal messages transmitted by Anglican architecture. In 1766 they selected one of the most striking elements of the parish church, the pulpit, for inclusion in the Tinkling Spring meeting house. When the congregation's commissioners specified that a twelve-foot-square pulpit "be made in the Same mode of the Church pulpit in town" they were seeking the same enhancing effect that Jones enjoyed.<sup>25</sup> For

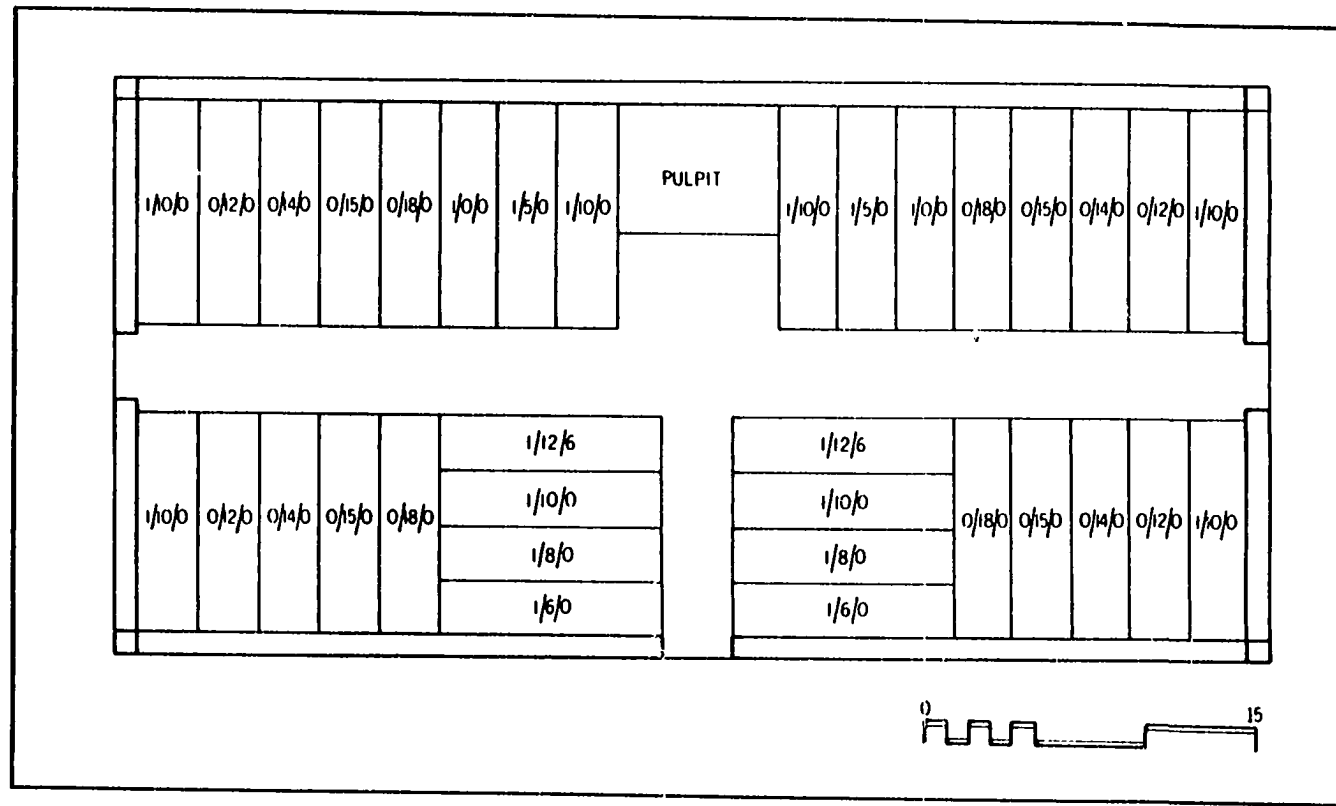
<sup>22</sup> Craig Diary, 22 Jan. 1749; Howard McKnight Wilson, *The Tinkling Spring, Headwater of Freedom: A Study of the Church and Her People, 1732-1952* (McClure Press: Verona, VA, 1954), p. 77.

<sup>23</sup> Craig Autobiography, pp. 28, 30.

<sup>24</sup> Tinkling Spring Commissioner Book, 1741-1767, (microfilm) Union Theological Seminary, p. 28.

<sup>25</sup> Tinkling Spring Commissioners, p. 57, entry dated 27 May 1766.

Figure 11. Plan and Pew Rates of Tinkling Spring Presbyterian Meetinghouse, 1748



Source: sketch and description in Tinkling Spring Commissioners' Book, p. 28, microfilm in Union Theological Seminary, Richmond. (Drawing, Carl Lounsbury, Colonial Williamsburg Foundation)

Presbyterians, preaching was the focal point of a worship service. By increasing the pulpit's dignity and grandeur, the commissioners reminded the meeting's members of the importance of the minister's message while emphasizing the higher status of worshippers seated nearest to the pulpit.

Like their counterparts elsewhere on colonial Virginia's frontier, Augusta County's Old Side Presbyterians posed little threat to the Anglican version of order. Both denominations employed college-trained ministers like John Jones and John Craig, and neither denomination placed a heavy emphasis on expanding their influence through conversion. For this reason, Anglican toleration of frontier Old Siders apparently came easily.<sup>26</sup> By the same token, neither Anglicans nor conservative Presbyterians approved of the rising New Light movement.

Craig's Old Side theology did not suit all members of his potential audience, some of whom sought a more emotionally fulfilling message. By the late 1740s dissatisfied members succeeded in establishing a second variety of Presbyterianism in Augusta County, meeting near Major John Brown's house. From the beginning, Craig and the Tinkling Spring leadership were opposed to the upstart congregation, denouncing its efforts to recruit subscribers "as illegal and Contrary to the Constitution [of] the Established kirk of Scotland." At the heart of the conservative concern was a fear that the new meeting would prove more attractive than the old, and that consequently "it m[ig]ht Rend our Congregation & Disable us to sup[p]ort a minister for the futer." The leaders of Tinkling Spring warned they would not grant a demission to any persons seeking to leave the congregation, and that without a legitimate release, no "orderly minister you can procure [will] give any

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<sup>26</sup> Beeman, *Evolution of Southern Backcountry*, p. 57.

priviledges [to those] who Leave us."<sup>27</sup> The implication was clear: if the minister serving Brown's meeting house accepted members from the Tinkling Spring congregation, then that minister was unworthy of his trust, for he would be breaking the rules of the Church of Scotland.

Unfortunately for Craig and his allies, ministers representing a new school of Presbyterianism showed little concern for Old Side prohibitions against poaching in each other's flocks. Their disregard did not indicate a complete rejection of all Presbyterian values, however. In particular the New Side Presbyterians retained their respect for a well trained ministry. This support for education stemmed from their belief that a minister was "a Herald of the Lord . . . commissioned by him to proclaime a treaty of peace to rebellious Sinners in his Name and Stead, and to treat to them for their compliance with his Terms and Subjection to his demands." In order to proclaim and treat most effectively, ministers still needed formal academic training, to include "a competent knowledge of the Tongues, viz. Latin, Greek, and Hebrew," not to mention logic, metaphysics, pneumatics, arithmetic, physics, and history.<sup>28</sup>

Craig's competitors might differ from him in theological doctrine, but their training was still permeated with many of his social attitudes. Their education helped New Side Presbyterian ministers find easier acceptance among much of Augusta County's Old Side society, but education was only one feature of local New Side respectability.<sup>29</sup> Like Craig, the New Side also accepted colonial

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<sup>27</sup> Tinkling Spring Commissioners, p. 29b, entry from late 1748.

<sup>28</sup> "Notes on a sermon by Mr Dean at the ordination of Mr Davies," in Samuel Blair's Notebook of Catechism and Sermons, 1746/7, Preston Family Papers, Virginia Historical Society (hereafter cited as ViHi).

<sup>29</sup> As an example, Princeton-trained New Light minister John Brown was called to serve the Timber Ridge and New Providence

Virginia's social economy. At least two New Side ministers owned slaves, and all of the resident ministers in Augusta County were landholders.<sup>30</sup> Even some itinerents owned property; speaking tours of the Valley thus satisfied worldly as well as spiritual objectives.<sup>31</sup>

Craig and visiting Old Side ministers worked diligently to retain their following, but the New Side ministers successfully expanded their share of Augusta County's souls during the 1750s and 1760s. New Side meeting houses appeared throughout the county, and their ministers enjoyed long careers.<sup>32</sup> Princeton-trained Rev. John Brown, for example, served the Timber Ridge congregation for 24 years after his 1753 ordination.<sup>33</sup> Nevertheless, New Side leaders faced the same logistical problems that plagued Anglican vestrymen and Old Side elders: a community might build a meeting house, but providing a regular minister for a congregation was

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congregations in Augusta County in August 1753. Within two years, Brown had married Margaret Preston, the niece of a Tinkling Spring elder (James McLachlan, *Princetonians, 1748-1768: A Biographical Dictionary* [Princeton, 1976], p. 15).

<sup>30</sup> John Brown purchased a 250-acre farm in 1755 (Augusta County Deed Book 7:85). For the Rev. Alexander Miller's slaveholding, see Augusta County Order Book [microfilm], Vi [hereafter cited as Augusta County OB], 10:225, entry dated 21 Aug. 1766. For the Rev. Charles Cummins, see Augusta County OB 11:64, entry dated 19 May 1767.

<sup>31</sup> Itinerent Presbyterian ministers the Rev. Alexander McDowell, of Newcastle County, PA, and the Rev. Alexander Miller held Augusta County land (Augusta County D.B. 3:509, 13:475).

<sup>32</sup> For an example of a visiting Old Side minister (the Rev. John Thomas) see Craig Diary, 4 Jan. 1748. In addition to the older meeting houses in the lower county, at least seven other Presbyterian meetings were established on the James, Roanoke, and New Rivers by 1768 (Wilson, *The Tinkling Spring*, pp. 170-171).

<sup>33</sup> McLachlan, *Princetonians*, p. 15.

another matter. Even as late as 1769 the resources available to American Presbyteries were too slender to supply all frontier meetings adequately.<sup>34</sup>

The pinch of limited resources for ministries was a problem for every denomination represented in Augusta County. Members of the German-speaking Reformed and Lutheran congregations responded to the problem by pooling their efforts. By late 1769 they had constructed "a union church, in the use of which the Lutherans and their descendants as well as the Reformed and their descendants shall have equal share." The united congregation pledged to maintain the church and schoolhouse, and to provide the stipend for a schoolmaster. Most notably, the members bound themselves to support a single minister.<sup>35</sup> To them, the need for a reliable, stable religious service clearly outweighed the need for a distinctive doctrinal identity. The option of union was preferable to relying on the occasional visits of travelling ministers.<sup>36</sup>

The melding of Augusta Reformed and Lutheran congregations was an imaginative response to the problem of supplying religious needs. This aspect of the union was made explicit in their contract of agreement, but the county's Germans probably shared a second motive, one with which Anglicans and Presbyterians could sympathize. Regardless of denomination, the meetings of

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<sup>34</sup> James Latta letter to William Preston, 3 Sept. 1769, Preston Papers, VHS. For a traditional account of the Presbyterian churches in Augusta County, see Wilson, *The Tinkling Spring*, pp. 76-83, 168-179.

<sup>35</sup> "Agreement between the Reformed and Lutheran Congregations," dated October 31, 1769, as published in *WMQ* 1st ser. 13 (April 1905), p. 248.

<sup>36</sup> In the mid-1770s, Lutherans further to the southwest in Virginia still were served on a part-time basis by ministers from as far away as Orangeburg, South Carolina ("Salem Diary," entry dated 11 Nov. 1775, in Adelaide Lisetta Fries, ed., *Publications of the North Carolina Historical Commission: Records of the Moravians in North Carolina 2* [Raleigh, NC, 1925], p. 889).



Augusta County competed with each other for popular support. Part of that competition stemmed from the lure of more satisfying or more regular services held elsewhere in the county. Shifting allegiance from one congregation to another especially threatened dissenter meetings, none of which enjoyed an equivalent of the Anglican parish taxes. To make matters worse, the threat always loomed that individuals would forego any church affiliation whatsoever. The loss of a member thus could have one of two implications for the county, neither of which was palatable. The transfer of a member to another sect affected the distribution of power among leaders of denominations. Worse still, the refusal of a member to participate in any religious association threatened the underpinning of the county's traditional society.

Religious rivals in colonial Augusta County resorted to a variety of tactics, including peer pressure, legal action, and crowd intimidation. In the 1740s, for example, New Side enthusiasts mobilized popular opinion against John Craig. They sought to force the conservative Craig and his followers to adopt a more evangelical stance. As Craig described it many years later, two or three families in the Tinkling Spring congregation disapproved of his refusal to embrace New Side doctrine. These opponents quickly labelled Craig "an opposer of the work of God" and "an Enemy to Religion," but he remained unswayed. When arguments and epithets failed, the faction sent for New Side ministers who had "tentted with these Nations formerly" in Pennsylvania. The New Siders intended their request for aid both to "free them from Sin & Satan" and to free them from Craig, "a Carnal wretch, upon whom they unhappily Depended for instruction to their Souls utter Destruction." According to Craig, the call received a quick and dramatic response. New Side ministers "flying Speedily Came and thunder'd their New Gospel

thro[ugh] Every Corner of my Congregation." The visitors achieved such encouraging results that "Some of them had the assurance to Come to my house & Demand a Dismission for Some of my Subscribers."<sup>37</sup>

The harrassment of Craig did not stop with the demand to surrender part of his congregation. His detractors denounced the Old Side minister in still stronger terms, both in person and abroad. Long after the fact, Craig still smarted from being derided as a "poor, blind, Carnal, hypocritical Damned wretch this given to my face by some of their ministers." To make matters worse, the loyal portion of the Tinkling Spring congregation also became a target for peer pressure. Members attempting to receive communion from Craig faced the scorn of hecklers who "mockingly Said to their neighbours going to it, what, are you Going to Craig's frolick?"<sup>38</sup>

The antagonistic behavior of Augusta County's Presbyterians proceeded through several phases before their subdivision into New and Old Side congregations was complete. Initially, a small number of members asked Craig to modify his Old Side perspective. When the minister refused to alter his conservative approach, his opponents exerted relatively mild pressure in the form of name-calling and public discussion. When this tactic proved ineffective, the New Side faction turned to Craig's peers, that is, other ministers, for assistance. The reinforcements not only helped to recruit more New Side followers, but also emboldened the lay members to act more aggressively. The movement assumed a more strident separatist tone, and its leaders literally took the fight to Craig, demanding that he grant permission for defectors to join the New Side congregation. In keeping with the aggressive

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<sup>37</sup> Craig Autobiography, pp. 27-28.

<sup>38</sup> Ibid., pp. 27-28.

behavior demonstrated in the confrontation at Craig's house, the vilification of his character intensified. Finally, New Side members added a third tactic. Where they had previously limited their efforts to luring new members with outside ministers and to pressuring Craig, they now directly attacked the loyal members who preferred to remain on the Old Side.

The creation of separate New Side meetings defused some tensions, but the effects of the conflict between Presbyterians lingered. The old guard of both that denomination and the Church of England forgot neither the New Light pressure nor the way in which it had escalated. Thus, when conservatives moved against the New Side in 1752, their approach minimized the chance of a similar resort to popular agitation.

The opportunity for conservative Presbyterians and Anglicans to trim New Side influence developed from irregularities in the ministry of the Rev. Alexander Craighead. Craighead came to Augusta County from Pennsylvania in the spring of 1752, and, as did all visiting ministers, he swore an oath of allegiance before a justice of the peace. Unlike his associates, however, Craighead's enemies alleged that he omitted such parts of the oath as he saw fit. Compounding that crime, they also accused him of having "taught and maintained treasonable positions, and preached and published pernicious Doctrines."<sup>39</sup>

Two important members of the Augusta County elite, one a member of the Old Side congregation at Tinkling Spring, the other an Anglican churchwarden, placed Craighead's case before Virginia's governor and Council. After hearing the complaint, the Council summoned Craighead, plus the justice of the peace who

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<sup>39</sup> McLachlan, *Princetonians*, p. 341; H.R. McIlwaine, et al., eds., *Executive Journals of the Council of Colonial Virginia* (6 vols.; Richmond, 1945), V:399, entry dated 10 June 1752.

originally administered Craighead's allegiance oath and two other witnesses, at least one of whom was an Old Side Presbyterian.<sup>40</sup> The summons clearly worried Craighead. Before his appearance in Williamsburg, the minister took the precaution of attending a session of the Augusta County court and repeating his oath of allegiance.<sup>41</sup> At his hearing with the governor and Council, Craighead also presented testimonials to his loyalty and good behavior from respectable Presbyterian leaders in Pennsylvania. His efforts to establish his respectability succeeded, for ultimately the Council took a lenient view of his case. In exchange for recanting his disloyal opinions, denying the doctrines contained in a confiscated book, and taking the oaths of allegiance again, the Council gave Craighead permission to resume preaching.<sup>42</sup> The shock of such high-level scrutiny proved effective, because until he moved to North Carolina some three years later, Craighead caused the Augusta County authorities no further trouble.<sup>43</sup>

The chastening of Alexander Craighead was an unqualified victory for Anglicans and Old Side Presbyterians. The immediate problem, that of Craighead's "pernicious doctrines," disappeared, reconfirming the validity of the laws and traditions governing the legitimate exercise of religious dissent. Of equal importance, county leaders handled the affair in such a way as to avoid mobilizing

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<sup>40</sup> McIlwaine, et al., eds., *Executive Journals* V:399. The complaint against Craighead was made by Robert McClenachan and James Lockhart. For McClenachan's Old Side affiliation, see Tinkling Spring Commissioners, p. 23. For Lockhart's churchwarden position, see August Parish VB, p. 108.

<sup>41</sup> Augusta County OB 3:326, entry dated 22 Aug. 1752.

<sup>42</sup> McIlwaine, et al., eds., *Executive Journals* V:407, entry dated 17 Oct. 1752.

<sup>43</sup> George William Pilcher, *Samuel Davies, Apostle of Dissent in Colonial Virginia* (Knoxville, Tennessee, 1971), p. 100.

popular opposition. Finally, Craighead's suppression set a precedent for the supervision of the county's religious orthodoxy by a conservative alliance between Old Side Presbyterians and Anglicans. This alliance was substantially strengthened by the Council's well-calibrated response to Craighead. The colonial authorities had dealt indulgently with the eccentric minister, but their indulgence gloved an iron fist. When they summoned, Craighead came without contest. He recanted as ordered, he twice reaffirmed his allegiance, and he maintained an orderly ministry for the remainder of his tenure in the colony.

The harassment of John Craig and the persecution of Alexander Craighead illustrate the disruptive results of shifting allegiance from one congregation to another. Such social disturbances were most pronounced in the cases of members leaving to join sects that were neither Anglican nor authorized to dissent from Anglican doctrine. Such decisions were rare, but several alternatives were nevertheless available. Some of Augusta County's fringe dissenters, such as the handful of resident Quakers, do not seem to have exercised any noteworthy influence.<sup>44</sup> Others, like the Dunkard and Moravian sects, were better represented and more active. Members of these German-speaking groups expressed their beliefs freely among their English neighbors, and visiting ministers preached to English as well as to German audiences.<sup>45</sup>

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<sup>44</sup> See for example Mary Barrot, wife of Arthur Barrot, and Mary Denham, wife of Joseph Denham. (Minutes of the Smith Creek/Linville Creek Meeting, mss. in Baptist Historical Society, University of Richmond, Virginia, pp. 9, 12, entries for early 1757 and summer of 1757) See also Thomas Moore, arbitrator in *Nicholas Seahorn v. James Crawford* (Augusta County OB 7:238, entry dated May 22, 1762).

<sup>45</sup> As an example of Germans working with English audiences, in late October 1773 a Moravian minister named Utley preached three times among settlers on the New River in Virginia: once to Germans and twice to

The most notable minority dissenters, the Baptists, established a meetinghouse at Smith Creek in the summer of 1756. Seven Baptists, drawn from both Frederick and Augusta County, signed the covenant establishing the meeting. The Rev. John Alderson, assisted by a series of four visiting ministers, made seven conversions between August 1756 and June 1757. It was not an impressive gain numerically, but the repercussions proved extensive. The baptisms sparked a strong Presbyterian reaction that all but stifled the fledgling Baptist meeting. Between the fall of 1757 and the end of 1770, the Smith Creek congregation gained only twelve more converts.<sup>46</sup>

The trouble began when two Baptist ministers, the Rev. Malechi Bonam of East Jersey and the Rev. John Garrot of the Church of Christ in Fairfax County and Mill Creek in Frederick County, visited the new congregation in the spring of 1757. Bonam and Garrot "carried on the solemn Publick Worship of God three Days successively," winning two major converts. One, Cornelius Ruddell, was "a Gentleman of no mean Character, a Man in Authority both civil and military." A former Anglican and a militia captain, Ruddell had frequently and publicly spoken

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the English, making, in the latter case, "a blessed impression." ("Memorabilia of Friedland Settlement, 1773," in Fries, ed., *Moravians in North Carolina* 2:752) For Dunkards discussing their doctrine with Englishmen in Augusta County, see Thomas Walker Journal, Mar. 7, 1750 to July 13, 1750, mss. in William C. Rives Collection, container 161, Library of Congress, Washington, DC, entries dated March 16 and 17, and John Buchanan Memorandum Book, entry for 17 Oct. 1745, in Draper Mss. 1QQ 41-45 (microfilm edition, 1980, reel 100), State Historical Society of Wisconsin.

<sup>46</sup> For the original covenant, see Smith Creek Minutes, pp. 2-6, entry dated 6 Aug. 1756. For the ministers, see pp. 7, 8, and 10. One additional minister, the Rev. David Thomas of Fauquier County, visited before 1770 (p. 16, entry dated 29 May 1763). For baptisms, see Smith Creek Minutes, pp. 6, 9, 12, 14, 15, 18.

against Baptist doctrine. The other, a woman named Nicholas, previously "was a Presbyterian, and zealous in their Cause, and well reported of."<sup>47</sup>

Until the conversions of Ruddell and Nicholas, the Baptist mission posed no threat to the mainstream Augusta County religious denominations. The five other baptisms in the congregation's first year challenged nothing in the existing religious order: three were women, and the other two, a pair of brothers, were children of a Baptist. Of the three unthreatening women, two were Quakers, and neither the Presbyterians nor the Anglicans objected to Baptists recruiting among other splinter groups.<sup>48</sup> Converting active members of the Churches of England and Scotland was another matter, however, especially when those members formerly had been "zealous in their Cause."

In response to the Baptist threat, Presbyterian minister Alexander Miller led a crowd to the Baptist meetinghouse. Miller, who had a history of anti-Baptist proclamations, opened the meetinghouse and took the pulpit. He delivered an abusive tirade against the Baptist minister Alderson and the Smith Creek deacon, fueling neighborhood animosities. The turmoil that followed in the wake of Miller's harangue was compounded a week later by an Indian raid. For the Baptists, the raid was the last straw. The Smith Creek meeting lapsed into inactivity for the next three years, and never recovered its early promise of vigor.

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<sup>47</sup> Smith Creek Minutes, pp. 9-11.

<sup>48</sup> The brothers, John and James Thomas, were baptised on or before August 6, 1756. Their father, Rees Thomas, a member of a Baptist congregation in Pennsylvania, was admitted in transient communion on the same day (Smith Creek Minutes, pp. 6, 9, 12). For Thomas family relationships, see Rees Thomas's will, Augusta County Will Book (microfilm) Vi, 2:298.

After the congregation revived in the 1760s, none of its converts posed a threat to the hegemony enjoyed by the Anglicans and the authorized dissenters.<sup>49</sup>

The handling of the Smith Creek Baptists raises important questions about the structure of religious power in Augusta County. If Alexander Craighead's case demonstrated the power of Augusta County's religious leaders, establishment and authorized dissenter alike, why did those leaders choose not to exercise their authority five years later against the Smith Creek Baptists? Why, with the precedent of Craighead's case, did the Anglicans remain uninvolved and the Presbyterians resort to crowd intimidation?

The anti-Baptist reaction in 1757 apparently grew out of two perceptions, one elite, the other popular, about the conversions of Ruddell and Nicholas. In the former case, the defection of Anglican militia captain Cornelius Ruddell, concerned only the county's conservative leaders. While those leaders were the men most likely to seek legal sanctions in defense of their interests, they were also armed with a wider range of social sanctions. Ruddell may have foresworn his elite background to join the Baptists, but his subsequent actions gave evidence of his susceptibility to the old rules and values.<sup>50</sup> Anglicans and conservative Presbyterians could easily apply pressure Ruddell without harrasing his congregation as well.

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<sup>49</sup> Smith Creek Minutes, pp. 12-14.

<sup>50</sup> Ruddell remained susceptible to the freewheeling lifestyle of the Anglican gentry, and he made only a poor Baptist. His shortcomings were so extreme that finally in September 1759, "having walked disorderly & riotous, [he] was by the Church set aside" (Smith Creek Minutes, p. 13, entry dated 22 Sept. 1759).



The conversion of George Nicholas's wife was another matter. The Nicholases were not members of the county's elite; George owned 402 acres and held no office.<sup>51</sup> At first glance, the defection of a woman married to a man with little economic and political clout poses no obvious threat to social order. Still, Mrs. Nicholas had been zealous in the Presbyterian cause, and her associates had thought well of her. For the ordinary people in her old meeting, Mrs. Nicholas's conversion was a bitter betrayal, a rejection of their community. Wounds like this could not be healed by prosecuting Mrs. Nicholas and her new Baptist congregation in a legal system dominated by county and colonial elites. Crowd action, with its explicit statement of group identity and cohesion, was far better suited for redressing such a wrong.

Coercive responses to interdenominational competition, whether through legal or popular channels, formed only one in a range of possible reactions. Dramatic instances of intimidation are revealing, but they tend to obscure the more typical routine incentives for religious conformity. Augusta County's established or officially tolerated denominations applied a variety of non-threatening strategies for dealing with shortages of religious resources. At a minimum, successful congregations needed a permanent minister, augmented by the active support of visiting ministers from outside the county, or even from beyond the colony's borders. German Protestants added the incentive of an affiliated school, as did the New Light Presbyterian meeting at Timber Ridge.<sup>52</sup> The Old Side congregation at

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<sup>51</sup> For landholding, see Chapter 2, n. 2, above. Information on officeholding is derived from Augusta County OB, vols. 1-14.

<sup>52</sup> John Brown to William Preston, 13 Jan. 1773, Draper Mss. 2QQ 141.

Tinkling Spring confronted the problem of eroding membership more aggressively. A decade and a half after their first efforts to block New Side inroads, the Tinkling Spring elders still asserted a right of religious primacy within their congregation's territory. At a 1765 session, the elders reasserted their Old Side claim "that no member in the bounds of this Congregation shall have a privilege in any other Congregation without Liberty from the Session or Some member Thereof."<sup>53</sup>

Regardless of whether a congregation attempted to attract its members with benefits like regularly scheduled services or to coerce its members through more authoritarian measures, one hard fact of frontier religious activity remained. A scattered population with little discretionary income could ill afford comprehensive religious support. From an elite perspective, religious affiliation was linked to economic resources and sociopolitical clout. From a common vantage point, however, Augusta County's religious competitions reflected an entirely different set of objectives.

Despite non-participation in formal services by much of the landless majority, religious issues generated lively interest among common people as well as elites. Some of that interest found popular expression in gossip about novel values and behavior, as a party of Moravian ministers discovered in 1753. The Moravians reported talking with an old farmer, who "had heard perhaps a hundred lies about the Brethren,--that we were 'bearded people,' that we enjoined celibacy, etc.--and now learning the truth the old man rejoiced."<sup>54</sup> On another level, men and women in marginal circumstances readily expressed their cravings for spiritual gratification.

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<sup>53</sup> Tinkling Spring Commissioners, p. 37, entry dated 6 Aug. 1765.

<sup>54</sup> Adelaide L. Fries, trans., "Diary of the Moravians," in Newton D. Mereness, ed., *Travels in the American Colonies* (New York, 1916), p. 343, entry dated 31 Oct. 1753.

The same Moravian travelers spent one night in Augusta County with a free black and his Scotch-Irish wife. When the ministers left, the couple "begged that as they returned they would not pass them by but stop and speak to them, for they loved people who spoke of the Saviour."<sup>55</sup>

Beyond curious gossip and spiritual hunger, some laborers had a keen interest in abstract doctrine, as an Anglican minister discovered in 1751. While visiting the county, the Rev. Robert Rose fell into a debate with "one Robt Henry a plowman on the Subject of Elextion & Reprobation."<sup>56</sup> In arguing with the parson, the plowman revealed more than a knowledge of his subject. Challenging the minister demonstrated the sort of motivation that only a passionate interest can inspire.

If debates with authority figures such as Anglican parsons took one kind of courage, standing up to peer pressure took quite another. The distinction is clearly illustrated by the willingness of parents to sacrifice their pride in behalf of their children. William Henderson and Thomas Scot desired the baptism of their little girls so strongly that they accepted public humiliation "for fornication before marriage." In order to have her child baptized, Joseph Walker's wife "gave publick satisfaction for the Sin of fornication Committed about three years ago." Ann Deyermond underwent the same embarrassment for an even more remote transgression: she had married twice since her illicit sexual activity.<sup>57</sup>

Similar cases demonstrate the ability of religion to inspire in common people a deeply felt sense of moral duty. Their feelings of obligation gave religion much of its strength as an agency for the promotion of social stability in Augusta County.

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<sup>55</sup> Ibid. p. 339, entry dated 25 Oct. 1753.

<sup>56</sup> Rose Diary, entry dated 31 May 1751.

<sup>57</sup> Craig Diary, entries for 1 Feb., 22 Mar., 30 Mar., and 12 July 1747, and 10 Apr. 1748.

On the individual level, ministers of all denominations reinforced these bonds of faith by stirring their listeners' consciences. Collectively, members of various meetings made their commitments visible by signing contracts for the governing of their congregations. The purpose of such documents was more social than theological, for while the contracts contain routine references to doctrine, their explicit purpose was to control those actions that were "Disorderly and tending to break the peace and Unity."<sup>58</sup> Persons signing a social contract gave themselves an additional reason for adhering to their congregation's values and standards of behavior. In addition to the inhibitions of their own consciences, the signers also accepted contractual prohibitions against apparently seductive anti-social activities. The Smith Creek Baptist meeting, for example, foreswore defaming speeches, slander, and "rash Proceedings one against another."<sup>59</sup> The Tinkling Spring meeting, long since described by John Craig as "the Contentious Meetinghouse," resorted as late as 1770 to a contract for regulating disputes within the congregation.<sup>60</sup>

A variety of religious obligations helped regulate social behavior in Augusta County worshippers, including the demands of individual consciences, the pressure of peers, and the sanctions of congregations. Though effective, these obligations could not always ensure compliance with society's standards of right and wrong. What happened when errant men and women refused to heed religious values? If

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<sup>58</sup> Tinkling Spring Commissioners, p. 38, entry dated 6 Nov. 1770.

<sup>59</sup> Smith Creek Minutes, pp. 4-5, entry dated 6 Aug. 1756.

<sup>60</sup> Craig Diary, entry dated 7 Apr. 1745; Tinkling Spring Commissioners, p. 38, entry dated 6 Nov. 1770.

an individual would not acknowledge his or her relationship with the religious community, few enforcement options were available. In the last resort, congregations could excommunicate unruly members, but this threat was rarely exercised.<sup>61</sup> More typically, immorality was treated as a breach of civil law, with offenders facing the authority of the county court.<sup>62</sup>

Several trends are apparent in the Augusta County presentments and prosecutions for immorality. Private individuals, not vestry officials, brought a majority of cases to the grand jury's attention. In the county's early years, the court prosecuted a wider range of crimes, including drunkenness, gambling, swearing, fornication, adultery, and sabbath breaking, but with time, the immorality charges tended to focus on the bearing of illegitimate children. Taken as a group, the

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<sup>61</sup> The Baptist congregation at Smith Creek applied a variety of sanctions against misbehaving members, but only excommunicated Cornelius Ruddell, the Anglican militia officer converted in 1757 (Smith Creek Minutes, p. 13, entry dated 22 Sept. 1759).

<sup>62</sup> The process for prosecuting morality charges is repeatedly recorded in the Augusta County Order Books. As in other Virginia counties, the vestry's churchwardens typically initiated official prosecutions for immorality. These officers, elected annually by their fellow vestrymen to handle various administrative tasks, informed the county's grand jury of cases deserving the court's attention. The grand jury evaluated the evidence and, if there was sufficient cause, presented the offender's name to the county court. The court then ordered the county sheriff to summon all offenders to the next session, where the cases usually were prosecuted as a group. Considering the grand jury prosecutions as a group undoubtedly simplified the court's administration, but the procedure probably also added an element of public humiliation to the prosecution. The earliest presentments, found in Augusta County OB 1:134, entry dated 20 Nov. 1746, are followed by the court's order that the sheriff summon the persons presented to the next court. These cases were heard at the court held Feb. 19, 1747, and their disposition is recorded in *ibid.*, pp. 156-158. The court used the same legal procedures throughout the period of this study.

Augusta County justices showed more concern for moral infractions than their contemporaries in other parts of Virginia's frontier.<sup>63</sup>

The court's actions indicate a strong commitment to prosecute immoral behavior. Most justices of the peace took their enforcement duties seriously, and applied a variety of sanctions--fines, public humiliation, and whippings--to offenders. Official efforts to maintain social order cut across denominational lines, with Anglican and Presbyterian leaders united in their opposition to sin. By the same token, Anglicans and dissenters were equally likely to face prosecution for illicit acts.

Like the rest of Virginia's local elite, the leaders of Augusta County relied heavily on a symbiotic relationship between church and state for the stability of their society. Vestrymen and justices understood that their combat against immoral behavior involved more than a theological struggle. By attacking the symptoms of ungodliness, they assaulted forces that threatened their social order. If these socially oriented motives are clear, however, the implications of internecine squabbling among vestrymen are less obvious.

Augusta County organized a vestry in 1747, one year before the arrival of a permanent Anglican minister. From its inception, the vestry included conservative Presbyterian members, as did its counterparts in Tidewater Virginia.<sup>64</sup> Anglicans

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<sup>63</sup> In contemporary Lunenburg County, "justices rarely proceeded against individuals for swearing, for drunkenness, for violation of the sabbath, or for bastardy, all of which were common subjects of the court's attention in older counties" (Beeman, *Evolution of the Southern Frontier*, p. 44).

<sup>64</sup> Upton, *Holy Things and Profane*, p. 190. On the original vestry, Presbyterians outnumbered Anglicans eight to four (Augusta Parish VB, p. 1, entry dated 6 Apr. 1747).

in the county petitioned against this dissenter presence in 1748, but the House of Burgesses rejected the call for removal.<sup>65</sup> After this initial protest, Anglican vestrymen settled into a truce with their Presbyterian associates that lasted some two decades. In most of the thirty meetings between 1747 and 1769, Presbyterians outnumbered Anglicans, but this majority did not attempt to exploit its numerical advantage (Table 16).<sup>66</sup> Instead, Anglicans and Presbyterians negotiated a consensus in parish affairs, most notably in their decision to build a parish church. Presbyterian vestrymen initially balked at the expense of the new construction and defeated a tax for church construction by a vote of 5 to 4 in 1758 and 1759.<sup>67</sup> The issue was resolved by the next year, however, for in 1760 the vestry unanimously agreed to build a church.<sup>68</sup>

The negotiations leading to approval of Augusta Parish's church contract were not recorded, so the affair will support only modest generalization about amiable relations between Presbyterian and Anglican vestrymen. Nevertheless, the parish records contain no indication of interdenominational rancor until late 1767. At the

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<sup>65</sup> Augusta County OB 2:60, entry dated 20 Aug. 1748; H.R. McIlwaine, ed., *Journals of the House of Burgesses of Virginia, 1742-47, 1748-49* (Richmond, 1909), p. 310.

<sup>66</sup> Identifying individual Presbyterians in Augusta County is an easier task than identifying individual Anglicans. Presbyterian documents that name substantial numbers of individuals include Timber Ridge Subscribers, 22 July 1753, in Preston Family Papers; Craig Diary; and Tinkling Springs Commissioners. Persons sponsoring an Anglican chapel of ease, as in Augusta Parish VB, p. 166, entry dated 27 Nov. 1755, are assumed to be Anglican. Similarly, the minority of vestrymen voting to build a parish church in 1758 are counted as Anglicans (*ibid.*, p. 236, entry dated 21 Nov. 1758). Children and brothers of known Anglicans are calculated as Anglicans.

<sup>67</sup> Augusta Parish VB, pp. 236, 267, entries dated 21 Nov. 1758, 27 Nov. 1759.

<sup>68</sup> *Ibid.*, p. 318, entry dated 20 May 1760.

TABLE 16. VESTRY MEETING ATTENDANCE IN AUGUSTA PARISH, 1747-1770

<u>Date of vestry meeting</u>	<u>Number of Anglicans</u>	<u>Number of Presbyterians</u>	<u>Number unidentified</u>
Apr. 1747 (initial meeting)	4	8	0
July 1747	4	6	0
Sep. 1747 (1st)	4	6	0
Sep. 1747 (2nd)	3	5	0
Apr. 1748	4	4	0
Aug. 1748	4	2	0
May 1750	4	5	0
Aug. 1750	4	4	0
Nov. 1752	4	3	0
Nov. 1753	3	5	0
Sep. 1754	4	4	0
Nov. 1755	4	4	0
Nov. 1756	6	4	0
Nov. 1758	4	5	0
Aug. 1759	5	5	0
Nov. 1759	4	6	0
Aug. 1760	4	5	0
Nov. 1760	5	4	0
May 1761	4	4	1
Nov. 1761	2	5	2
Aug. 1762	3	3	1
Nov. 1762	4	6	1
Nov. 1763	5	5	2
Nov. 1764	3	3	2
Oct. 1765	3	4	1
Nov. 1766	4	5	2
Nov. 1767	4	5	1
Mar. 1768	4	3	1
Nov. 1768	5	2	1
Nov. 1769	5	3	3
May -June 1770 (after election)	0	8	4

Sources: for attendance, Augusta Parish Vestry Book, pp. 1, 3, 4, 11, 14, 27, 29, 31, 107, 134, 142, 157, 186, 233, 263, 319, 346, 348, 355, 356, 371, 375, 398, 400, 413, 425, 427, 432, 452, 463-65; Augusta County Order Books 6:294, 396, 14:102, 106; for affiliations, see Table 15 above.



vestry meeting of that year, the members routinely agreed to conform to the doctrine and rules of the Church of England. Several dissenter vestrymen signed the compact, but one, Israel Christian, refused. A majority of the members present then voted against permitting Christian to sign the day's proceedings.<sup>69</sup> Whether from peer pressure or from his own anger, Christian ceased further activity as a vestryman. Two years later, "Having Refused Subscribing To the Doctrin[e] and Disiplin[e] of the Church of England," he and a second nonjuring dissenter were replaced.<sup>70</sup> Whatever tensions might have resulted from the issue of doctrinal compliance, there is no reason to believe that the mixture of Anglicans and Presbyterians was inherently instable, or even that the vestrymen found it unsatisfactory. Despite this apparent tranquility, however, the long-standing arrangement of convenience between Anglicans and conservative Presbyterians was almost over.

In November 1769, the same month that the Augusta vestry removed its two nonjuring members, the House of Burgesses approved a bill for the division of Augusta County and Parish. The measure created Botetourt County from the southwestern portion of Augusta, and ordered the reelection of vestries in both counties by May 1770. The vestry normally selected its own members, but on this rare occasion every freeholder in the parish had a voice in the vestry's composition.<sup>71</sup> For the vestry's old guard, the 1770 election was catastrophic. No

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<sup>69</sup> Ibid., p. 427, entry dated 21 Nov. 1767.

<sup>70</sup> Ibid., p. 464, entry dated 21 Nov. 1769.

<sup>71</sup> "An act for dividing the county and parish of Augusta, and for adding certain islands, in the Fluvanna river, to the counties of Albemarle and Amherst," dated Nov. 1769, in William W. Hening, comp., *The Statutes at Large: Being a Collection of All the Laws of Virginia . . .* (13 vols.; Richmond, 1819-23), VIII:395-398.

known Anglicans received reelection, and only two of the previous members were returned. Nine of the twelve winners were known Presbyterians, with at least one of those belonging to a New Side congregation. On 15 May 1770 the newcomers were sworn in over the objection of ousted Anglican vestryman and justice of the peace Sampson Mathews, who complained that "the Oaths of Alledging &c are not the oaths appointed by Act of parliament to be taken by vestrymen." The protest failed, and Mathews, a member of the vestry since 1761, turned to other tactics for recovering his seat.<sup>72</sup>

Conservative Presbyterians and Anglicans looked to Williamsburg for assistance in regaining control of the vestry, for although they had been rejected by Augusta County's voters, members of the old guard retained powerful friends in the colonial government. Allies in the House of Burgesses responded promptly, invoking a 1769 law dissolving a number of vestries, including Augusta's. The burgesses declared the May 1770 election invalid, and ordered the Augusta sheriff to hold a new election by September 21. The sheriff was to advertise the election for at least one month before that date, and "twelve of the most able and discreet persons" were to be elected.<sup>73</sup>

Unfortunately for the ousted conservatives, sheriff William Bowyer was also one of the two Presbyterian vestrymen reelected in May, and had no interest in

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<sup>72</sup> Augusta County OB 14:102, 106, entries dated 15 May 1770 and 20 June 1770. For Sampson Mathews' appointment to the vestry, see Augusta Parish VB, p. 346, entry dated 20 May 1761.

<sup>73</sup> "An act for dissolving the several vestries therein mentioned," in Hening, *Statutes at Large* VIII:432-433, dated Nov. 1760. The burgesses also attached a rider requiring the Augusta vestry's dissolution to yet another bill that had the timely purpose of "better regulating the Election of Vestries," but the 1770 session did not enact this second bill (John Pendleton Kennedy, ed., *Journals of the House of Burgesses of Virginia, 1770-1772* [Richmond, 1906], p. 45).

dissolving the new vestry.<sup>74</sup> Bowyer easily derailed the burgesses' orders by shrewdly waiting until after Governor Botetourt prorogued the Assembly on 11 July and then refusing to advertise the election. The sheriff justified his insubordination on the spurious grounds that Augusta County was too remote from Williamsburg for him to have received timely notice of the 1769 act.<sup>75</sup> As Bowyer originally conceived it, the maneuver would have bought a breathing space of several months, for the burgesses were not scheduled to reassemble until late October. The new vestry proved as lucky as it was popular, however, for the Assembly was further prorogued, first by Botetourt and then, after his death, by Council president William Nelson, until 11 July 1771.<sup>76</sup>

Thanks to Bowyer's ploy, the November 1770 meeting of the vestry included only the members elected in May of that year. When Bowyer's success became apparent, his deposed rivals resorted to a different set of connections, this time at the source of sheriffs' commissions, the colonial governor and Council. Augusta's old guard again found a sympathetic audience: on 25 October the Council issued a commission as sheriff of Augusta County to Anglican George Mathews.<sup>77</sup> Like his brother Sampson, George Mathews had been turned out of the vestry in the May 1770 election.<sup>78</sup> His appointment as sheriff came too late for conservative

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<sup>74</sup> Bowyer was sworn in for a one-year term as sheriff of Augusta County on 19 Dec. 1769 (Augusta County OB 14:62).

<sup>75</sup> "An act to empower the inhabitants of the parish of Augusta, in the county of Augusta, to elect a vestry," in Hening, *Statutes at Large* VIII:504.

<sup>76</sup> *Journals of Burgesses, 1770-1772*, pp. 115-119.

<sup>77</sup> McIlwaine, et al., eds., *Executive Journals* VI:373.

<sup>78</sup> George Mathews replaced a Presbyterian member of the vestry on Nov. 19, 1763 (Augusta Parish VB, p. 371).

leaders to salvage their positions in that year, but at least Mathews was well placed to ensure a speedy resolution of the parish crisis once the Assembly reconvened. Indeed, by mid-summer of 1771, the ousted vestrymen apparently were on the verge of recapturing their positions. In late July the burgesses enacted a law requiring another election in Augusta Parish, and conservative fortunes seemed assured.<sup>79</sup> The legislative victory proved hollow, however, for no new election was held, despite the Anglican sheriff. The vestry elected in May 1770 remained in power until its final meeting in May 1780 (Table 17).

The failure of the conservative counterattack apparently had several causes, including a shift in the political population. By 1771, most of the county was Presbyterian, and most Presbyterians attended New Side meetings. If nothing else, the 1770 vestry election indicated a relative decline in Anglican and Old Side Presbyterian political strength. Of equal importance, the victors demonstrated an accommodating attitude that must have made their success easier to swallow. Having refused to disband, the Presbyterian vestrymen renewed their oath of conformity to Church of England doctrine during the annual meeting in November 1771.<sup>80</sup> At the same meeting, the vestry settled parish accounts, including one with George Mathews for almost £11. In addition to that sum, the Anglican sheriff also received eight percent interest on his claim for a period of twenty months, an unusually generous rate.<sup>81</sup>

The upstart vestry's efforts to reassure conservatives did not end with the Mathews settlement. At the annual November meeting in 1773, the vestrymen

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<sup>79</sup> *Journals of Burgesses, 1770-1772*, pp. 125, 137, 140; Hening, *Statutes at Large* VIII:504.

<sup>80</sup> Augusta Parish VB, p. 486, entry dated 22 Nov. 1771.

<sup>81</sup> Augusta Parish VB, p. 482, entry dated 22 Nov. 1771.

TABLE 17. VESTRY MEETING ATTENDANCE IN AUGUSTA PARISH, 1770-80

<u>Date of vestry meeting</u>	<u>Number of Anglicans</u>	<u>Number of Presbyterians</u>	<u>Number unidentified</u>
May -June 1770 (after election)	0	8	4
Nov. 1770	0	8	3
Nov. 1771	0	4	5
Mar. 1772	0	4	4
Aug. 1772	0	5	4
Nov. 1772	0	5	5
Mar. 1773	0	5	4
Aug. 1773	0	3	4
Nov. 1773	0	5	3
Mar. 1774	0	5	3
Nov. 1774	0	6	4
Feb. 1777	0	4	3
May 1778	0	4	4
Mar. 1779	0	3	4
May 1780 (last meeting)	0	5	2

Sources: for attendance, Augusta Parish Vestry Book, pp. 481, 486, 488, 489, 494, 496, 498, 493, 602, 802, 808, 812, 813; Augusta County Order Book 14:149; for affiliations, see Table 15 above.

approved construction of a new Church of England chapel on Cook's Creek, several miles north of Staunton. The vestry subsequently conceded that the chapel's original dimensions of 26 by 22 feet were too small, and accordingly increased the plan's area by over 200 square feet.<sup>82</sup> Constructing the Cook's Creek chapel sent a clear message to any Anglicans who might still harbor fears about Augusta County's vestry: although they subscribed to a different religious doctrine, the Presbyterian vestrymen endorsed the Anglican form of society in both word and deed.

The parish election of 1770 reveals more than the increased parish influence of Presbyterians. The vestry's behavior in the following years provides a glimpse of fundamental social values held by a majority of Augusta County's freeholders. Those freeholders rejected ten of twelve serving vestrymen, including at least five Anglicans, but they did not challenge the existing relationship between church and state. This acceptance of the traditional role of religion by dissenter frontiersmen contributed a large measure of social stability to colonial Virginia's western backcountry. As practiced in Augusta, the Anglo-Virginian county and parish system proved flexible enough to accommodate not only members of the Church of England, but also numerous Old and New Side Presbyterians and German Lutheran and Reformed Protestants. For all the explosive potential of the mixture, representatives of these varied denominations created a pluralistic and relatively peaceful society within a familiar Virginia framework.

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<sup>82</sup> The revised contract called for a 32' by 26' room, with a 12' pitch, "& se[a]ted with Benches & backs to Each," plus a pulpit and desk. Construction was completed in the same year (Augusta Parish VB, pp. 493, 603, entries dated 16 Mar. 1774, 16 Nov. 1774).

The success of religious pluralism in Augusta County derived from the ambitions and objectives of the county's freeholders. Men who already possessed economic liberty had a stake in the county's traditional society from the day of their arrival, whether they were American, English, German, or Scotch-Irish. Denominations might dispute points of doctrine and compete for scarce resources, but Presbyterian, Lutheran, and Reformed freeholders all agreed with their Anglican counterparts on key social relations: between landowner and laborer, man and woman, master and slave. In Augusta County, maintaining proper relationships between superior and inferior was at least as important as mediating the interactions between men and God.

CHAPTER V  
ASSERTIONS OF AUTHORITY

John Davies, Sr., lived a modest life. As an elderly man, Davies called that fact to the attention of a 1752 Augusta County court while requesting exemption from the local levy. His petition "humbly sheweth that your Servant is a man of 75 years of age and holds no Land." Not only was he aged and unable to generate an income, but as Davies reminded the magistrates, he had "never tr[o]ubled your worships nor any other officers in the County with any suit or action in Law, nor never intends [to]." After a lifetime of dutifully meeting his social and legal obligations, Davies "pray[ed] the Court to Regard this petition and Exempt him from being a tithable."<sup>1</sup>

Davies undoubtedly chose his words carefully in the hope of obtaining relief from his taxes, but his deferential tone reflected habit as well as deliberate suasion. He had quietly pursued a living, never imposing on county officials, while always acknowledging their political authority and social superiority. Judging from the relative dearth of evidence to the contrary, a majority of Augusta County's settlers were equally unobtrusive. But while most of the population generally behaved

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<sup>1</sup> John Davies, Sr., petition, 21 May 1752, in Executive Papers, p. 201, Augusta County Circuit Court, Staunton, Virginia. The magistrates denied Davies' request, probably on the grounds that he retained enough personal property to warrant a continued payment of the county levy (Augusta County Order Book [hereafter cited as Augusta County OB], [microfilm] Virginia State Library and Archives [hereafter cited as Vi], 3:252). For an explicit statement regarding the court's reasoning, see the rejection of Samuel Sproul's petition for levy relief, in which it appeared to the magistrates "that he hath an Estate sufficient for his maintenance" (*ibid.*, 4:464).



submissively, a small number of men and women proved far less tractable than Davies. This minority protested the structure and implementation of authority in Augusta County, and by those protests created a special window on the past.

For historians, disputes over authority help illuminate the routine relationships among and within social classes. Every challenge implicitly defines one segment of a boundary between acceptable and unacceptable behavior. Such limits--and there can be many, depending on context--encompass the private and public lives of every person in every community.<sup>2</sup> This chapter examines the skirmishing across three critical social boundaries, each delineating an aspect of the political power of magistrates, the most influential men in August County.

A variety of people encroached upon those magisterial boundaries, and by their challenges contributed to the texture and shape of Augusta County's society. These challengers included a number of dependent or barely independent people, but ultimately the most serious threat to elite hegemony came not from popular dissent, but from within the ranks of the elite itself. Sometimes such internecine rivals enlisted the aid of friends in the colonial government; on other occasions they turned for support to crowds of local yeomen. But no matter how bitter their competition, elite adversaries recruited support solely from their own class, not from the landless majority.

When her husband's petition came before the Augusta County court on 2 December 1751, Agnes Brown quickly identified a ruinous source of bias against their claim. The problem lay with one of the five sitting magistrates, Benjamin

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<sup>2</sup> I follow Darrett B. Rutman and Anita H. Rutman's unidealized usage of the term "community" to mean nothing more than associations among people located in a given territory (Rutman and Rutman, *A Place in Time: Middlesex County, Virginia, 1650-1750* [New York & London, 1984], p. 25).

Borden, Jr., whose personal knowledge of the case threatened to thwart the Browns' petition. Unable to tolerate Borden's meddling, Agnes roughly interrupted the magistrates' formal discussion by denouncing Borden, exclaiming "that his Oath was not to be taken and she would not believe him." The court promptly fined Agnes forty shillings for her effrontery, and ordered that she be jailed until payment was made. To make matters worse, the outburst gained no advantage for Agnes and her husband: they lost their case, and when they attempted to appeal their petition to the General Court in Williamsburg, the Augusta County magistrates denied the motion on the grounds that the law did not allow it.<sup>3</sup>

As was usual in such incidents, an unfavorable court ruling triggered Agnes Brown's eruption. But was that the only motive for such contemptuous incidents? Or did some deeper significance underlie the rude, abusive, or even violent repudiation of the county court's order and organization? Obviously Agnes Brown had a specific cause for hostility toward the magistrate Borden, but to halt the enquiry into such outbursts there is to miss a significant opportunity for exploring the inner workings of the frontier's deferential society.

Acts like Agnes Brown's were a form of social protest involving much more than a spontaneous response to specific wrongs.<sup>4</sup> Instead, defiance of authority reflected a larger dialogue between the disrespectful and their targets. People who behaved disrespectfully asserted that they saw no legitimate channel for redress.

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<sup>3</sup> Augusta County OB 3:326. Brown committed a similar abuse before the sitting court two and a half years later, "calling [magistrate William Wilson] a Rogue and [saying] that on his coming off[f] the Bench she would give it to him with the Devil" (ibid., 4:219).

<sup>4</sup> George Rudé, *Wilkes and Liberty: A Social Study of 1763 to 1774* (1962; Oxford University Press paperback reprint 1970), pp. 196-197.

They felt powerless, and so tried to throw off the constraints of their social system by demonstrating their contempt for it.

Eighteenth-century Virginians could demonstrate a lack of respect in many ways and many arenas, depending on who they were. Colonial society was organized into a hierarchy of wealth, ethnicity, and privilege that ran to extremes from the most affluent Tidewater tobacco planters through small farmers on one-horse freeholds down to the most destitute of white servants and black slaves. Virginians of differing status might clash anywhere they met, but some of the most explicit of those disputes centered around the county courts and the men who controlled them. The courthouse environment with its rich and prominent symbols of authority represented a concerted material reinforcement of deferential values. Disgruntled subordinates could and did harass county authorities wherever the officials could be found, including in their own homes, but opportunities for abusing a magistrate were never more attractive than in or around a crowded courthouse.<sup>5</sup> For the disaffected, the courthouse offered an ultimate forum in which to challenge authority, and the magistrates who wielded power there were obvious targets for resentment. From the creation of Augusta County late in 1745 to its initial subdivision early in 1770, disgruntled settlers expressed their contempt of magistrates on sixty-nine occasions.<sup>6</sup> Who were the protesters, how did magistrates receive their defiance, and what social issues were really at stake?

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<sup>5</sup> For an example of abusing a magistrate in his own home, see Augusta County OB 4:205.

<sup>6</sup> *Ibid.*, 1:46, 81, 150, 224, 245, 251, 254, 324, 340, 2:58, 60, 102, 113, 118, 119, 156, 327, 376, 424, 455, 493, 531, 584, 600, 3:226, 249, 297, 460, 496, 4:10, 200, 219, 259, 264, 288, 379, 511, 5:306, 6:42, 140, 289, 303, 363, 437, 7:6, 166, 224, 253, 293, 8:38, 132, 9:213, 10:148, 224, 13:329.

Protesters represented only a portion of the various status categories commonly used by colonial Virginians. Race was the most fundamental of these social distinctions, and the Augusta County disrespect cases involved only whites. Among whites, status was determined primarily by access to land: freehold ownership demonstrated economic independence, and in a slave-based agrarian economy the social distinction between dependence and independence was critical.

Independence clearly contributed to a relatively greater frequency of disrespect toward magistrates. Within three years of the county's formation the proportion of Augusta County white tithables who owned land stabilized at around thirty-five percent.<sup>7</sup> In other words, approximately one out of three white male residents above the age of 16 was a freeholder. But the two categories, landless and freeholder, were almost equally represented in disrespectful behavior before the court: there were thirty-six cases involving landless persons, and thirty-three cases involving freeholders. As a group, landless men were twice as numerous as freeholders, but only about half as likely to scorn magisterial authority.

Why would any landless men show contempt for justices of the peace? The most persuasive answer has to do with their expectations—or rather, with the *defeat* of their expectations. Whatever hopes of a better life drew them to the frontier had not been realized. Opportunities to obtain land were restricted, even at an early stage, to only a fraction of the tithable white population. The thirty-six landless men who misbehaved in Augusta County's court probably were expressing their frustration with a system that did not allow them to share in the frontier's greatest

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<sup>7</sup> Sources for aggregate statistics on landholding are cited in full in Chapter 2, n. 2, above.

resource--land. Without land, they would remain forever dependent, and thus permanently disaffected.<sup>8</sup>

But what of the other thirty-three cases, the ones involving freeholders? Were there nuances in status among the landed cases? Beyond the obvious distinction based on the amount of land owned, Virginians applied numerous other tests for social status within the ranks of freeholders. Some of those gradations are all but invisible to modern scholars: these might include such matters as the respect accorded to a talented farmer by his neighbors, or to an honest man for his forthright dealings. Other economic variables such as the number of field hands a landowner controlled, or the value of a man's personal estate, can be reconstructed in some instances. But of all indicators of social rank among freeholders, officeholding provides the most extensive evidence of peer evaluation.<sup>9</sup>

Holding office meant exercising a measure of authority over one's neighbors. The most authoritative men in the county were justices of the peace, important not only because of their courtroom decisions, but also because they controlled access to almost all other county offices. This magisterial power was further multiplied by the typical practice of occupying additional positions. Justices of the peace thus also served as church wardens, vestrymen, tithable counters, militia officers in the rank of captain or above, and coroners. Taken with the king's attorney (or prosecutor), the sheriff, the clerk of court, and the county's two burgesses, these comprise the top tier of county officeholding. The middle--and least populous--tier

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<sup>8</sup> Jack P. Greene, "Independence, Improvement, and Authority: Toward a Framework for Understanding the Histories of the Southern Backcountry during the era of the American Revolution," in Ronald Hoffman, Thad W. Tate, and Peter J. Albert, eds., *An Uncivil War: The Southern Backcountry during the American Revolution* (Charlottesville, 1985), pp. 12-15

<sup>9</sup> Rutman and Rutman, *Place in Time*, p. 143.

consisted largely of understudies for more powerful roles: the vestry clerk, deputy county clerk, jailer, undersheriffs, and militia officers below the rank of captain. Finally, the lowest tier included militia non-commissioned officers and the unpaid positions of grand and petit juryman, constable, and road overseer.<sup>10</sup>

Landed protesters were distributed unevenly among the categories of political responsibility. Out of the thirty-three contemptuous land owners, seven (21.2 percent), held no office. Of the officeholders, the least powerful men were the most frequent offenders, with a total of fourteen cases, or 42.4 percent of the total freeholding offenders. The intermediate level of offices--the one consisting of understudy roles--is barely represented by only two cases (6.1 percent) in a quarter century. The highest ranking officeholders account for the remaining ten cases, or 30.3 percent of all freeholding offenders.

The dearth of cases among the middling officials suggests a motive for the disrespect of all the other freeholders, including the ones who held no office. The understudies realized that in time they would attain a share of high authority in the county, and so were reluctant to appear in any way unfit for greater responsibilities. By contrast, freeholders with *no* office were denied *any* prospect of political authority, just as the lowest officeholders were blocked from advancing to lucrative and more powerful positions. These lowest ranking land owners found magistrates to be such an obvious target for their discontents that they accounted for almost two thirds of all freeholder contempt cases. At the other end of the spectrum, high officeholders who misbehaved in court appear to have been jockeying for dominance among their elite peers. The freeholding cases, then, indicate tensions over access to a second type of frontier opportunity: positions of authority.

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<sup>10</sup> These levels largely follow *ibid.*, p. 147, but I have modified the Rutmans' rankings to reflect some variations in status of Augusta County offices.

Given this clearer understanding of who the protestors were, what generalities are possible about the reaction they drew? Most obviously, there is the matter of swift justice: the court answered its challengers immediately, levying punishments as soon as an incident occurred. This reflexive quality of the magistrates' reactions is especially revealing, for not all offenders were punished equally. Indeed, the range of responses by the Augusta County magistrates demonstrates much about their attitudes toward their challengers.

Three incidents of disrespect illustrate the calibration of punishments awarded for contempt of court. The first occurred in 1746, at one of the court's earliest sessions, when Edward Boyle, a landless man, damned the court and swore four oaths in the presence of the justices. The outburst cost Boyle two hours in the stocks, a fine of twenty shillings, and a stint in jail until he could give security for payment of the fine.<sup>11</sup>

In the second case, John Grymes, owner of a 400-acre freehold, abused the sitting justices of a 1754 court. Grymes had been a road overseer and a grand juryman when the county was first organized. Despite this promising start, though, Grymes then held no political office for the next seven years, nor did he subsequently attain any office after his 1754 outburst. Given the outrageousness of Grymes' conduct, his later exclusion from political power is hardly surprising.

Grymes aimed his contempt at the court's president, James Patton, calling Patton a fool. The court immediately fined Grymes a hefty £5 sterling, and while Patton "was delivering the Courts opinion and directing the Clerk to Enter the s[ai]d Order, the s[ai]d Grymes still continued gros[s]ly to abuse the said Patton by

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<sup>11</sup> Augusta County OB 1:46. For sources of landholding information, see Chapter 2, note 2, above. Officeholding information is drawn from *ibid.*, vols. 1-14.

Calling him a whoresbird &c." Whatever additional insults may be concealed by the clerk of court's discrete "et cetera," denouncing the most affluent and powerful man in the county as the son of a prostitute--and thus implying that Patton was unfit for his lofty position--was sufficient offense to boost Grymes's fine to an astronomical £25 sterling.<sup>12</sup> The magistrates further required Grymes to make a £100 sterling recognizance for his good behavior, plus find two additional securities in the amount of £50 sterling each. This stiff punishment subdued Grymes, but even so the matter was not yet at an end. That night, one of Grymes's friends, John Clark, entered the house of magistrate Robert McClenachan and demanded to know why McClenachan had voted to punish Grymes. To compound his effrontery, Clark, who came from an affluent family but as yet had owned no land and held no office, challenged McClenachan to a duel.<sup>13</sup>

The final example is that of magistrate Alexander Sayers, who insulted the seated justices in 1764 by appearing in court intoxicated. Sayers compounded the insult by twice abusing the court, forcing the sheriff to take him into custody until he posted a £50 recognizance for good behavior. The next day Sayers "made proper Consesions for Abusing this Court" and was released from his bond without any further punishment.<sup>14</sup> At the time of the incident, Sayers had served as a

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<sup>12</sup> Patton was named as senior magistrate in each commission of the peace from Augusta County's independence in 1745 through the commission current in 1754. (ibid., 1:1, 68, 2:127, 149, 287, 3:242, 4:1; H.R. McIlwaine, et al., eds., *Executive Journals of the Council of Colonial Virginia* [6 vols.; Richmond, 1925-66; hereafter cited as *Executive Journals of the Council*], 5:214, 289, 290-291, 303, 389). At the beginning of 1754 Patton owned over 29,000 patented acres in Augusta County.

<sup>13</sup> Augusta County OB 4:200, 205. When John Clark abused McClenachan in 1754, his father William Clark had recently died, leaving a 462-acre estate (Augusta County Will Book [microfilm], Vi, 2:9)

<sup>14</sup> Augusta County OB 9:213, 214.



justice of the peace for nine years, and was one of Augusta County's major landholders.<sup>15</sup>

The disrespectful people in these three cases represent three levels of political and economic clout. Edward Boyle, the first offender, held neither office nor land in Augusta County. John Grymes had an adequate freehold but little authority, for he attained no office after the county's first year. By contrast to the first two, Alexander Sayers not only was a prominent freeholder but as a magistrate he also occupied one of the most powerful offices in the county. These three levels of economic standing and political power represent major differences in the contexts of disorderly conduct. The responses by offended magistrates indicate the significance of such distinctions.

In the first case, Edward Boyle was one of 36 landless men who showed contempt of court. Acts of disrespect like Boyle's raised the unsettling possibility of a wider protest by men with little to lose. The court punished him severely with a fine and a term in the stocks. The stiff 20-shilling fine was expected to have one of two effects, either of which was acceptable to the magistrates. As a poor man, Boyle might choose to leave the county rather than to pay his penalty. Even if he stayed, the financial blow could be counted on to teach him better manners: he was much more likely to be properly respectful in the future. Important though this personal lesson was, the justices of the peace intended that another, public one be taken as well. The two hours that Boyle spent in the stocks served as a highly

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<sup>15</sup> Sayers owned 2,068 acres in 1764. He was first sworn as a magistrate on 20 Mar. 1755, and his appointment was renewed in each of the four subsequent commissions of the peace. By 1764 he had risen in seniority to eleventh place in the commission (*ibid.*, 4:382, 5:373, 7:1, 8:113)

visible warning to others of his class: for all its newness, the Augusta court would not tolerate any challenge from the landless majority.<sup>16</sup>

Challenges from within the ranks of freeholders drew less graphic punishment, even in cases as outrageous as that of John Grymes and his supporter, John Clark. Short of actual violence, Clark's rejection of the court's authority could not have been more explicit. His challenge to duel the magistrate McClenachan was more threatening than Grymes's verbal abuse in the courtroom, and certainly went far beyond Edward Boyle's cursing of the sitting magistrates. What was the source of these passions? Why did Grymes and Clark resent the court so bitterly?

Grymes and Clark's insubordination may have been rooted in the failure of a different sort of expectation than that brought to the frontier by landless men like Boyle. When Grymes patented 400 acres and became a freeholder in 1746, he cleared a major status hurdle. Despite this economic achievement, though, the county court remained unimpressed with Grymes's leadership potential. After granting him minor positions during the first year of his freehold, the magistrates never again cast Grymes in a role of authority. Similarly, John Clark was relatively well off but powerless: a member of a yeoman family, Clark did not acquire his own freehold until 1761, seven years after his confrontation with McClenachan. It was seven more years before Clark attained his first office, that of constable.<sup>17</sup>

By controlling access to subordinate offices, the Augusta County justices of the peace established themselves as the local source of political power. This is not to say that the magistrates sought to enforce an undifferentiated social division

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<sup>16</sup> For a detailed discussion of another instance of Augusta County magistrates employing heavy fines to drive out dangerous poor men, see the John Connally incident discussed in Chapter 7 below.

<sup>17</sup> Clark bought 80 acres from a relative in 1761. For Clark's appointment as constable on 19 May 1767, see Augusta County OB 11:64.

between the few and the many, however. Their refusal to delegate authority to men such as Grymes was arbitrary, to be sure, but for all their apparent high handedness the justices still granted him a certain measure of dignity. They were unwilling to increase Grymes's status among freeholders by appointing him to office, but they clearly perceived Grymes as belonging to a more elevated social category than the landless Edward Boyle.

Unlike Boyle, Grymes was not publicly humiliated by a stint in the stocks, even though the degree of his offense was much greater. Grymes was fined far more heavily than Boyle, but he was not forced to pay. Six months after the incident, Grymes again appeared in court, this time with a remittance of his penalty, signed by the governor. In compliance with the conditions of the remittance, Grymes "ask'd the Courts and more Espitially the s[ai]d Pattons pardon for his past misbehaviour," and so was excused from making his fine.<sup>18</sup> The act of contrition that restored Grymes to good standing was an acknowledgement that the court's authority was legitimate: once Grymes conceded the point and reaffirmed his support for the existing social order, no further punishment was necessary.

Grymes's reenlistment in Augusta County society resembled that of Alexander Sayers, the magistrate who abused his fellow justices of the peace while drunk in the court. Nevertheless, Sayers's case was handled in a way that reflects yet another set of expectations on the part of the court members. The key distinction between Sayers's offense and Grymes's lay not in the ritual act of contrition that cleared the air and restored normal relationships of authority, but in the court's reflexive decision concerning how to deal with the misconduct.

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<sup>18</sup> Ibid., 4:338.

Compared to Grymes, Sayers was not really punished at all. No fine was levied, and he was released from his bond the next day. By opting not to fine Sayers, the court demonstrated its confidence that his misconduct did not represent a rejection of law and order. Sayers' readiness to make "proper Consesions" confirmed the court's judgement. Where Grymes had been forced to seek remission from the governor in Williamsburg, Sayers was treated with a permissiveness granted only to equals. The court verified his high position, and in turn Sayers, by his apology, acknowledged the court's ultimate authority. The message to be drawn from these gradations of punishment was clear: magistrates understood that when freeholders jostled each other out of frustration with their place in the county hierarchy, they did not seek a radical revision of social relations. Landless men, by contrast, seemed to challenge the very structure of society.

This distinction in motive provides important clues as to the ultimate stakes in early courtroom upheavals. An understanding of those stakes hinges on the diagnosis of the frustrated hopes of landless men like Edward Boyle, and of freeholders like John Grymes and his friend John Clark. Their protests took place on Virginia's frontier, in the face of the county court's efforts to impose social order on a new and rapidly growing population. In the traditional view, their cases might be shrugged off as just the sort of democratic ferment to be expected on a frontier, but the facts do not support such an interpretation.<sup>19</sup>

In the second half of the 1760s, when Augusta County's population was growing at a rate comparable to that of the late 1740s, the frequency of contempt cases dropped to its lowest average in the county's first quarter century: only one

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<sup>19</sup> See for example Robert E. and B. Katherine Brown, *Virginia 1705-1786: Democracy or Aristocracy* (Lansing, 1974), pp. 153-154.

incident per year.<sup>20</sup> This decline in overt disrespect during a period of substantial growth raises important doubts about the inevitability of frontier disorder. Could newcomers to the frontier in the late 1760s have been less ambitious or more meek than their predecessors two decades earlier? Or did these later immigrants recognize in Augusta County's society something that indicated the futility of protest against the *status quo*?

That *something*, arguably, was the manifest economic and political power of the Augusta magistrates. This power was well established when the court first met in 1745. By then, the Virginia Council had granted almost a quarter of a million acres in Augusta County to a handful of men. The president and masters of the College of William and Mary had also favored some of this same select few with licenses as county surveyors and assistant surveyors, which gave them control over access not only to their own vast tracts but to all Crown properties in Augusta County as well. Furthermore, as Council-appointed members of the early county courts, the source of their political power was as remote from the influence of ordinary settlers as the source of their economic control.

Given this comprehensive dominance, it is hardly surprising that a few disaffected ordinary settlers singled out for abuse in court such magisterial land speculators as James Patton and Benjamin Borden. To outsiders such as Edward Boyle and John Grymes, the frontier's potential was manifest--after all, most of the county still *looked* like a wilderness. Boyle, Grymes, and their disaffected peers seem to have mistakenly interpreted Augusta's economic immaturity to mean that society was equally unformed. Since opportunity could be discerned in one, they expected opportunity in both. When these high expectations failed to materialize,

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<sup>20</sup> For landholding sources, see Chapter 2, n. 2, above. For population growth, see Figure 1.

challengers voiced their frustrations in the county court, only to meet a swift rebuke. Through immediate punishments, the Augusta magistrates sent a clear message to the lesser sorts: the new economy might be undeveloped, but the new society was already mature and stable.

Thanks to their simultaneous control of legal machinery and economic opportunities, Augusta County justices of the peace dealt easily with local subordinates who challenged their dignity and legitimacy. Political and economic sanctions worked less effectively in their own internecine rivalries, however. To gain advantages relative to other members of the Augusta County elite, some magistrates turned for assistance to powerful men outside the county, men who wielded great influence in colonial government. Such action carried an inherent risk that these powerful allies might chose their own course, rather than that intended by members of the frontier elite, but despite this hazard, Augusta County's ambitious leaders and would-be leaders repeatedly sought help from external connections during the county's early years.

The earliest known rivalry between high-ranking Augusta County men began almost as soon as the first settlers arrived. Colonels, magistrates, and partners in land speculation John Lewis and James Patton disagreed as early as 1741 about "Which of them should be highest in [the magistrates'] Commission & power," and, as the Reverend John Craig recalled it, the argument "Continued for 13 or 14 years" until Patton's death in 1755.<sup>21</sup> At first it appeared that Lewis won the dispute, for although the initial commission of the peace for Augusta County named Patton as the most senior magistrate, Lewis presided over almost all of the courts

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<sup>21</sup> Autobiography of John Craig, (microfilm), p. 29, in Union Theological Seminary, Richmond.

held under that authorization.<sup>22</sup> But the victory was short lived, as Lewis discovered when the governor and Council revised the Augusta County commission on 13 June 1746.

The membership of this second set of magistrates differed sharply from that of the first commission, for only eleven of the twenty-one earliest justices received reappointment. Active service in the first commission was penalized, not rewarded: of the ten magistrates dropped, nine served repeatedly under John Lewis.<sup>23</sup> To compound Lewis's loss, Governor Gooch and the Council refused to appoint four of the eight men recommended for addition to the commission.<sup>24</sup> Of the magistrates who sat with John Lewis, only three were named in the second commission: his son Thomas and two others who quickly proved as willing to work under Patton as under their former senior officer (Map 5).<sup>25</sup>

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<sup>22</sup> Lewis and Patton were first named together as magistrates in the Orange County commission of the peace presented at the 26 Nov. 1741 court; Lewis was listed just ahead of Patton (Orange County Order Book [microfilm], Vi, 3:51) For the original Augusta County commission of the peace, dated 30 Oct. 1745, see Augusta County OB 1:1 and *Executive Journals of the Council* 5:191. John Lewis sat on the bench during 13 out of 15 regularly scheduled court days (86.6 percent), and his son, magistrate and county surveyor Thomas Lewis, was present on one of the two days John Lewis missed (Augusta County OB 1:1, 2, 5, 7, 13, 17, 19, 21, 23, 33, 43, 46, 47, 49, 55).

<sup>23</sup> None of the suspended men served less than four days, two sat for as much as eight days, and the median number of days served by the dropped magistrates was five. For attendance, see note 22 above, plus Augusta County OB 1:3, 22, 50. For the second commission, see *Executive Journals of the Council* 5:214

<sup>24</sup> For the recommended additions, see Augusta County OB 1:42.

<sup>25</sup> Thomas Lewis did not serve with James Patton during the second commission. One of the other two, Robert Cunningham, served on 5 of Lewis's 13 courts and 32 of Patton's 45 regularly scheduled courts. The second, Peter Schull, sat 10 times with Lewis and 22 times with Patton. For attendance in the second commission, see note 26 below.

Map 5. Shifting Alignments of Power in the First Five Augusta County Commissions of the Peace  
 Distribution of Augusta County Magistrates among Four Locations (underlined JPs sat on one or more regularly scheduled court days) Freeholders Represented per Magistrate in Four Locations

<p>I. Commission dated 30 Oct. 1745 Total days the court met: 15</p>	<p>Crown Land 3, 12, 15, 18</p> <p>Northern Neck 42</p>	<p>Borden's Land 15.3 Beverley Manor 9.8 Crown land only 24.7 Northern Neck 22.0</p>
<p>II. Commission dated 13 June 1746 Total days the court met: 52</p>	<p>Crown Land 3, 8, 13, 22</p> <p>Northern Neck 16, 42</p>	<p>Borden's Land 26.5 Beverley Manor 12.6 Crown land only 24.0 Northern Neck 12.5</p>
<p>III. Commission dated 9 May 1749 Total days the court met: 3</p>	<p>Crown Land 3, 8, 13, 20, 22, 23, 36, 37, 40 (unlocated: 21, 48)</p> <p>Northern Neck 16, 17, 39 49, 55, 56</p>	<p>Borden's Land 12.9 Beverley Manor 10.8 Crown land only 25.4 Northern Neck 10.7</p>
<p>IV. Commission dated 14 June 1749 Total days the court met: 5</p>	<p>Crown Land 8, 22, 33, 36, 37, 40 (unlocated: 24, 48)</p> <p>Northern Neck 49</p>	<p>Borden's Land 18.0 Beverley Manor 11.6 Crown land only 38.2 Northern Neck 64.0</p>
<p>V. Commission dated 27 Oct. 1749 Total days the court met: 43</p>	<p>Crown Land 3, 8, 15, 20, 22, 33, 36, 37, 40 (unlocated: 24, 48)</p> <p>Northern Neck 14, 47 49, 50</p>	<p>Borden's Land 14.8 Beverley Manor 10.2 Crown land only 25.4 Northern Neck 16.0</p>

KEY TO MAGISTRATE LOCATIONS

1 Alexander Archibald	16 Downs Henry	31 Lockhart James	46 Robinson George
2 Anderson John	17 Downs Henry, Jr.	32 Lyle John	47 Ruddell John
3 Bell James	19 Gay Samuel	33 Lynn John	48 Rutledge James
4 Borden Benjamin, Jr.	20 Harbison William	34 McClenachan Robert	49 Schull Peter
5 Breckenridge Robert	21 Harmison William	35 Martin Patrick	50 Seltzer Mathias
6 Brown John	22 Hart Silas	36 Mathews John	51 Stuart David
7 Buchanan John	23 Hook Robert	37 Mills John	52 Stuart Thomas
8 Burton Richard	24 Ingles Thomas	38 Montgomery James	53 Thompson Hugh
9 Campbell Robert	25 Jameson William	39 O'Dell Samuel	54 Thompson William
10 Christian John	26 Kennedy Joseph	40 Patterson Erwin	55 Vanderpool Abraham
11 Christian William	27 Kerr James	41 Patton James	56 Vause Ephraim
12 Craven Robert	28 Lewis Andrew	42 Pickens Andrew	57 Wilson John
13 Cunningham Robert	29 Lewis John	43 Pickens John	58 Woods Richard
14 Denton John	30 Lewis Thomas	44 Poage Robert	59 Wright Alexander
15 Dickenson Adam		45 Ramsey Robert	

• = named in each of the first five Augusta County commissions of the peace

Sources: see Appendix A



Backed by this new commission, James Patton dominated county court affairs from July 1746 to May 1749. During that period, he presided over forty-five out of fifty-two regularly scheduled court days (86.6 percent), as well as ten out of eleven additional courts (90.9 percent) called for individual criminal trials. Patton's active subordinates included five survivors from the first commission, as well as eight of the ten new men.<sup>26</sup> Notably, neither John Lewis nor his son Thomas joined them on the bench throughout this time.

Patton could not have suppressed the Lewis interest in Augusta County's commission of the peace without the consent of Governor Gooch and the Council in Williamsburg. Just how Patton obtained that assistance is not clear, especially since two councillors present at the ordering of the second commission were partners with the Lewises in large and potentially lucrative western land grants.<sup>27</sup> But if Patton's machinations before the second commission are now lost to view, the plotting that attended the next revision can be discerned a bit more clearly. This time, it was Patton's turn for disappointment.

Patton first attempted to adjust the composition of his court in March 1747, when he presided over the session that recommended six additions to the commission of the peace.<sup>28</sup> None was accepted, and Patton did not try again for almost two years. He and the rest of the bench then proposed a new list of fifteen men in February 1749, and three months later the governor and council approved

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<sup>26</sup> For attendance at regularly scheduled courts in the second commission, see Augusta County OB 1:68-2:122; for attendance at called courts, see Augusta County OB 1:75, 192 (both pages of this number), 286, 289, 2:1, 44, 45, 128.

<sup>27</sup> The councillors were John Blair and John Robinson (*Executive Journals of Council* 5:172, 195, 214, 282).

<sup>28</sup> Augusta County OB 1:173.

all fifteen nominations.<sup>29</sup> Normally Patton could have taken considerable satisfaction in this endorsement, but his success was badly tarnished by the unsolicited addition of five other men. The amendment clearly threatened Patton's interests, and he explicitly demonstrated his displeasure when the third commission arrived at the courthouse in Staunton during the spring session: he and the six other "Gents then present refused any further to proceed," stepping off the bench and declining to swear to the new warrant.<sup>30</sup>

Patton's protest against the third commission could have risen from more than one motive. In part, he may have been angered in principal by the council's tampering with his recommendations. But Patton also had specific complaints against the five unwanted men. Two of them, John Mathews and Benjamin Borden, Jr., had somehow been excluded from taking the seats authorized by the commission of 1746.<sup>31</sup> This time, however, they could not be denied. The challenge was especially plain in the case of Borden, heir to the second-largest single tract of land in the county, who unmistakably intended to take a role in county government commensurate with the size of his inheritance.<sup>32</sup> Two of the four other unrequested additions lived within the original boundaries of the Borden

<sup>29</sup> Ibid., 2:101; *Executive Journals of Council* 5:289.

<sup>30</sup> Ibid., pp. 122, 127.

<sup>31</sup> Although named in the Council's order for the second commission, neither man was included in the version of the commission entered in the county court order book. The Council's subsequent order to *add* Borden and Mathews in 1749 indicates that they were not named in the copy of the 1746 commission sent to Augusta County.

<sup>32</sup> This interpretation is supported by Borden's subsequent record: in the fifth commission, from 27 Oct. 1749 to 30 Apr. 1752, he sat on twenty-eight of the forty-three scheduled court days (65.1 percent), for the highest attendance rating of any magistrate named in that commission.

grant, and Patton may have feared they would actively support Borden's ambitions (Map 5). One of the men from Borden's land, Richard Woods, had served in the first commission before being ousted from the second commission, a slight Woods could be counted on to remember. Even the man not connected with Borden, Ephraim Vause, encroached upon Patton's interest, for Vause was linked to land speculator James Wood, the surveyor of neighboring Frederick County and a competitor for crown land in Augusta County.<sup>33</sup>

It is difficult to tell which single aspect of the third commission most threatened James Patton and his interests: the council's readiness to amend his recommendations, the appearance on the commission of so many men with strong ties to potential or actual competitors in Frederick County, or the abrupt reinforcement of political power allotted to Benjamin Borden, Jr., and his neighborhood. Unfortunately for Patton, the various challenges contained an ominous common denominator: in one way or another, each of the third commission's slights could be traced back to Lord Fairfax's Proprietary on the Northern Neck of Virginia. Lord Fairfax's agent and cousin, councillor William Fairfax, attended the council session that approved the third commission; taken together with the preference shown to Northern Neck portion of Augusta County, this circumstantial evidence strongly suggests an active Fairfax involvement in shaping the latest commission, and not to Patton's advantage (Map 5).<sup>34</sup> Of the six

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<sup>33</sup> Vause purchased 245 acres of Augusta County land from James Wood in 1747. By the beginning of 1749, Wood held titles to 4,800 acres of land in Augusta County. This figure would dip to 3,526 acres by year's end, but as James Patton doubtless was aware, Wood and two Northern Neck partners had additional patents in progress: the partnership of James Wood, William Russell, and William Green received six patents totalling 5,240 acres in 1750. For landholding sources, see Chapter 2, n. 2, above.

<sup>34</sup> *Executive Journals of the Council* 5:289. For agency and relationship of William Fairfax, see Sarah S. Hughes, *Surveyors and Statesmen: Land*

new magistrates within the Northern Neck portion of Augusta County, Patton could rely on the support of only one.<sup>35</sup> The situation appeared little better in Borden's Land, the 92,100-acre tract granted to one of Lord Fairfax's land agents and inherited by that agent's son.<sup>36</sup> Out of seven magistrates now living within the bounds of the Borden tract, only two were likely to favor Patton.<sup>37</sup> Bracketed such unfavorable political alignments in neighborhoods at opposite ends of the county, Patton's reaction to the third commission is hardly surprising.

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*Measuring in Colonial Virginia* (Richmond, 1979), pp. 92, 144. William Fairfax joined the Council on 16 Apr. 1744, and was present for the approval of the first Augusta County commission of the peace on 29 Oct. 1745 (*Executive Journals of the Council* 5:140, 190).

<sup>35</sup> Patton's one friend within the bounds of Augusta County's portion of the Northern Neck was Peter Schull, who was appointed to each of the first seven Augusta County commissions of the peace. The remaining five Northern Neck appointees offered less reassurance. Henry Downs served under Patton for six days during the second commission, but Patton mistrusted the man; within two years, Patton sought the restraint of Downs's goods in payment of a debt (James Patton to J[ohn] B[uchanan], 8 July 1751, William and John Preston Papers, 1740-1960 [1740-1824], Montgomery County, Virginia, Manuscript Department, Duke University Library, Durham, North Carolina). The remaining four men were equally unreliable as allies for Patton. By extension, Downs's son Henry, Jr., could be counted with his father. Samuel O'Dell, a resident of the Northern Neck, served as part of a Northern Neck surveying crew operating within Augusta County in 1750 (Peggy Shomo Joyner *Abstracts of Virginia's Northern Neck Warrants & Surveys, Orange & Augusta Counties* [privately published in Portsmouth, VA, 1985], p. 28, 29). Abraham Vanderpool held no previous office in the county, and had purchased his land from Fairfax. Similarly, Ephraim Vause brought no Augusta County political experience to his office, and bought his land from Col. James Wood, who as surveyor of Frederick County held the most important office dealing with land on the Northern Neck.

<sup>36</sup> Joseph Waddell, *Annals of Augusta County, Virginia, with Reminiscences Illustrative of the Vicissitudes of its Pioneer Settlers* (1886; second ed.; Staunton, 1902), p. 30.

<sup>37</sup> For location of magistrates in various parts of Augusta County, see Appendix A. One of Patton's few allies in Borden's Land was his son-in-law and business partner, John Buchanan. The other, James Montgomery, served on the bench with Patton twelve out of fifty-two days (23.1 percent) during the term of the second commission.

Why would powerful men from Fairfax's Northern Neck grant care about Augusta County? Part of their concern undoubtedly derived from a vestigial reminder of a border dispute that Lord Fairfax had won several years earlier. This dispute concerned the location of the boundary between Fairfax's land in the Shenandoah Valley and the crown's land to the southwest: Virginia claimed that the line ran from a more northerly point northwest to the head of the Potomac, while Fairfax argued that the line originated at a more southerly location (Map 1). Fairfax eventually carried the day, but not because the Virginia burgesses had attempted to cement the crown's claim by including the disputed territory within the bounds of the new county of Augusta. Through this maneuver, the burgesses assigned political control over a portion of the Northern Neck to a county government seated outside the Fairfax Proprietary.<sup>38</sup>

The burgesses adjusted the anomalous boundaries in 1753, transferring the Northern Neck portion of Augusta County to Frederick County, but this eventual solution still lay in the future when James Patton's grip on the magistrates' commission weakened in May 1749.<sup>39</sup> To Patton, it must have appeared that the Northern Neck land magnates and their Augusta County allies had but one intention: to gain control of Augusta County and the rich western lands it encompassed. No documentary evidence survives to demonstrate that such was

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<sup>38</sup> Robert D. Mitchell, *Commercialism and Frontier: Perspectives on the Early Shenandoah Valley* (Charlottesville, 1977), pp. 9-11. For the original Augusta County border definition see "An Act, for erecting two new Counties, and parishes; and granting certain encouragements to the inhabitants thereof," in William Waller Hening, *The Statutes at Large: Being a Collection of All the Laws of Virginia* . . . (13 vols.; Richmond, 1819-23), V:78-80.

<sup>39</sup> "An Act for adding part of the county and parish of Augusta, to the county and parish of Frederick, and for dividing the county and parish of Frederick, and the part of Augusta to be added thereto, into two counties and parishes," in Hening, *Statutes at Large* VI:376-379.

their intention, but plausible causes for Patton's concern are still visible. Colonel James Wood, who as surveyor of Frederick County administered the disposition of all Northern Neck land west of the Blue Ridge, owned 2,507 acres of crown land in Augusta County by the end of 1749; by contrast, Patton held title to only two thirds of that amount. Benjamin Borden, Jr., retained an even more imposing 64,340 acres inherited from his father; some of this was considered barren wasteland, but even so Borden still managed to sell almost one third of it during the four remaining years of his life.<sup>40</sup> Whether their threat was real or not, speculators associated with the Northern Neck interest seemed poised to brush Patton aside in the race for influence in Augusta County and control of western land.<sup>41</sup>

But if Northern Neck fortunes blossomed quickly in May, they withered as abruptly the following month. Governor Gooch and the Council again revised the commission of the peace on 14 June, turning five of the six Northern Neck magistrates out of office (Map 5). The lone survivor, Peter Schull, was an old familiar of Patton's, having served with him on twenty-five of the forty-five days (55.6 percent) that Patton presided during the term of the second commission.<sup>42</sup>

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<sup>40</sup> Wood was appointed Frederick County surveyor in 1745 (Hughes, *Surveyors and Statesmen*, p. 87). As of 31 Dec. 1749, Patton held title to 1,728.5 Augusta County acres. Borden's sales for the years 1750 through 1753 totalled 19,866 acres, or 30.9 percent of the 64,340 acres he owned in 1749 (for landholding sources, see Chapter 2, n. 2). For unsold wasteland in Borden's 92,100-acre tract, see Samuel McDowell Deposition, circa 1783, in Draper Mss. 4ZZ 4 (microfilm edition, 1980, reel 121), State Historical Society of Wisconsin.

<sup>41</sup> For a detailed discussion of the expansionist tendencies shown by elite Northern Neckers, see Marc Egnal, *A Mighty Empire: The Origins of the American Revolution* (Ithaca & London, 1988), pp. 87-101.

<sup>42</sup> For Schull's attendance with Patton, see Augusta County OB 1:69, 71, 75, 84, 129, 135, 168, 173, 182, 188, 194, 202, 207, 246, 256; 2:2, 8, 14, 27, 46, 52, 55, 73, 101, 103. Schull's reliability was probably further enhanced by his service as the senior magistrate present on six days during the second commission (*ibid.*, 1:345, 348, 357, 360; 2:68, 110).

Patton's dispossessed Northern Neck rivals not only lost their magisterial offices in Augusta County, but never regained them in subsequent commissions. To round out the coup, the June casualties also included one of Patton's former associates, junior magistrate Samuel Gay, who impudently conducted business for the remainder of the May court days after Patton and his party refused to serve.<sup>43</sup>

No direct evidence survives to explain how Patton achieved such an abrupt rout of his competitors, but again the circumstantial clues are highly suggestive. Patton's success hinged on the membership of the Council, which approved the fourth Augusta County commission of the peace in the absence of councillor William Fairfax but in the presence of councillors John Blair and John Robinson. Blair and Robinson were both partners in land speculation with John Lewis, which strongly suggests that Patton and Lewis reconciled some of their differences.<sup>44</sup>

The terms of Lewis and Patton's apparent truce became clear only gradually, for before things could return to normal, one last adjustment of the commission was necessary. The rivals seem to have participated in this final change while personally standing clear of any potential conflicts at the courthouse: when the county court met for its scheduled five days in August, a neutral but sufficiently

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<sup>43</sup> Gay ranked seventeenth in seniority on both the second commission, in which he served for eighteen days under Patton, and in the third commission, over which he presided for all of its two and a half day duration. For Gay's service on 19, 20, and 22 May 1749, see *ibid.*, 2:122, 129, 130. Gay continued to reside in Augusta County until his death some six years later.

<sup>44</sup> For Council membership, see *Executive Journals of the Council* 5:290-291. For Lewis's connection to these men, see note 27 above. If Patton had not yet met John Blair in 1749, he soon did: for correspondence between Patton and Blair throughout 1751, see *Diary of John Blair*, entries for 14 Feb., 13 June, 13 & 18 July, 17 Aug., 19 Sept., 8 & 9 Nov., and 12 Dec. 1751, as transcribed in *William and Mary Quarterly* 1st ser. 7 (1898), p. 148, and vol. 8 (1899), pp. 3, 7, 9, 11, 12, 14, 16. Patton and Blair visited newly arrived Governor Dinwiddie on 13 Dec. 1751 (*Blair Diary, WMQ* 1st ser., 7:149).

senior magistrate presided on each uneventful day.<sup>45</sup> The court recommended the addition of eleven more magistrates, and two months later, as expected, the Council issued yet another commission for Augusta County, dated 27 October 1749. This time the colonial officials accepted ten of the eleven nominations.<sup>46</sup>

The fifth commission represented a compromise between rival factions in Augusta County. The sitting magistrates recommended three Northern Neck men, each of whom was acceptable to councillor William Fairfax.<sup>47</sup> This time, however, the nominees posed no threat to Patton's speculative interests: all three were familiar to the more senior magistrates, having served in subordinate Augusta County offices, and none was linked to land speculators in the Fairfax proprietorship. Nor were they politically active: none served during the twenty-nine-month term of the fifth commission.<sup>48</sup> The compromise also extended to the opposite end of the county from the Northern Neck, with one magistrate living in Borden's Land returning to the commission (Map 5).

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<sup>45</sup> The senior magistrate present, Robert Cunningham, served on the first commission under Lewis and the second commission under Patton. Cunningham ranked seventh in the fourth commission. For Cunningham's rank, see *Executive Journals of the Council* 5:290. For his administration of the August 1749 quarterly session, see Augusta County OB 2:149, 150, 154, 159, 161, 162, 264, 273.

<sup>46</sup> Augusta County OB 2:286; *Executive Journals of the Council* 5:302.

<sup>47</sup> For Fairfax's attendance at the 27 Oct. 1749 meeting of the Council, see *Executive Journals of the Council* 5:302.

<sup>48</sup> The career patterns of the three additional Northern Neck magistrates--John Denton, John Ruddell, and Mathias Seltzer--were almost identical. John Denton was a captain and road overseer in 1746 (Augusta County OB 1:67), and a processioner in 1747 (Augusta Parish Vestry Book, Vi [hereafter cited as Augusta Parish VB], p. 10). John Ruddell was a processioner in 1747 (Augusta Parish VB, p. 9), and Mathias Seltzer was a road overseer in 1746 (Augusta County OB 1:51) and a processioner in 1747 (Augusta Parish VB, p. 9).



Of the interested parties involved in the Augusta County commission struggles of 1749, John Lewis benefited most from the resolution. Part of Lewis's gains were in personnel: the Council restored one of Lewis's allies dropped from the first commission, and in the fourth and fifth commissions named a total of four more magistrates who subsequently served under Lewis.<sup>49</sup> For all the significance of these gains, however, the most important result for Lewis--and the one most suggestive of a deal struck with Patton--involved control of the court. Although Patton retained his place at the head of the commission, he relinquished his dominating role as senior magistrate present in court, and sat on none of the fifth commission's forty-three regularly scheduled days. Instead, John Lewis presided on twenty-five out of the forty-three days and his son Andrew acted as the senior justice of the peace on three more, for a Lewis family total of 65.1 percent of the regular court days. Further highlighting Patton's detachment, five additional magistrates ran at least one court day during the fifth commission (Map 6).<sup>50</sup>

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<sup>49</sup> Adam Dickenson served four days under Lewis in the first commission, but then was dropped from the second and not reinstated until the fifth. Robert Breckenridge, William Harbeson, Thomas Ingles, and John Lyle were added to the fourth or fifth commission, and served on the fifth commission under John Lewis or Andrew Lewis for 3, 7, 5, and 10 days respectively. For Dickenson's attendance, see Augusta County OB 1:1, 2, 7, 43. For attendance of Lewis's allies on the fifth commission, see Augusta County OB 2:287, 292, 294, 297, 302, 304, 333, 354, 408, 514, 532, 539, 550, 561, 565; 3:198, 215.

<sup>50</sup> In addition to the Lewises, the following magistrates also served as senior magistrate present at regularly scheduled Augusta County courts during the term of the fifth commission: Richard Burton (4 days), James Lockhart (1 day), John Lynn (2 days), Peter Schull (7 days), and David Stuart (1 day). In this calculation, I counted individual justices of the peace as the senior magistrate present if they served at any time during the day. By this accounting, the senior magistrate present when court convened in the morning sometimes was superseded by a late arrival. For attendance of the most senior magistrate at courts held under the fifth commission, see Augusta County OB as indicated: J. Lewis: 2:287, 294, 297, 302, 311, 316, 333, 339, 354, 408, 414, 425, 472, 485, 490, 514, 538, 561, 609; 3:176, 180, 185, 198, 215, 217; Schull: 2:521, 572, 585, 594; 3:207, 226, 233; Burton: 2:363, 372, 380, 393; A. Lewis: 2:505, 539, 550; Stuart:

The fifth commission arrived at the courthouse in Staunton before the next court in November, and was presented on the first day of the November session. The latest changes meant that each quarterly court held in 1749 was conducted partially or completely under the authority of a separate commission of the peace. These repeated turnovers played havoc with the court's continuity: forty-nine magistrates were named in a commission valid during some part of 1749, but only ten (20.4 percent) were named to all four commissions in force during that year.

Despite this unstable precedent, the fifth commission of the peace brought a new independence to Augusta County's magistrates. After 1749, colonial governors and Councils intervened no more frequently nor egregiously in this frontier commission than in those of more mature Virginia counties. When Governor Dinwiddie revised the membership of all magisterial commissions in 1752, for example, the magnitude of the Augusta County changes differed little from those experienced in the Tidewater (Map 6).<sup>51</sup> After this colony-wide alteration early in his administration, Dinwiddie barely dabbled in Augusta County politics: during

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2:441; Lynn: 2:433, 2:456; Lockhart: 2:500. For ranks of magistrates in the fifth commission, see *ibid.*, 2:287.

<sup>51</sup> Dinwiddie's original instructions from the Board of Trade do not survive, but apparently his 1752 revisions of the Virginia county commissions of the peace reflect Lord Halifax's desire to tighten control over colonial appointments (personal communication with John M. Hemphill II, 26 Feb. 1990). As a result of the 1752 general revisions, sixteen out of thirty-four living Augusta County magistrates (47.1 percent) retained their positions. In York County, by comparison, twelve out of twenty-one eligible magistrates (57.1 percent) kept their seats. The two counties also retained roughly comparable proportions of their active magistrates: in Augusta County, twelve of the sixteen new members (75.0 percent) had been active in the previous commission, while in York County ten out of the twelve new appointees (83.3 percent) participated in the preceding commission. For these calculations, members who swore the oath of office were counted as active, and non-juring members were counted as inactive. For Augusta County sources, see Appendix A. The York County commission in effect when Dinwiddie issued the colony-wide revisions was presented in court on 19 Nov. 1750 (York County Judgements and Orders 1:362). Information on York County magisterial activity and deaths is contained in the York County Project Master Files, Colonial Williamsburg Foundation.

MAP 6. GOV. DINWIDDIE'S 1752 REVISION

OF THE AUGUSTA COUNTY COMMISSION OF THE PEACE

Distribution of Augusta County Magistrates among Four Locations  
(underlined JPs sat on one or more regularly scheduled court days)

Days Present  
as Presiding Magistrate

Distribution of Augusta County Magistrates among Four Locations (underlined JPs sat on one or more regularly scheduled court days)				Days Present as Presiding Magistrate		
<p>V. Commission dated 27 Oct. 1749 Total days the court met: 43</p>		<p>Crown Land <u>5, 8, 15, 20, 22, 23, 36, 37, 40</u> (unlocated: 24, 45)</p>	<p>Northern Neck 14, 47 49, 50</p>	J. Lewis	25	58.1%
				Schull	7	16.3%
				Burton	4	9.3%
				A. Lewis	3	7.0%
				D. Stuart	1	2.3%
				Lynn	2	4.7%
				Lockhart	1	2.3%
<p>VI. Commission dated 30 Apr. 1752 Total days the court met: 27</p>		<p>Crown Land <u>5, 36, 40</u></p>	<p>Northern Neck 49</p>	Patton	10	37.0%
				J. Lewis	6	22.2%
				Schull	9	33.3%
				A. Lewis	2	7.4%

KEY TO MAGISTRATE LOCATIONS

1 Alexander Archibald	15 Dickenson Adam	31 Lockhart James	45 Ramsey Robert
4 Borden Benjamin, Jr.	20 Harbison William	32 Lyle John	47 Ruddell John
5 Breckenridge Robert	22 Hart Silas	33 Lynn John	48 Rutledge James
*7 Buchanan John	24 Ingles Thomas	34 McClenachan Robert	*49 Schull Peter
8 Burton Richard	25 Jameson William	35 Martin Patrick	50 Seltzer Mathias
*9 Campbell Robert	26 Kennedy Joseph	36 Mathews John	51 Stuart David
11 Christian William	28 Lewis Andrew	37 Mills John	52 Stuart Thomas
*13 Cunningham Robert	*29 Lewis John	40 Patterson Erwin	57 Wilson John
14 Denton John	*30 Lewis Thomas	*41 Patton James	58 Woods Richard
			59 Wright Alexander

\* = named in each of the first five Augusta County commissions of the peace

Sources: see Appendix A

the nearly seven years of his term in office, the governor added only one unsolicited magistrate with no prior service on the bench.<sup>52</sup> Dinwiddie's policy remained in force even after his tenure, with the governor's successor, Francis Fauquier, demonstrating similar restraint.

This diminished involvement by colonial officials in the internecine rivalries of Augusta County's magistrates can be seen most clearly after the worst raids of the Seven Years' War subsided and the county population began to recover in the early 1760s.<sup>53</sup> Each magistrate named in the eleventh commission (presented in court on 19 May 1761) had been appointed to at least one previous Augusta County commission.<sup>54</sup> Two years later, Governor Fauquier accepted completely the nominations of this court for additions to the next commission, neither adding nor subtracting any members not mentioned in the court's recommendation.<sup>55</sup> When

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<sup>52</sup> The single exception, Christopher Gist, was a surveyor for the Ohio Company, a speculative land venture in which Dinwiddie held an interest. The Ohio Company's vast claims were located within the extended borders of Augusta County, so Gist's appointment probably represents an effort to establish the Company's influence within Augusta County. This hypothesis is further supported by the fact that Augusta County surveyor Thomas Lewis, who was opposed to the Ohio Company venture, lost his position as a magistrate in the same commission of the peace (Augusta County OB 4:1; Warren M. Billings, John E. Selby, and Thad W. Tate, *Colonial Virginia: A History* [White Plains, NY, 1986], p. 260; Hughes, *Surveyors and Statesmen*, p. 99).

<sup>53</sup> The commissions in effect during the worst years of the war have not survived. For their partial reconstructions (based on oaths of office, attendance, and Council orders for changes), see Appendix A. These reconstructions include the eighth commission, in 1755, through the tenth commission, presented in court on 21 May 1760.

<sup>54</sup> The twenty-four members of the eleventh commission are listed in full in Augusta County OB 7:1.

<sup>55</sup> For the court's recommendations for addition to the twelfth commission, see Augusta County OB 7:482. For membership of the twelfth commission, see Augusta County OB 8:113.

the twelfth commission magistrates in turn eventually sent forward their proposed revisions, Fauquier acted with comparable tolerance.<sup>56</sup>

The decreasing frequency of turnovers in Augusta County's commission of the peace did not signal an end to elite rivalries. Indeed, one observer noted that the disputes of John Lewis and James Patton "Continued while they Liv'd," but after the struggles of 1749, even these competitors apparently relied less on support from powerful external allies for their local campaigns against each other. Instead, county leaders drew increasingly on "their good interest with the people of their own party," maneuvering constantly to expand their influence among the county's yeomen.<sup>57</sup> With this change in tactics, Augusta County's elite took an important step toward conformity with the practices of county leaders throughout Virginia.

For men like James Patton, influence "with the people of their own party" represented only a single alternative out of many useful tactics for suppressing local rivals. But for less well connected men, the support of peers provided one of the few viable means for resisting the dominance of magistrates vested with greater institutional power. The Burgess election held on Wednesday, 17 December 1755, provides the most vivid example of this resistance.

The election took place at the county courthouse in Staunton, in a setting familiar to any Virginia voter. The building measured twenty-six by forty feet in the clear,

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<sup>56</sup> Fauquier added two unrequested members in response to the crisis sparked by the murder of several Cherokee Indians, described in Chapter 7 below. (Francis Fauquier to Andrew Lewis, 14 June 1765, in George Reese, ed., *The Official Papers of Francis Fauquier, Lieutenant Governor of Virginia, 1758-1768* (3 vols.; Charlottesville, 1980-83), III:1260. To make room for these two, Fauquier dropped two inactive magistrates (James Lockridge and Francis Tyler) who never served in--nor even sworn to--the commission in force during the previous two years (Augusta County OB 8:113-9:439).

<sup>57</sup> Craig Autobiography, p. 29.

and like other Virginia courthouses its main interior room was partitioned by a bar into two areas, the larger open to the general public, the smaller reserved for conducting the court's business. This smaller space included a table for the clerk as well as a bench for the magistrates. On election day, county freeholders entered the courthouse and advanced one at a time past the county sheriff and the bar into the inner section of the court, where they stepped before the clerk's table and announced their choices for burgesses. Once their vote was recorded, the freeholders stepped back past the bar and into the public area, remaining there for as long as they chose.<sup>58</sup>

Like scheduled court days, this election drew a sizeable crowd. Polling continued all day, and by evening the attendants were restless and unruly. For some, this increasingly aggressive mood almost certainly resulted from heavy drinking. But intoxicated or sober, the crowd was also stirred up by the flamboyant supporters of two candidates: proclaiming "that he and his Party would carry the Day," freeholder Joseph Lapsley "pulled out his Purse in the Court-Yard and offered to wager" on his two favorites. Similarly, Richard Woods "was noisy and loud" in favor of his choice, "and offered to wager as *Lapsley* did."<sup>59</sup>

Tension grew with the onset of evening, "when the People crowded into the Court-House and pressed upon the Sheriff." According to some witnesses, sheriff

<sup>58</sup> For courthouse dimensions, see Augusta County OB 3:257 and 4:467. For courthouse fittings, see Augusta County OB 4:508. For Virginia voting procedures, see Charles S. Sydnor, *Gentlemen Freeholders: Political Practices in Washington's Virginia* (Chapel Hill, 1952), pp. 19-21.

<sup>59</sup> For heavy attendance during regularly scheduled Augusta County courts, see Diary of Robert Rose, 1746/7-1751, entry dated 28 May 1751, mss. in Colonial Williamsburg Foundation Library. For drinking at elections, see Sydnor, *Gentlemen Freeholders*, pp. 53-59. For accounts of the election and quotes, see H.R. McIlwaine, ed., *Journals of the House of Burgesses of Virginia, 1752-1755, 1756-1758* (Richmond, 1909), pp. 446-447. Original italics.

James Lockhart dealt reasonably with the jostlers: he "endeavoured to keep them back in a civil Manner, by putting his Stick a-cross their Breasts." Other viewers remembered a less moderate scene, and reported that Lockhart "struck several of the Freeholders with his Staff on the Shins, and pushed them with the same in the Breast and other Parts of the Body, and threatened to push [the staff] down their Throats if they did not keep back." In either case, the sheriff alone could not control his opponents, so he summoned a guard "to keep the Crowd off." Richard Woods, who had earlier offered to bet on the election, volunteered to assist in the task, and so remained within the bar.

Despite these tensions, the election continued without incident for a little longer. Then, shortly after candles were lighted, a report came out of the courthouse that the vote was going against the candidates supported by Woods and Lapsley. This news drove another ally, David Cloyd, to exclaim that "if we cannot carry it one Way we will have it another: I will put a Stop to the Election."

Cloyd's threat electrified his audience, "and immediately the Crowd encreased." He and Lapsley entered the courthouse, forcing their way through the press. Upon reaching the bar, Lapsley attempted to push past the sheriff and give his vote, but the sheriff ordered him to keep back. Perhaps the sheriff merely sought to keep order, or perhaps, as some people claimed afterwards, he was refusing to take votes from freeholders known to oppose his own candidates.<sup>60</sup> Regardless of the

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<sup>60</sup> According to subsequent depositions, sheriff James Lockhart "whispered to several Freeholders as they came to vote to know who they were for, and then refused to take their Votes" (*Journals of the House of Burgesses, 1752-58*, p. 447). If the allegations were true, Lockhart may have acted in support of his next-door neighbor, John Wilson, one of the eventual winners in the burgess election (J.R. Hildebrand, "The Beverley Patent, 1736, including original grantees, 1738-1815," endpapers map in Howard McKnight Wilson, *The Tinkling Spring, Headwater of Freedom: A Study of the Church and Her People, 1732-1952* [Verona, VA, 1954]).

motive, the sheriff's checking of Lapsley sparked a brief shoving match between the two. Outraged by the sheriff's roughness, Cloyd heatedly challenged that officer to "Collar me too Sir," but for the moment nothing came of his dare.

Lapsley and Cloyd voted, and the election continued--but only briefly.

After announcing their votes, Lapsley and Cloyd refused to withdraw beyond the bar, even though ordered by the sheriff. This second confrontation abruptly exploded into violence when "the Candles were struck out by [Richard] *Woods*, and the Riot began." Lapsley rallied his supporters, crying out "Lads, Stand by me," as the crowd struggled in the darkness. "I'll pay the Fine, cost what it will," he promised; "You know I am able." Someone seized the sheriff and threw him on the clerk's table, which collapsed beneath his weight. With that assault, the clerk and his assistant scrambled for safety back to the magistrates bench; the election clearly was over.<sup>61</sup>

Similar incidents occurred in other young Virginia counties of this era, but to dismiss election tumults as the natural products of an unruly frontier environment is to miss completely the contemporary significance of such riots.<sup>62</sup> Instead, the interpretation of this event hinges on key questions about the known participants: where did they fit in the community, why did they riot, and what did their actions produce?

The three men identified as "the chief Movers of the said Tumult and Riot"--David Cloyd, Joseph Lapsley, and Richard Woods--shared several important

<sup>61</sup> *Journals of the House of Burgesses, 1752-58*, pp. 446-447. Original italics.

<sup>62</sup> Rioters prevented a burgess election in Hanover County in 1735 (H.R. McIlwaine, *Journals of the House of Burgesses of Virginia, 1727-34, 1736-50* [Richmond, 1910], p. 256). For a 1742 election tumult in Orange County, see H.R. McIlwaine, ed., *Journals of the House of Burgesses of Virginia, 1742-47, 1748-49* (Richmond, 1909), p. 50.



characteristics.<sup>63</sup> Most obviously, all were experienced freeholders: by 1755, each had owned land in Augusta County for at least a decade. Of the three, Cloyd possessed the most real estate, having accumulated a total of 2,062 acres by means of three purchases and three patents. Lapsley came next with 784 acres, and Woods followed with a total of 570 acres.<sup>64</sup> In their economic standing, the three leading rioters of 1755 belonged to the top fifth of all freeholders in the county (Table 1).

At first glance, the economic position of these three made them unlikely candidates to lead a riot, but this apparent incongruity is artificial. Indeed, rather than serving as a source of stability, their relative affluence actually fed the discontent that Cloyd, Lapsley, and Woods expressed in their election tumult: despite their wealth, each had previously suffered major public slights that overtly denigrated their economic success. David Cloyd, who purchased his first land in 1745 and who by 1749 was the eleventh largest landowner in the county, was denied any county office until 1755. When the Augusta County magistrates finally assigned Cloyd to a position of authority, they refused to grant him a position commensurate with his high economic status: the court gave him nothing more than the low-level offices of road surveyor and constable.<sup>65</sup>

Similarly, Joseph Lapsley also suffered a public rejection of his fitness for leadership, although he rose to greater authority than Cloyd: militia captain by 1746

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<sup>63</sup> *Journals of the House of Burgesses, 1752-58*, p. 347.

<sup>64</sup> Cloyd purchased his first Augusta County land in 1745, Lapsley in 1742, and Woods in 1742. For sources of Augusta County landholding, see Chapter 2, n. 2.

<sup>65</sup> Augusta County OB 4:439, 5:510.

and grand juryman in 1747.<sup>66</sup> The captaincy embodied substantially more responsibility than Cloyd's offices, but Lapsley's potential for service to the county went beyond his role as a militia leader. In recognition of that potential, presiding magistrate John Lewis and the county court of 16 April 1746 recommended Lapsley to the governor for addition to the next commission of the peace.<sup>67</sup> But Lapsley's hopes abruptly collapsed several weeks later, when Governor Gooch stripped most of John Lewis's allies from the commission and handed control of the Augusta County court to James Patton. As part of this transformation, the governor denied Lapsley's appointment as a magistrate. Lapsley's protracted frustration echoed in his rallying cry during the riot nine years later, when he shouted to his friends that "I'll pay the Fine, cost what it will: You know I am able." Despite the financial success to which he alluded, Lapsley could not win the acceptance of Augusta County's political elite.

And what of the third principal, Richard Woods, who started the riot by knocking out the courtroom candles? Woods attained higher offices than either Cloyd or Lapsley, but even so he suffered a number of jolting setbacks. His career as a western magistrate began with an appointment to the Orange County commission of the peace in 1739, along with neighbor John McDowell.<sup>68</sup> For the next two years Woods and McDowell represented their neighborhood--Borden's Land in the Augusta District--at the Orange County court, but in 1741 the governor set them aside in favor of James Patton's interest, turning the two men out of the

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<sup>66</sup> *Ibid.*, 1:130, 192 (second page of this number).

<sup>67</sup> *Ibid.*, p. 42.

<sup>68</sup> *Executive Journals of the Council* 5:2.

commission to make room for Patton and his partner John Buchanan.<sup>69</sup> Despite this demotion, Woods remained active in public life, serving as a militia captain from 1743 until the Augusta District received its independence from Orange County in 1745.<sup>70</sup> At that time, the governor installed Woods in the first Augusta County commission of the peace, ranking fifteenth out of twenty magistrates.<sup>71</sup>

Woods did not enjoy his promotion for long: in the following spring, the governor evicted Woods from the 1746 commission. With the exception of one turn as a proccessioner in 1747, the former magistrate performed no official duty again until his reappointment as a justice of the peace in 1749.<sup>72</sup> Once reinstated, Woods appeared in every Augusta County magistrate's commission until the subdivision of early 1770 transferred him to Botetourt County, but even so he continued to draw unfavorable attention from colonial officials.<sup>73</sup>

In 1752, the Augusta Parish churchwardens complained to the governor and Council that Woods had improperly administered the oaths of allegiance to his next-

<sup>69</sup> *Ibid.*, p. 73. The competition between Woods and Buchanan included economic as well as political stakes, as indicated by their dispute over rights to a land patent, settled in Woods' favor by the Council in 1750 (*ibid.*, p. 322). As a kinsman of John Lewis and land agent for speculator Benjamin Borden, Sr., John McDowell risked incurring James Patton's animosity for economic as well as familial reasons. For a detailed analysis of the various relationships among these early land speculators, see Chapter 2 above.

<sup>70</sup> Draper Mss. 1QQ 23, 25, 29, 32 (microfilm edition, 1980, reel 100), State Historical Society of Wisconsin.

<sup>71</sup> Augusta County OB 1:1; *Executive Journals of the Council* 5:191

<sup>72</sup> *Journals of the House of Burgesses, 1752-58*, pp. 214, 289; Augusta County OB 1:68, 2:127. For Woods' return to the bench on 29 Nov. 1749, see Augusta County OB 2:287. For his 3 Sept. 1747 appointment as a proccessioner, see Augusta Parish VB, p. 5.

<sup>73</sup> For Woods' membership in the commissions of the peace between 1750 and early 1770, see Augusta County OB 3:242, 4:1, 425, 5:367, 7:1, 8:113, 9:440.

door neighbor, an eccentric Presbyterian minister named Alexander Craighead. According to the churchwardens, Woods allowed the minister to omit parts of the oath, and now Craighead freely "taught and maintained treasonable positions, and preached and published pernicious Doctrines" in the county. The governor and Council reacted to this reported malfeasance by summoning Woods to appear before the governor in order to answer the churchwardens' complaint.<sup>74</sup> Apparently Woods satisfied the governor without making the trip to Williamsburg, for there is no record that he ever attended the Council, but in any event the censure, like the two earlier revocations of his appointments as a magistrate, continued to rankle. With sufficient provocation, his annoyance could boil over into violence.

From Woods' perspective, that provocation existed in the person of James Lockhart, the sheriff for Augusta County during the aborted election of 1755. Lockhart arrived in Augusta County several years after Woods, purchasing 624 acres in Beverley Manor in 1748. The acquisition placed Lockhart in an economic status nearly identical to Richard Woods', but unlike Woods the newcomer easily embarked upon a smooth, unobstructed political career. After his initial assignment as vestryman, Lockhart quickly received an appointment to the commission of the peace in May 1749, where he ranked five places ahead of the newly restored Woods.<sup>75</sup> Both men survived the subsequent commission rivalries of 1749 with

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<sup>74</sup> For the recording of Craighead's oath, see *ibid.*, 3:326. For the Craighead incident, which is discussed in greater detail in Ch. 4 above, see *Executive Journals of the Council* 5:399-400, 407. For the adjacent farms of Woods and Craighead, see J.R. Hildebrand, "Map Showing 92,100-Acre Grant for Benjamin Borden," Virginia State Library, and Augusta County Deed Book (microfilm), Vi, 5:257-261.

<sup>75</sup> Augusta Parish VB, p. 1; *Executive Journals of Council* 5:289; Augusta County OB 2:127.

their positions intact, but during the shakeup Lockhart gained additional seniority relative to Woods: in the fifth commission, Lockhart ranked sixteenth, Woods twenty-fourth. Despite Lockhart's initial advantage, however, Woods pulled steadily closer in the next two commissions, and held his gains in the eighth, issued in 1755. When Lockhart became sheriff later that year, he was the seventh most senior magistrate in the county; Woods was the ninth.<sup>76</sup>

Did Woods resent the newcomer Lockhart's elevation to a higher rank in the commission of the peace? There is no direct evidence of a rivalry between the two men in their capacities as magistrates, and indeed Woods acted properly in helping Lockhart to hold back the crowd earlier in the election. But magistrates could compete in arenas other than the courthouse, especially when most of them occupied more than one public office. Such was the case here. Woods and Lockhart clashed bitterly at least once before the election riot: in 1752, acting in his office as a churchwarden, James Lockhart had reported Richard Woods to the governor and the Council for improperly handling the radical dissenting minister, Alexander Craighead.

Woods and Lockhart's scuffle over Craighead's oath of obedience followed the conventional pattern for internecine conflicts within the Augusta County elite. Lockhart employed the familiar tactic of enlisting powerful allies from the colonial government, persuading them to wield their influence in what was essentially a local dispute. Woods seems to have replied in kind, because he managed to avoid

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<sup>76</sup> For references to magistrates, see Augusta County OB 2:287, 3:242, 4:1, 382, 395, 425, 465, 489, 498, and *Executive Journals of Council* 5:303, 389; 6:50. For Lockhart's appointment as sheriff, see Augusta County OB 4:474 (recommendation) and 4:493 (oath of office). An complete copy of the eighth commission has not survived, so magisterial ranks are carried over from the previous commission, with Lockhart and Woods each advancing one position due to the transfer of fourth-ranking magistrate Peter Schull (of the Northern Neck) to Frederick County.

an official appearance before the governor. But when Woods struck out the lights in the courthouse on 17 December 1755, he unleashed a very different sort of attack on his rival James Lockhart.

The election riot of 1755 revealed a developed and intense identity shared by a cohesive set of yeomen. Indeed, Lapsley's cry in the darkened courtroom, "Lads, Stand by me," marked only the latest call for mutual support. For years, the chief rioters had stood by each other. As a magistrate in early 1746, Woods sat on the court that recommended Lapsley, his neighbor of at least four years, for a place in Augusta County's second commission of the peace.<sup>77</sup> Woods' effort to promote Lapsley failed, but the two men continued to act on behalf of nearby yeomen such as David Cloyd: a 1751 court assigned Woods and Lapsley to appraise two tracts of land that Cloyd had improved, a task of much economic significance to Cloyd.<sup>78</sup>

The rioters were linked to their favorite candidate, Archibald Alexander, by similar bonds. In part their association was geographic: Alexander was also a nearby resident of Borden's Land.<sup>79</sup> But perhaps more importantly, Alexander, like Woods, had been turned out of the commission of the peace and thus denied a

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<sup>77</sup> Augusta County OB 1:33, 42. Woods and Lapsley had lived close by each other for at least thirteen years by the time of the 1755 election riot. Their farms on Woods Creek were separated by a single narrow tract (Hildebrand, "Borden's Grant Map").

<sup>78</sup> Augusta County OB 3:218.

<sup>79</sup> Lapsley "offered to wager that Mr [William] *Preston* and Mr [Archibald] *Alexander*, two of the Candidates, would go Burgesses," and Woods "was noisy and loud in the Interest of Mr [Archibald] *Alexander*." (*Journals of the House of Burgesses, 1752-58*, p. 447) Original italics. For landholding sources, see Chapter 2, n. 2, above. For relative locations of Woods, Lapsley, and Alexander in Borden's land, see Hildebrand, "Borden's Grant Map."

position that he surely thought of as his right.<sup>80</sup> Woods and Lapsley's offers to wager on Alexander's victory thus expressed not only their support for a neighbor, but also their common cause with an unjustly treated man.

At first glance, their cause seems to have suffered more setbacks in the wake of the riot. Archibald Alexander lost the next burgess election, and a summons from the House of Burgesses required Woods, Cloyd, and Lapsley to defend their conduct in Williamsburg in April 1756.<sup>81</sup> The rioters presented depositions in their defense, but the investigation dragged into 1757. When the House Committee of Privileges and Elections concluded its investigation in May of that year, the burgesses held that Lockhart was innocent of any wrongdoing. Liability for costs of the case thus fell on Woods, Cloyd, and Lapsley.<sup>82</sup>

However gratifying this ruling may have been to sheriff James Lockhart, the expense inconvenienced the rioters but little. As Lapsley had shouted at the time, they had always been prepared to pay for the tumult, and their subsequent prosperity suggests that if anything the riot improved their local standing.

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<sup>80</sup> Archibald Alexander was first appointed to the third Augusta County commission, dated 9 May 1749. He remained in each of the two following commissions, but was turned out of office in the sixth commission (1752), and remained out of the seventh. His return to the commission cannot be confirmed until the eleventh one, in 1761 (Augusta County OB 2:127, 149, 287, 3:242, 4:1, 382, 395, 425, 465, 489, 498, 5:367, 373, 378, 421, 6:20, 41, 51, 71, 206, 335, 353, 367, 400, 7:1; *Executive Journals of Council* 5:289, 290-291, 303, 389, 6:50).

<sup>81</sup> Augusta County eventually sent John Wilson and Gabriel Jones as burgesses for the 1756-58 session (*Journal of the House of Burgesses, 1752-58*, pp. ix, 347-348, 381).

<sup>82</sup> *Journals of the House of Burgesses, 1752-58*, pp. 383, 446-447. For a burgess's comments in favor of the rioters after the initial hearing by the Committee of Privileges and Elections, see Edmund Pendleton to William Preston, 12 May 1756, in Draper Mss. 1QQ 126, as transcribed and annotated in David John Mays, *The Letters and Papers of Edmund Pendleton, 1734-1803* (Charlottesville, 1967), p. 8. For Pendleton's appointment to the Committee of Privileges and Elections on 26 March 1756, see *Journals of the House of Burgesses, 1752-58*, p. 338.

Archibald Alexander rejoined the commission of the peace in 1761.<sup>83</sup> David Cloyd disbursed large portions of his substantial estate to his sons while still retaining a sizeable fortune.<sup>84</sup> Joseph Lapsley continued to serve his neighborhood through small but locally significant tasks, acting as a guardian to a minor child in 1764 and a processioner in 1767.<sup>85</sup> But of all the successes enjoyed by the rioters, that of Richard Woods was the most remarkable, for he retained his office as justice of the peace and succeeded James Lockhart as sheriff when Lockhart's term expired late in 1757.<sup>86</sup> Eighteen difficult years after his first appointment as a magistrate, Richard Woods finally attained the inner circle of the Augusta County elite.

During their first quarter century, Augusta County magistrates faced two types of challenges to their authority, one radical, the other competitive. Destitute and dispossessed men such as Robert Hill posed the former threat: annoyed by the jailing of a friend for vagrancy, Hill denounced James Patton's fitness for office before a 1748 audience in the court yard, "calling [Patton] a Sorry fellow and not worthy to wipe [Hill's] shoes." For all its drama, Hill's protest that Patton "had done injustice as a Magistrate" by jailing his friend gained him nothing but his own

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<sup>83</sup> Augusta County OB 7:1.

<sup>84</sup> For landholding sources, see Ch. 2, note 2. Even after purchasing some slaves, Cloyd still had almost £200 in gold and silver coin on hand when Indians raided his house in 1764 (*Pennsylvania Gazette*, 3 May 1764; Augusta County OB 10:237-238).

<sup>85</sup> Augusta County OB 9:161, Augusta Parish VB 428.

<sup>86</sup> Woods swore into the ninth commission of the peace on 16 June 1757, the first day it was presented in court (Augusta County OB 5:367). He was recommended to the governor as the next sheriff on 19 Aug. 1758, swore into that office on 16 Nov. 1759, and served two years until his routine replacement on 18 Nov. 1761 (*ibid.*, 6:16, 36, 204, 7:107).



stint in jail and an obligation to post bond for his future good behavior.<sup>87</sup> The lesson was as clear as it was swift: no poor man could successfully question the equity or policy of one magistrate, much less of the entire court.

But while radical denunciations by landless men produced nothing but official harrassment, competitive challenges by Augusta County's affluent settlers met with a gentler response. With perseverance, money, luck, and the support of other yeomen, a few outsiders could, like Richard Woods, rise to high office and then retain their enhanced standing. As he demonstrated during the early stages of the 1755 riot by tolerating Lockhart's handling of the crowd, and by joining Lockhart in turning back the throng, Woods was fundamentally committed to the existing civil order. Until the sheriff abused Woods' neighbors, Woods felt completely bound by the obligations of his office. He was a mature freeholder and an experienced county official, with no desire to overturn the *status quo*.

Hill and Woods both responded vigorously to perceived abuses of power by high-ranking county officials, but between their motives lay a vast and seemingly unbridgeable social gulf. Their separate protests thus illustrate a fundamental truth about the late colonial frontier: the frontiersmen most capable of mobilizing popular support were also the ones least likely to muster that support on behalf of a radical objective. As a result, even the most electrifying tempests churned out their courses within the clearly understood and widely accepted boundaries of traditional Virginia society.

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<sup>87</sup> Ibid., 2:60.

**PART III**  
**IN THE FRONTIER**

CHAPTER VI  
THE CONTEXT OF INDIAN-WHITE RELATIONS

An Iroquois warrior named Jonnhaty led 22 Onondagas and 7 Oneidas south from what is now upstate New York in the autumn of 1742, to raid the Catawbas. His purpose reflected a long-standing animosity between that tribe and the Iroquois: with a hatred stoked by generations of warfare, men of the two tribes went to extraordinary efforts to attack each other. In this case, Jonnhaty and his warriors planned to march from the Iroquois homeland to the Catawba towns in modern South Carolina--and back again (Map 7).

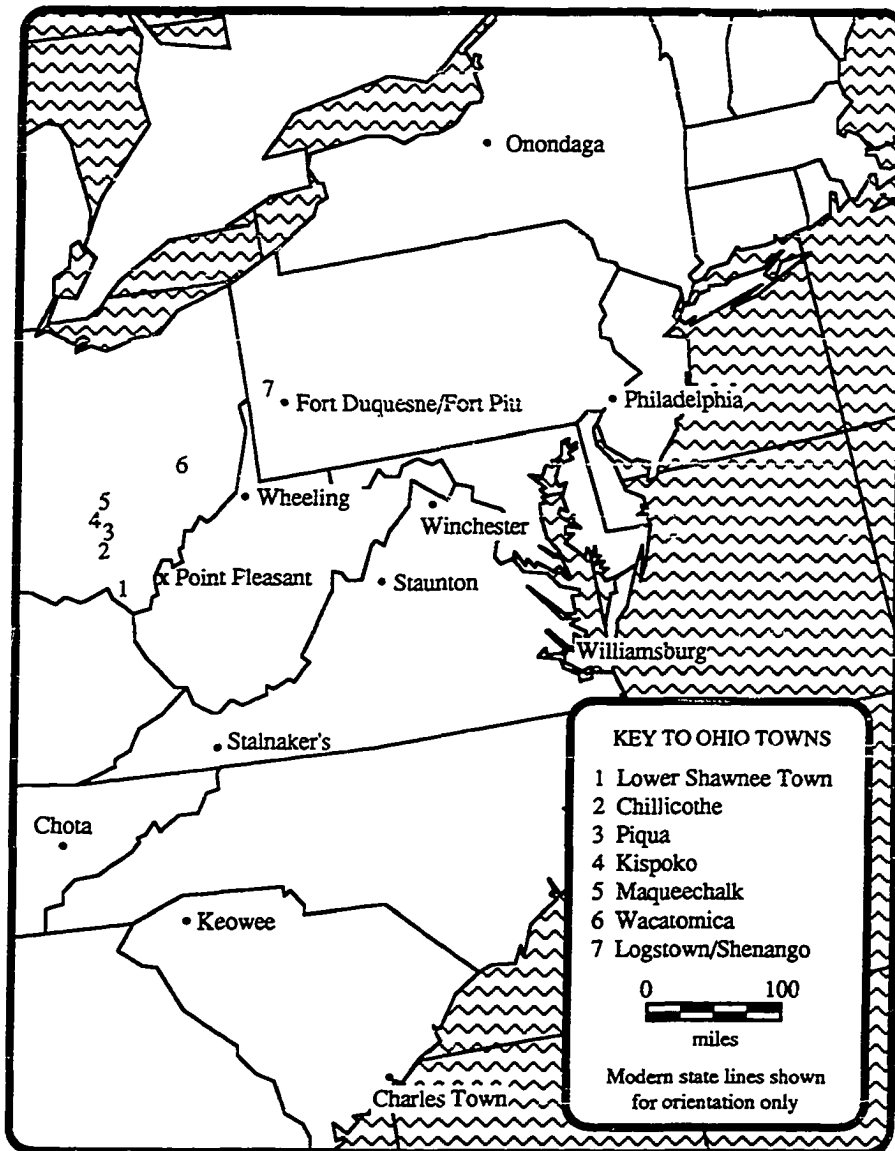
Jonnhaty took a traditional Iroquois route down the Susquehanna River, probably as far as the town of Paxtang, site of modern Harrisburg, Pennsylvania. From there, he and his men swung southwest, following the Great Valley of the Appalachians through the Pennsylvania and Maryland backcountry, and into Virginia. The warriors encountered no difficulties during the first two thirds of their southern journey, for as a rule Iroquois transients carefully maintained good relations with Pennsylvanians.<sup>1</sup> Once south of the Potomac, however, such scruples rarely applied.

Iroquois warriors had a reputation for misconduct in Virginia, but Jonnhaty's party passed through the northernmost English settlements in Jonontore--the Valley

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<sup>1</sup> As Francis Jennings points out, Iroquois tacit accommodations with Pennsylvania permitted them to use the other Indians living in the Susquehanna valley as a buffer against Catawba attacks (*The Ambiguous Iroquois Empire: The Covenant Chain Confederation of Indian Tribes with English Colonies from its beginnings to the Lancaster Treaty of 1744* [New York, 1984], p. 249).

MAP 7. LANDMARKS OF AUGUSTA COUNTY'S CULTURAL FRONTIER



Sources: Trigger, *Northeast*, pp. 623, Francis Jennings, et al., eds., *The History and Culture of Iroquois Diplomacy: An Interdisciplinary Guide to the Treaties of the Six Nations and Their League* (Syracuse, NY, 1985), p. 219; David H. Corkran, *The Cherokee Frontier: Conflict and Survival, 1740-1762* (Norman, 1962), p. 7.

of Virginia--without incident. By early December the raiders reached the house of John McDowell, located in a newly settled area that the Virginians referred to as Borden's Tract. McDowell, a militia captain and justice of the peace, treated Jonnhaty and his men well, entertaining them for a day with food and whiskey. Afterwards the warriors went to a nearby branch of the Galudoghson--James River to the Virginians--where they camped for several more days.

While hunting during this rest period, the Iroquois killed some animals that Virginians did not categorize as game: settlers let their livestock range freely in the woods, but viewed such animals as private property. The Iroquois took at least one hog, which to Virginians was a major theft, and shot a number of horses as well. Compounding the trauma felt by the Virginians at the sight of their arrow-riddled mounts, the warriors "went to Peoples houses, Scared the women and Children [and] took what they wanted."<sup>2</sup> Some settlers resisted these incursions and scuffled with the offenders, but the foragers travelled in squads large enough to fend off any would-be captors.

Captain McDowell reported this unstable situation to his superior officer, Colonel James Patton, who ordered McDowell to raise his militia company and to escort the Indians out of the county. McDowell's muster may have been noticed by the Iroquois warriors, for while the captain gathered his men Jonnhaty broke camp and resumed the journey southward along a trail already known to Virginians as the Warriors' Road. The settlers followed closely, camping about a quarter mile from the war party on the night of 17 December. Jonnhaty clearly did not relish such attention from a larger number of armed Virginians, because he marched his warriors away unnoticed early the following morning.

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<sup>2</sup> Samuel McDowell to Arthur Campbell, 27 July 1808, in Draper Mss. 4ZZ 4 (microfilm edition, 1980, reel 121), State Historical Society of Wisconsin.

McDowell followed later. Half of his militiamen were afoot--due in part to a temporary shortage of horses in the neighborhood--so the Virginians did not overtake Jonnhaty until the raiders had marched some seven or eight miles further down the Warriors' Road, past all but one settler's house. The militia's rapid approach alarmed Jonnhaty's rear guard, who called out a warning, but Jonnhaty coolly told his men "not to stir till they should see what the English meant to do." McDowell and several other horsemen pressed up to the head of the Iroquois column, while the dismounted militiamen fell in behind the warriors. Through interpreters, McDowell explained to Jonnhaty that the militia intended to follow the Indians as far as John Peter Salling's place, the southernmost settlement in the county. Jonnhaty accepted the escort and continued onward, conversing with McDowell.

Shortly afterward one of the Indians went lame and fell behind. As the militiamen who were afoot began to pass him, he turned off the path and entered the woods. The circumstances of the detour suggest that the lame warrior intended to relieve himself, because the last settler to go by him fired a load of small shot in his direction. If this was a joke, it failed horribly.<sup>3</sup> The lame Iroquois shouted a war cry, and his edgy comrades responded instantly. The warriors threw down their packs and opened fire, shooting McDowell and two others off their horses in the first volley. After several minutes of fighting, Jonnhaty's men faded into the

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<sup>3</sup> One of Jonnhaty's men later mentioned similar teasing by Valley settlers walking with the warriors. The settlers "stopped every now and then, when one of the Indians went on one side of the Road to make Water, and told the Indians to make hast[e] and come along" (Conrad Weiser, "Report of his Journey to Shamokin," in *Minutes of the Provincial Council of Pennsylvania, From the Organization to the Termination of the Proprietary Government* 4 [Harrisburg, 1851], p. 644.)

woods. About ten of the mounted Virginians followed them briefly, but then turned back.

Once clear of the militiamen, some of the warriors built a fire and tended to their wounded. Others returned to the deserted battlefield, and removed their dead in order to give the bodies proper last rites. The Virginians having abandoned their fallen men, the war party also stripped the white corpses. That task complete, the surviving Indians held a council of war. They decided to send ten warriors back to give notice of the incident to the Iroquois tribal leaders and to proceed south against the Catawbias with the remainder. The returning detachment reported four warriors killed; one of the militiamen involved counted eight dead Virginians, including his brother, Captain John McDowell.<sup>4</sup>

The clash between Jonnhaty's warriors and McDowell's militiamen inaugurated four decades of sporadic conflict between Indians and settlers in Augusta County. Such friction dominates the documentary evidence of Indian-white relations during the county's early years, and for good reason. Indian tactics emphasized surprise,

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<sup>4</sup> Accounts of battles are inherently incomplete, since every participant sees only a piece of the struggle. The clash between Jonnhaty's Iroquois warriors and John McDowell's Virginian militiamen was no exception, but for a small fight this one was extensively documented. The ten-man Iroquois detachment returned to the Susquehanna River by 12 or 13 January 1743, and reported the clash in the Shawnee Town council before continuing homeward. A Pennsylvania trader, Thomas McKee, attended this meeting; his description of the proceedings, dated 24 Jan. 1743, is contained in *Pennsylvania Council Minutes*, pp. 630-633. Through an intermediary, Conrad Weiser also received an account by one of the warriors involved (*Pennsylvania Council Minutes*, 5 Apr. 1743, vol. 4, pp. 644-646). Captain McDowell's brother James, who fought in the battle, gave his version in *Pennsylvania Gazette* 31 Mar. 1743, pp. 2-3, and in Draper Mss. 4ZZ 5, dated 27 Jan. 1742/3. James Patton's brief and inaccurate account, written immediately after the fight, probably reflects the rumors that followed the event (Patton to Lieutenant Governor William Gooch, 18 Dec. 1742, in E.B. O'Callaghan, ed., *Documents Relative to the Colonial History of the State of New York* 6 [Albany, 1855] pp. 230-231). Captain McDowell's son Samuel recorded the traditions that he grew up with in his letter to Arthur Campbell, 27 July 1808, in Draper Mss. 4ZZ 3. Campbell added additional details of unknown origin to Samuel McDowell's rendition in his letter to Allen R. Magruder, 3 June 1809, in Draper Mss. 4ZZ 2.

and thus fostered warfare so abruptly violent that to Protestant settlers it was comparable to nothing less than the wrath of God.<sup>5</sup> From each new shock flowed a stream of correspondence, official records, and bills, all emphasizing a bitter struggle between the two cultures.

And yet not all was war. Accounts of even the most violent meetings refer at least indirectly to a less confrontational norm. Taken together, these references suggest a multi-faceted relationship between Indians and Virginians, a relationship in which violence was only one option. Such an expanded perspective on frontier conflicts offers significant opportunities for historical inquiry. First, the clashes illustrate two contemporary but distinctive Indian responses to American expansion and so afford an opportunity to compare strategies of native resistance. Of equal importance, an ethnohistorical approach provides otherwise unobtainable insights into the social dynamics of Augusta County.

Thanks to Augusta County's position astride the Warriors' Road, a wide variety of Indian representatives met and interacted with the Virginia settlers. Some of the passing warriors belonged to the six confederated tribes of the Iroquois: the Mohawks, Oneidas, Onondagas, Cayugas, Senecas, and Tuscaroras. The Warriors' Road ran in both directions, of course, and so carried Catawba raiders going north as well as Iroquois parties coming south.<sup>6</sup> Various others, including

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<sup>5</sup> Autobiography of John Craig, (microfilm) Union Theological Seminary, pp. 29, 31; Minutes of the Smith Creek/Linville Creek Meeting, mss. in Baptist Historical Society, University of Richmond, Virginia, p. 12, entry dated 21 Sept. 1757.

<sup>6</sup> Ludwick Grant to Lieutenant Governor James Glen, 22 July 1754, in William L. McDowell, Jr., ed., *Colonial Records of South Carolina: Documents relating to Indian Affairs*, (2 vols.; Columbia, SC, 1958-70), 2:16.



Cherokees, Shawnees and Delawares, also trekked along the same route.<sup>7</sup>

Virginians sometimes identified these passersby according to tribal identity, but usually classified transient warriors in one of two ways: either as Cherokees or as Northern Indians.<sup>8</sup>

The distinction was important, for although it obscured tribal affiliations, it revealed much about Indian behavior and settler perception. Northern Indians -- including the Iroquois, plus Shawnees, Delawares, and others from the far side of the Ohio River -- behaved like Jonnhaty and his raiders, treating Virginians with an arrogance rooted in the awareness of the warriors' lethal power. Cherokees, by contrast, initially solicited Virginia's friendship and often showed less of the high-handedness so characteristic of the northern tribes. To Northern Indians, this merely proved the inferiority of the less militant Cherokees.<sup>9</sup> To Virginians, however, that inferiority was only a matter of degree. The Cherokees might appear pusillanimous to their Indian rivals, but when they lashed out at Virginians in the late 1750s, settlers found them no less terrible than any other raider.<sup>10</sup> Still, such

<sup>7</sup> Bethabara Diary, 7 July 1764, in Adelaide Lisetta Fries, ed., *Publications of the North Carolina Historical Commission: Records of the Moravians in North Carolina* 1 (Raleigh, NC, 1922), p. 288

<sup>8</sup> For examples of usage of the term "Northern Indians" across the period under study, see entry dated 22 Apr. 1738, in H.R. McIlwaine, ed., *Executive Journals of the Council of Colonial Virginia* 4 (Richmond, 1930), p. 414; James Patton to unknown, [1753], in Draper Mss., 1QQ 72 (microfilm edition, 1980, reel 100), State Historical Society of Wisconsin; *Virginia Gazette*, 3 October 1755; Francis Fauquier to Board of Trade, 7 Sept. 1763, in George Reese, ed., *The Official Papers of Francis Fauquier, Lieutenant Governor of Virginia, 1758-1768* (3 vols.; Charlottesville, 1980-1983), II:1008.

<sup>9</sup> Ludwick Grant to Lt. Gov. James Glen, 29 Apr. 1755, in McDowell, ed., *South Carolina Indian Documents* 2:53.

<sup>10</sup> For example, Robert Pepper graphically described a visit to his Virginia farm by one set of Cherokee plunderers, who "took from him three Riffle Guns, his Powder-Horn and Shot Bag, struck his Mother with a Tomhawke, presented a

clashes were unusual during most of Augusta County's early history, for Cherokees typically were less combative than Northern Indians. Northerners met Virginian expansion with military force, but the Cherokees made a more concerted diplomatic effort to bend white objectives to their own ends.

The differences between Cherokee and Northern Indian strategies appear all the more striking in light of the similarities between their economies, warfare practices, and political and communal organizations. Throughout the eastern woodlands, most Indians lived in communities ranging in size from hamlets to large towns. Indian women grew and gathered staple vegetables while men hunted, fished, and performed heavy labor. European traders provided manufactured goods such as textiles, tools, firearms, and munitions in exchange for a variety of animal furs and skins. In wartime, raiding parties harrassed their enemies, killing some and--more importantly--capturing others, who were then converted to their captors' tribal affiliation. Such raids typically reflected the personal motivations of the raiders rather than a full mobilization of the tribe's military potential, for war leaders, like other Indian politicians, relied primarily on persuasion rather than coercion.<sup>11</sup>

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Gun to her, struck him with a Tomhawke, and with the But[t] End of his Gun, struck out two of his Teeth, knocked down his Mother, and robbed the House of every Thing in it" (Deposition of Robert Pepper, 1 June 1758, in McDowell, ed., *South Carolina Indian Documents* 2:469-470).

<sup>11</sup> James Axtell, ed., *The Indian Peoples of Eastern America: A Documentary History of the Sexes* (New York, 1981), pp. xvii-xviii; William Bartram, *Travels Through North and South Carolina, Georgia, East and West Florida* (1792; Charlottesville, 1980), pp. 327-328, 364-367, 511; William N. Fenton, "Northern Iroquoian Culture Patterns," in Bruce G. Trigger, ed., *Northeast*, in William C. Sturtevant, ed., *Handbook of North American Indians*, XV (Washington, 1978), pp. 296-321. John Phillip Reid, *A Law of Blood: The Primitive Law of the Cherokee Nation* (New York, 1970), pp. 6, 11-13, 134-135, and *A Better Kind of Hatchet: Law, Trade, and Diplomacy in the Cherokee Nation during the Early Years of European Contact* (University Park, PA, 1976), pp. 4-6, 9-10; Henry Timberlake, *The Memoirs of Lieut. Henry Timberlake* (1765; New York, 1971), endpaper map "A Draught of the Cherokee Country," and pp. 58, 61, 68-9, 84. Raids against settlers followed the same pattern as raids against other Indians: in 1755, the first full year of the Seven Years' War, warriors killed 31

Different tribes translated these common cultural themes into a variety of local economies and polities. In the north, Iroquois hunters dealt primarily in beaver pelts, while the Cherokees and Ohio River tribes such as the Shawnees concentrated on producing deer skins.<sup>12</sup> Northern Indians bought most of their manufactured goods from traders based in Pennsylvania and New York, while the lion's share of the Cherokee trade went to South Carolina. Both groups found occasional commercial outlets with the French, and to a lesser extent with Virginians.<sup>13</sup> Political organization also varied in individual towns, but among both Northern Indians and Cherokees the town's adults--men and women alike--participated actively in political decision making.<sup>14</sup> Town council houses thus

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people in Augusta county and carried off 29 (William Preston, "A Register of the Persons who have been either Killed, Wounded or taken Prisoners by the Enemy in Augusta County, as also of Such as have made their Escape," in Draper Mss. 1QQ 83).

<sup>12</sup> Trigger, ed., *Northeast*, p. 624; Reid, *Law of Blood*, pp. 134-135. For details of Iroquois political economy and diplomacy in the first half of the eighteenth century, see Richard Aquila, *The Iroquois Restoration: Iroquois Diplomacy on the Colonial Frontier, 1701-1754* (Detroit, 1983).

<sup>13</sup> Nicholas B. Wainwright, *George Croghan, Wilderness Diplomat* (Chapel Hill, 1959), pp. 13, 22-23. Approximately one hundred and forty English traders can be identified as operating in the Ohio region during the period 1748-1754. The actual number was probably several times larger (Kenneth P. Bailey, *The Ohio Company Papers, 1753-1817; Being primarily papers of the "Suffering Traders" of Pennsylvania* [Ann Arbor, 1947]; William M. Darlington, *Christopher Gist's Journals with Historical, Geographical, and Ethnological Notes and Biographies of His Contemporaries* [Pittsburgh, 1893]; Charles A. Hanna, *The Wilderness Trail* [New York, 1911]; William Trent, *Journal of Capt. William Trent From Logstown to Pickawillany A.D. 1752* [Cincinnati, 1871]). Alexander Fraser reported that 700 widely scattered Frenchmen remained in the Illinois country just after the Seven Years' War (Jacob Piatt Dunn, "Documents Relating to the French Settlement on the Wabash," in *Indiana Historical Society Publications* II [1894], p. 414). Regardless of whether or not French traders outnumbered English, the volume of English goods was overwhelming by comparison (W.J. Eccles, *The Canadian Frontier 1534-1760* [Albuquerque, 1974], p. 157).

<sup>14</sup> Fenton, "Northern Iroquoian Culture Patterns," pp. 314-316; Gary B. Nash, *Red, White, and Black: The Peoples of Early America* (Englewood Cliffs, NJ, 2d edition, 1982), pp. 18-19, 241-242; Reid, *Law of Blood*, p. 29-33.

seated large numbers of people. During the mid-1740s, the council house of the main Onandaga town covered twice the area of the first Augusta County courthouse --and unlike the Virginia structure it included a chamber above the main room (Fig. 12).<sup>15</sup> The second, larger Augusta County courthouse, completed in 1755, was less than one third the size of the council house in the Shawnee town of Old Chillicothe.<sup>16</sup>

Distinctions between Northern Indian and Virginian public buildings rested on more than scale. Settlers built with the same materials as Indians, but paid less attention to permanence. Augusta County's first courthouse was "built with Loggs hewed on both sides not laid Close some of the Cracks between the Loggs quite open four or five Inches wide and four or five foot Long and some stayd with Chunks and Clay but not one quite Close."<sup>17</sup> By contrast, the Old Chillicothe council house was so tightly constructed that twenty-five Shawnee men and fifteen boys successfully defended it against an assault by 265 Americans in 1779.<sup>18</sup>

Cherokees demonstrated a similar concern for size and solidity, but in a different form. A 1762 English emissary reported that the wood-framed council house in the town of Chota was

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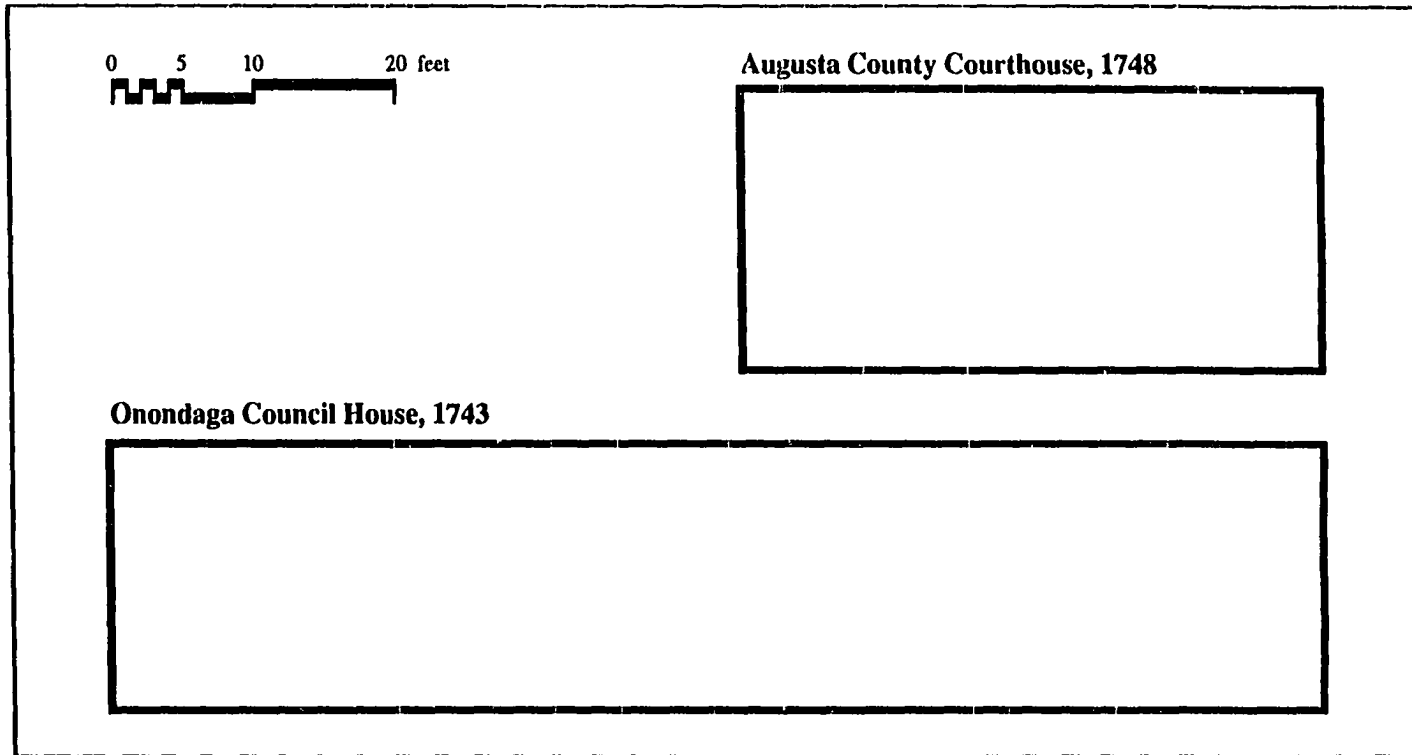
<sup>15</sup> John Bartram, *Observations on the Inhabitants, Climate, Soil, Rivers, Productions, Animals, and Other Matters Worthy of Notice, Made by Mr. John Bartram, in His Travels from Pensilvania to Onondago, Oswego and the Lake Ontario, in Canada, Pt 1* (London, 1787), frontispiece.

<sup>16</sup> The second courthouse measured forty feet by twenty-six feet in the clear (Augusta County Order Book 3:257, 4:467, [microfilm] Vi [hereafter cited as Augusta County OB]). The Old Chillicothe council house was sixty feet square (Charles Callender, "Shawnee," in Trigger, *Northeast*, p. 625). Gist saw a council house at Lower Shawnee Town in 1751 that was ninety feet long (Darlington, ed., *Gist's Journals*, p. 44).

<sup>17</sup> Augusta County OB 2:34, entry dated 21 May 1748.

<sup>18</sup> Callender, "Shawnee," in Trigger, *Northeast*, p. 625.

FIGURE 12. PLANS OF PUBLIC BUILDINGS IN NORTH AMERICA'S  
MID-EIGHTEENTH-CENTURY CULTURAL FRONTIER



Sources: Augusta County O.B. 2:34; John Bartram, *Observations on the Inhabitants, Climate, Soil, Rivers, Productions, Animals, and Other Matters Worthy of Notice, Made by Mr. John Bartram, in His Travels from Pensilvania to Onondago, Oswego, and the Lake Ontario, in Canada, Pt 1* (London, 1787), frontispiece. (Drawing, Carl Lounsbury, Colonial Williamsburg Foundation)

covered over with earth, and has all the appearance of a small mountain at a little distance. It is built in the form of a sugar loaf, and large enough to contain 500 persons . . . Within it has the appearance of an ancient amphitheatre, the seats being raised one above another, leaving an area in the middle, in the center of which stands the fire; the seats of the head warrior are nearest it.<sup>19</sup>

Elsewhere, an American visitor to the Cherokee council house at Keowee in 1776 estimated its capacity as "capable of accommodating several hundred people" arranged in "cabins or sophas, consisting of two or three steps, one above or behind the other, in theatrical order."<sup>20</sup> This particular structure not only dwarfed the frontier county courthouses, but also stood several feet taller than the ridgeline of the Virginia colonial capitol at Williamsburg (Fig. 13). Whether Northern or Cherokee, Indian political forums loomed larger than their counterparts in colonial Virginia, both in franchise and in physical scale.

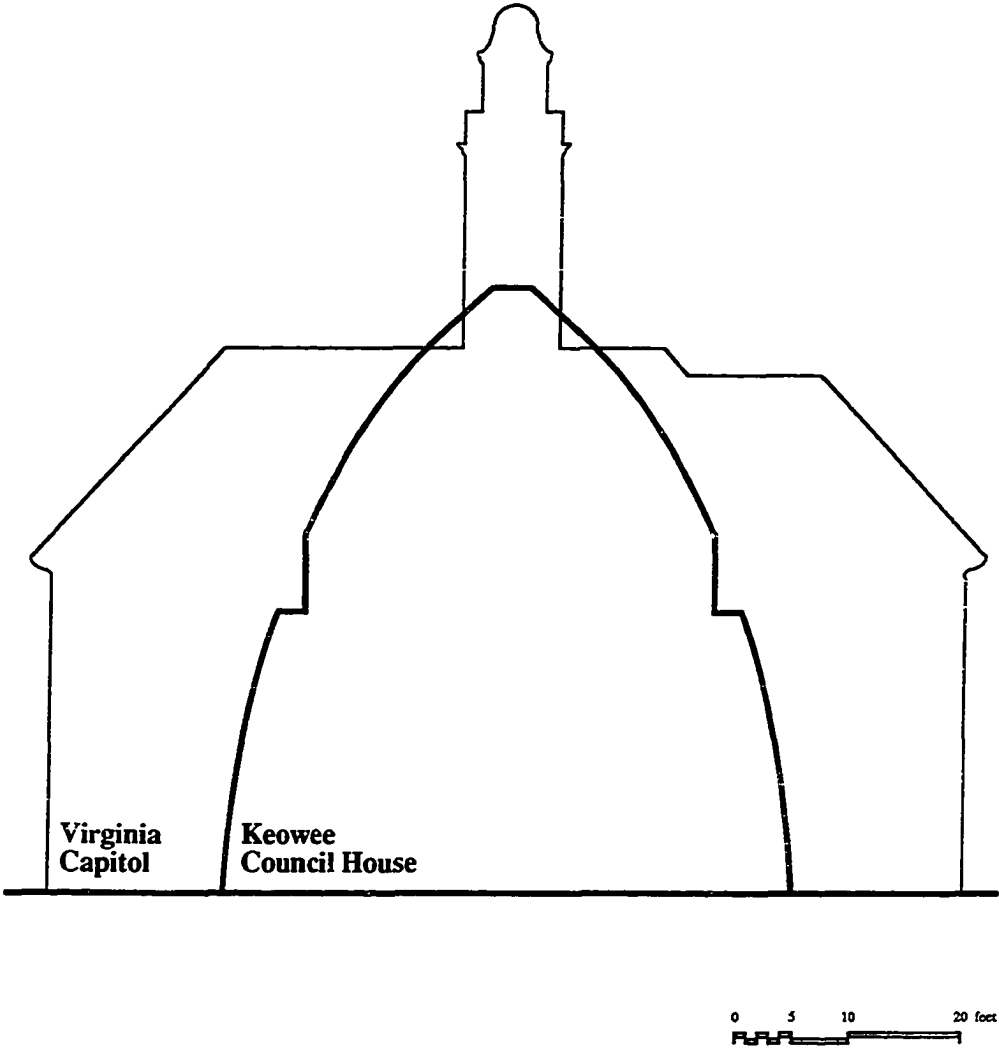
The social context of Indian public buildings also contrasted sharply with that of county courthouses. Unlike the overwhelming majority of Virginians, most Indians who attended the council houses lived within sight of these important communal centers. Population size varied seasonally, depending on the absence of hunting parties and raiders, but towns with as many as a thousand or more residents were not uncommon: Lower Shawnee Town, located at the junction of the Scioto and Ohio Rivers, contained a total of some 1,200 persons in 1751,

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<sup>19</sup> Timberlake, *Memoirs*, p. 58. Timberlake's description was confirmed by the Rev. William Richardson in "An Account of my Proceedings since I accepted the Indian Mission on October 2d, 1758," in Samuel C. Williams, "An Account of the Presbyterian Mission to the Cherokees," *Tennessee Historical Magazine*, 2d ser. (1931) I:125-138.

<sup>20</sup> Bartram, *Travels*, p. 365, 367.

FIGURE 13. ELEVATIONS OF CHEROKEE AND VIRGINIAN PUBLIC BUILDINGS



Reconstructed elevation of Keowee council house, from a 1776 description in William Bartram, *Travels through North and South Carolina, Georgia, and East and West Florida* (1792; Charlottesville, 1980), pp. 365-367. West elevation of first capitol in Williamsburg, 1701-1747 (Drawing, Carl Lounsbury, Colonial Williamsburg Foundation).

housed in about 140 lodges.<sup>21</sup> Henry Timberlake counted five Cherokee towns with over three hundred inhabitants on one short stretch of the Tennessee River in 1762, and that was only a fraction of the Cherokee total. Like their more numerous fellow tribesmen to the southeast, this contingent lived in wattle and daub buildings some sixteen feet wide and sixty or seventy feet long.<sup>22</sup> In 1776, the southeastern Cherokee town of Keowee contained about one hundred such homes.<sup>23</sup>

Eighteenth-century European observers readily comprehended the Indian town's importance, even when they did not understand everything they observed there. The dwellings that clustered around council houses and the fields that in turn surrounded villages all symbolically emphasized the centrality of towns to the Northern Indian and Cherokee way of life. Politically, socially, and economically, Indian towns nurtured Indian culture. So long as the towns maintained their independence, Indian culture remained fundamentally intact.

Augusta County's growth in the 1740s and 1750s did not immediately threaten either Cherokee or Northern towns, but both Indian groups recognized that the expansion of colonial Virginia posed certain strategic problems. As Jonhary's raiders demonstrated tragically, the new settlements along the Warriors' Road greatly increased the risk that Virginians might detonate a war party already primed for combat. Conversely, as the Virginia settlements edged deeper into the continent, local entrepreneurs gained easier access to Indian towns formerly served by more experienced long-distance traders. Because these latecomers knew less about Indian social and commercial protocols, they too represented another potential

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<sup>21</sup> Darlington, ed., *Gist's Journals*, p. 44.

<sup>22</sup> *Timberlake, Memoirs*, map in endpapers and p. 84.

<sup>23</sup> Bartram, *Travels*, pp. 364-365.



source of conflict. To make matters worse, the volume of their trade could upset delicate balances of power between Indian rivals.

By the middle of the eighteenth century, the ultimate question for Northern Indians and Cherokees alike was not *whether* to continue associating with Americans or not, but *how* to continue that association. Cherokees attempted to improve their position by befriending the Virginians, while Northern Indians typically sought less direct assistance, preferring to use the scourge of their military strength to obtain diplomatic advantages. In both cases, the policies emerged not from a central authority, but from discussions in local council houses. The deliberative character of Indian politics ensured extensive popular support for these separate strategies and indicates that for all their cultural similarities, Cherokees and Northern Indians held strongly divergent philosophies regarding the relative value of war and peace.

CHAPTER VII  
PATHS OF PEACE, ROADS OF REPRISAL

Over the last half century of the colonial era, Virginia's relationship with the Cherokees evolved from trader to invader. The decline began during the Seven Years' War and accelerated in the early 1770s as rapidly increasing numbers of settlers competed ever more directly with Cherokees for the use of valuable land. To Cherokees--who had initiated a closer involvement with Virginians in an effort to offset the commercial domination of South Carolina--this declension represented a failure of strategy. For Virginians, the transition from equals to conquerors repeated a familiar pattern of expansion into the North American interior.

Incautious hindsight sometimes makes that expansion appear inexorable. In detail, however, the spread of Virginia's domination and the deterioration of Cherokee independence proceeded with periodic remissions. Even as late as the eve of the American Revolution, life on the Cherokee-Virginia frontier involved a mixture of peaceful routines and extraordinary violence. Thus, while colonial leaders in the east charted the course of Virginian expansion, common people on the frontier molded the character of that movement and the acculturation that accompanied it.

Most modern knowledge about the intercultural relationships among ordinary people on the Cherokee-Virginian frontier--peaceful or otherwise--derives from documents concerned primarily with conflict. The evidence in these relicts of strife is especially suggestive with regard to three issues: how did Cherokee strategy for meeting the expansion of the English colonies work on a local level, and how did

that strategy crumble? What protocols governed the behavior of Cherokees and Virginians meeting on their frontier, and how did their interactions change? Finally, what do incidents of violence towards Indians reveal about social stresses generated within the white settlements on the frontier?

After several overtures during the 1740s, Cherokees launched a major diplomatic relationship with Virginia in 1751, when 46 warriors and an American translator journeyed to Williamsburg for an audience with the acting colonial governor.<sup>1</sup> In exchange for Virginia's commercial traffic, the delegation offered "to make a Road to facilitate a Trade between us."<sup>2</sup> The appeal succeeded: President of the Council Lewis Burwell promised the emissaries that Virginia "would encourage any of His Majesty's Subjects to trade with them that should have an inclination."<sup>3</sup>

Virginia's initiative had regional repercussions, as the annoyed response of South Carolina leaders soon demonstrated. By challenging South Carolina's monopoly of the Cherokee trade, the new agreement undercut that colony's preeminence in southern Indian affairs. Lieutenant Governor James Glen

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<sup>1</sup> For examples of earlier Cherokee approaches, see entries for 28 Aug. 1746 and 9 Dec. 1746 in H.L. McIlwaine, et al., eds., *Executive Journals of the Council of Colonial Virginia* (6 vols.; Richmond, 1925-66), 5:220, 225. For a description of the delegation's arrival and entertainment, see "Diary of John Blair," entries for 15-17 Oct. 1751, in *William and Mary Quarterly* 1st. ser. 8 (1899), pp. 1-17.

<sup>2</sup> John Fairchild to Lt. Gov. James Glen, 29 Sept. 1751, in William L. McDowell, Jr., ed., *Colonial Records of South Carolina: Documents relating to Indian Affairs* (2 vols.; Columbia, SC, 1958-70), 1:131; Cherokee emissaries to Lewis Burwell, *Virginia Gazette*, 16 Aug. 1751. As president of the Virginia Council, Burwell was acting governor at this time.

<sup>3</sup> Burwell to Lt. Gov. Glen, 26 Oct. 1751, in McDowell, ed., *South Carolina Indian Documents* 1:160.

responded to the threat by ordering the South Carolina militia to seize the goods and persons of any Virginia traders bound for Indian settlements, but the blockade failed. Escorted by Indian guards, Virginian packhorsemen evaded South Carolina militia patrols and soon succeeded in reaching the Cherokee towns.<sup>4</sup>

The Virginia connection never provided a volume of trade sufficient to liberate the Cherokees from South Carolina's commercial grip, but the threat continued to agitate Carolinians. Virginia traders were especially successful among the far western towns referred to collectively as the Overhill Cherokees, and Overhill leaders were quick to exploit their advantage. Lieutenant Governor Glen might boast to his rivals that the Cherokees "come when we send for them, they go when they are bid and they do whatever is desired of them," but beneath that bravado Glen and his traders knew the fragility of their dominance.<sup>5</sup> "Do you think [the Cherokees'] getting Goods from Virginia to be any Detriment to Carolina?" Glen asked one veteran leather dealer. "Do I think so?" the trader snorted. "Surely, and I think they would be more humble than what they are at present had they but one only Place to go for Goods."<sup>6</sup>

Cherokee resistance to South Carolina's domination depended on far more than sporadic commercial support from Virginia. Rugged mountains protected the approaches to many of their towns, especially those of the Overhill Cherokees. One traveler to the Overhill towns described the main path from South Carolina as "the worst road I ever saw . . . very difficult walking, no riding with safety; so

<sup>4</sup> Lt. Gov. Glen to Captains Gibson, Fairchild, and Minnick, 12 Sept. 1751, *ibid.*, pp. 123-124; Ludwick Grant to Lt. Gov. Glen, 27 Mar. 1755, *ibid.*, 2:43.

<sup>5</sup> Lt. Gov. Glen to Lt. Gov. Robert Dinwiddie, 1 June 1754, in *ibid.*, 1:526.

<sup>6</sup> Proceedings of the Council, 6 July 1753, *ibid.*, p. 448.

difficult the Horse fell back as he was going up the Mountain & stumbled over."<sup>7</sup> Still, if supporting an army over such terrain was beyond South Carolina's means, the Overhills paid dearly for their physical security: manufactured goods were exorbitantly priced. "If we complain of [high prices]," one Cherokee told Lieutenant Governor Glen, "[the Carolina traders] answer they have come a great Way, and that their Horses brake their Bones in coming over the Hills."<sup>8</sup> The steadfast refusal to improve the road was no reflection on Cherokee engineering abilities; instead, it indicates a deliberate emphasis on security rather than on easy commercial and diplomatic connections with South Carolina.<sup>9</sup>

The terrain to the northeast of the Overhill Cherokee towns, toward Virginia, was considerably less rugged, though until the 1760s the trails were no more developed than were those to South Carolina. Long after the Cherokee delegates to Williamsburg promised "to make a Road to facilitate a Trade," Virginian packhorsemen were still "for the most Part of the Way obliged to come through the Woods and in small intricate Paths."<sup>10</sup> The difficulty of travelling to the Overhill towns led Virginia's Lieutenant Governor Robert Dinwiddie to reject a 1752 account of expenses incurred by the Cherokees with a vow to "Pay nothing for their

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<sup>7</sup> William Richardson, "An Account of my Proceedings since I accepted the Indian Mission on October 2d, 1758," in Samuel C. Williams, "An Account of the Presbyterian Mission to the Cherokees," *Tennessee Historical Magazine* 2d ser. 1 (1931), p. 131.

<sup>8</sup> Long Jack to Lt. Gov. Glen, Proceedings of the Council, 5 July 1753, in McDowell, ed., *South Carolina Indian Documents* 1:441.

<sup>9</sup> For an extended discussion of Cherokee geopolitics, see John Phillip Reid, *A Law of Blood: The Primitive Law of the Cherokee Nation* (New York, 1970), pp. 12-15.

<sup>10</sup> Raymond Demere to Lt. Gov. William Henry Lyttelton, 11 Aug. 1756, in McDowell, ed., *South Carolina Indian Documents* vol. 2, p. 162.

subsistence until . . . they had fulfilled their agreement with this Government by cutting a road."<sup>11</sup>

Dinwiddie failed to understand that the Cherokees had never agreed to *cut* a road. Their promise to *make* a road was a metaphor, referring to opening and maintaining good relations with Virginians. Despite the lack of physical improvements, the Cherokees had indeed made a smooth, clear road—in a rhetorical and symbolic sense.<sup>12</sup> Virginia officials consistently misunderstood the distinction. To governors and other Virginia elites the term "road" made little sense unless it carried traffic, but some of the persons living along the actual route practiced a broader definition. For at least two decades the road served a number of individual Overhill Cherokees and Augusta County settlers in a dual capacity, winding around and over cultural and geographic obstacles alike.

The Cherokee terminus of both roads lay in Chota, the principal Overhill town, located on the Little Tennessee River. The Virginia terminus shifted with time, but in the beginning it was fixed at Stalnaker's place, on the Holston River near modern Chilhowie (Map 7).<sup>13</sup> Cherokees first met Samuel Stalnaker around 1744 and apparently thought well enough of him, because the house that Stalnaker built in 1750 was some 40 miles beyond the nearest Virginian settlement.<sup>14</sup> Stalnaker's

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<sup>11</sup> James Patton to Lt. Gov. Dinwiddie, circa January 1753, in Draper Mss. 1QQ 73 (microfilm edition, 1980, reel 100), State Historical Society of Wisconsin.

<sup>12</sup> For example, see "Journal of Treaty Commissioners," 23 Apr. 1777, in Draper Mss. 4QQ 97.

<sup>13</sup> George Reese, ed., *The Official Papers of Francis Fauquier, Lieutenant Governor of Virginia, 1758-1768* (3 vols.; Charlottesville, 1980-83), I:391.

<sup>14</sup> Thomas Walker, "Journal of Thomas Walker, March 7-July 13, 1750," entry for 24 Mar. 1750, original in William C. Rives Collection (container 161), Library of Congress, Washington, DC.

isolation substantiated his claim to be on good terms with almost all of the Cherokees, and reflected his confidence that Indians and whites alike would observe certain conventions for frontier behavior.<sup>15</sup>

The following case studies--one set in 1752-53, the second in 1765, and the last in 1774--illustrate both the functioning and the failures of these rules of the road. Each case involves an apparently routine set of contacts that unexpectedly led to violence against Cherokees. Thus, in addition to indicating the road metaphor's norms, they also reveal its potentially fatal vulnerabilities.

Early in the winter of 1753, a small Cherokee embassy visited Lieutenant Governor Dinwiddie in Williamsburg. The members included an Overhill town leader known as The Emperor, plus his interpreter John Watts and an Augusta County justice of the peace, Erwin Patterson. The Emperor complained that Samuel Stalnaker overcharged Cherokee hunters and emissaries for corn, and claimed that Stalnaker did not belong on the Holston River anyway, because that was Cherokee land. Dinwiddie responded decisively, authorizing Patterson to order Stalnaker off the Holston River. If Stalnaker refused, Patterson could arrest him and send him to Williamsburg.<sup>16</sup>

Satisfied with the governor's response, the delegation left Williamsburg and returned to southwest Virginia. Dinwiddie heard no more of the matter until late January or early February, when he received alarming news from Colonel James

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<sup>15</sup> James Patton to Lt. Gov. Dinwiddie, January 1753, in Draper Mss. 1QQ 73.

<sup>16</sup> Warrant for Arrest of John Connally, 30 Jan. 1753, in Draper Mss. 1QQ 70; James Patton to unknown, [winter, 1753], in Draper Mss. 1QQ 72; Patton to Robert Dinwiddie, January 1753, in Draper Mss. 1QQ 73; Patton to unknown, January 1753, in Draper Mss., 1QQ 78.

Patton, the senior magistrate in Augusta County. The Emperor's party had returned from the colonial capital as far as Erwin Patterson's house, where The Emperor "was made Drunke and afterwards insulted and abused in a very grosse man[n]er." The chief abuser, a hunter named John Connally, lived up to his reputation for violent behavior: at the climax of baiting The Emperor, "Patterson ord[e]red him to Be Layed which John Conley Did and in so Doing The Empror was so much abused That the Blood gushed out of his mouth and Nose." The brutality of the attack convinced the Emperor that "They would have killed him" had the interpreter Watts not been present.<sup>17</sup> Supported by Watts, The Emperor stumbled off to report the incident to Patton.

Patton accounted for the attack by presenting the governor with a previously unsuspected side of Erwin Patterson, as revealed in the sworn deposition of The Emperor's interpreter, John Watts. It seemed that Patterson had first ventured into the Indian trade by taking a load of goods to the Overhill towns in June 1752. Watts, a veteran trader, taught Patterson "the Rulls and meathodes of treading with the Indians and told him what the Consequances of Brakeing the Established Rulles and Regualeation might be." Despite coaching from a seasoned expert, however, "Patterson Broke The known Rulles of tread which had Like to have Cost the Lives of all the Treaders there in the Neation." Watts did not specify the details of Patterson's transgressions, but thanks to some assistance from The Emperor, the other traders "with the Greatest Difficulty . . . got the affair accom[m]odated." Far from showing his gratitude for The Emperor's efforts, Patterson repaid his protector by seducing the warrior's wife: The Emperor "Discovered them in the very acct and would have Shott them Both if he had his gun." When confronted by

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<sup>17</sup> For Connally's reputation, see Connally Warrant, Draper Mss. 1QQ 70; Watts deposition, in Draper Mss. 1QQ 71.



Watts, the wayward spouse freely admitted "that Patterson had Debauched her and often was Criminal with her." Patterson had even promised the woman that he would move to the Cherokee towns and marry her.<sup>18</sup>

Dinwiddie might well fear that the cuckolding and beating of an Indian leader would provoke retaliation on Virginia's exposed frontier settlements, but fortunately Patton could report that the situation was well in hand. In talking to Patton, The Emperor had acknowledged that his differences with Stalnaker stemmed from an earlier incident in which Stalnaker forced some of The Emperor's friends to return two stolen horses. Retreating from his initial stand with the governor, The Emperor told Patton that Stalnaker could stay on the Holston River "Provided he would let [The Emperor's] people have Provisions at the same rate he sold to white People." Upon hearing this, Patton directed his son-in-law, John Buchanan, to escort The Emperor and Watts to Stalnaker's place. Acting under Patton's orders, Buchanan then "made up the breach to the satisfaction of both Parties." The arrangement was confirmed in a written agreement that Patton forwarded to Dinwiddie, along with Watts' deposition and a letter from Buchanan.

Acting in his capacity as a justice of the peace, Patton issued a warrant for the arrest of John Connally.<sup>19</sup> The vagrant hunter fled, however, and was presumed to have "gone to Carolina." Unlike Connally, Patterson stood his ground, and "denies every one thing Laid against him & says he can Prove what Watt[s] has sworn to be False," but Dinwiddie was unmoved by Patterson's protestations.<sup>20</sup> When the Dinwiddie renewed the commission for Augusta County's justices of the

<sup>18</sup> Quotes from Watts deposition, in Draper Mss. 1QQ 71.

<sup>19</sup> Warrant for arrest of John Connally, 30 Jan. 1753, in Draper Mss., 1QQ 70.

<sup>20</sup> Patton to Dinwiddie, January 1753, in Draper Mss. 1QQ 73.

peace that spring, he stripped Erwin Patterson of his authority.<sup>21</sup> Patterson lived another eight years, but never again held office in the county.

For all their violence, The Emperor's misadventures reveal many glimpses of normal behavior among Cherokees and Virginians. Settlers like Stalnaker engaged in a profitable trade with hunters and passing warriors, who in turn relied on the settlers for a convenient supplies. In politics, The Emperor had learned enough about colonial government to seek assistance from Dinwiddie, and, after the assault, from Patton. Personal relations could also be close: opportunity permitting, representatives of the two cultures drank and made love together.

These norms do more than decorate the official version of The Emperor's woes: they reveal it as a transparent set of self-serving lies. On closer examination, the account that Dinwiddie accepted was riddled with contradictions. If Patterson was so cavalier about Cherokee sensitivities, why was he supporting Cherokee claims to land on the Holston River? If he was carrying on a torrid affair with The Emperor's wife, why didn't he remain among the Cherokees while The Emperor journeyed hundreds of miles to Williamsburg? And what of Stalnaker: if almost all of the Cherokees liked him, why did The Emperor want him off the Holston? Why didn't James Patton, the senior magistrate in Augusta County, execute the governor's order to evict Stalnaker?

Of all components in the official version, the deposition of John Watts, interpreter and Indian trader, contains the most glaring weaknesses. Watts' claim that Patterson had "Criminal" relations with The Emperor's wife was false, even if

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<sup>21</sup> Patterson was first commissioned as a magistrate on 9 May 1749 (McIlwaine, et al., eds., *Executive Journals of the Council* 5:289) and was dropped from the commission of 1753 (Augusta County Order Book [hereafter cited as Augusta County OB], [microfilm], Virginia State Library and Archives [hereafter cited as Vi], 4:1, entry dated 16 June 1753).

the two *were* lovers: unlike Virginians, Cherokees did not consider extramarital sex to be illegal. This misrepresentation allowed Watts to depict Patterson as licentious if not depraved, when in fact most traders cheerfully took advantage of the relatively less restrictive Cherokee sexual mores.<sup>22</sup> Watts also mentioned that Patterson had broken trade protocol, but unlike his charges of sexual misconduct these allegations lacked specific detail and quite possibly were false also.

Why did Watts denounce Patterson? In the Byzantine world of the Indian trade, his betrayal was unremarkable. Traders were notorious liars, manipulating Indians, creditors, officials, missionaries, soldiers, and each other with equal relish.<sup>23</sup> Watts undoubtedly recognized in the assault an opportunity to discredit a new competitor, while at the same time ingratiating himself with James Patton and Lieutenant Governor Dinwiddie. His success was short-lived, however: a year later Watts fell from grace when another Augusta County trader accused him of deliberately misinterpreting one of Dinwiddie's letters to the Cherokees.<sup>24</sup>

Trader Samuel Stalnaker also had a substantial stake in the proceedings. His interest apparently suffered in the wake of the assault on The Emperor, because Patton ordered him to cut the price of provisions sold to Indians. At least Stalnaker retained his house on the Holston, and in the face of rising competition at that. Not

<sup>22</sup> John Phillip Reid, *A Better Kind of Hatchet: Law, Trade, and Diplomacy in the Cherokee Nation during the Early Years of European Contact* (University Park, PA, 1976), p. 141.

<sup>23</sup> *Ibid.*, pp. 141-144.

<sup>24</sup> Dinwiddie to Richard Pearis, 2 Aug. 1754, in R.A. Brock, ed., *The Official Papers of Robert Dinwiddie, Lieutenant-Governor of the Colony of Virginia, 1751-1758 . . .* (2 vols.; Richmond, 1883-84), 1:267. Pearis was no saint, either: Dinwiddie's letter acknowledges Pearis's sanctimonious denunciation of the liquor trade, but within 8 months Pearis introduced the Cherokees to whiskey manufactured in Augusta County (Ludwick Grant to Lt. Gov. Glen, 27 Mar. 1755, in McDowell, ed., *South Carolina Indian Documents*, vol. 2, p. 43).

only had Dinwiddie ordered his eviction, but Patton also reported to the governor that "the Norward Indians has warned our out Inhabitants off that Land."<sup>25</sup> If both the Northern Indians and the Cherokees thought that they owned Stalnaker's place on the headwaters of the Holston, where did the property rights really lie?

James Patton had an answer--one that had nothing to do with Indians. In his will of 1750, Patton left to a daughter "Three Thousand acres on which Samuel Stalnaker & others is now living and has only Liberty to Crop on it which Tract of Land is known by the name of the Indian feilds on the waters of Houlstons River."<sup>26</sup> Because Stalnaker's place was really Patton's place, it was critical for Patton that the Cherokees should not force Stalnaker's removal. Patton almost slipped and admitted that his claim was contested: in the draft of his report to the governor, he wrote that "The Cherrokee Indians claim all the Land to the Southw[ar]d of New River," which included the Holston territory. Upon reflection, however, Patton struck through that sentence and did not include it in the final version of his letter to Dinwiddie.<sup>27</sup>

Patton also deleted Dinwiddie's orders that Stalnaker move off the Holston. The county leader covered this insubordination by pretending that Dinwiddie's purpose --to maintain peace with the Cherokees--was fulfilled by The Emperor's agreement with Stalnaker. Since the differences between the two were patched up and The

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<sup>25</sup> Patton to Dinwiddie, January 1753, in Draper Mss. 1QQ 73.

<sup>26</sup> James Patton's will, 1 Sept. 1750, in Draper Mss., 1QQ 63. Stalnaker never owned land in Augusta County (for landholding sources, see Chapter 2, n. 2 above).

<sup>27</sup> This draft, endorsed as "Letters Copyd to the Government," is in Draper Mss. 1QQ 73.

Emperor "was willing to Live in Friendship" with Stalnaker, Patton intended to disregard the order for eviction.<sup>28</sup>

What else was The Emperor willing to do? Patton forwarded the warrior's agreement to Dinwiddie, but unfortunately this document does not survive. Rumors about its contents spread almost immediately, however: it was alleged "that the Emperour has sold to the Government of Virginia a large Quantity of Land" that the Cherokees formerly claimed as a hunting preserve. In the Indian towns, the Cherokees grumbled that "besides the Price of the Land [The Emperor] received rich Presents of the [Virginia] Government."<sup>29</sup> Even if these rumors were false, the effect was the same: Patton retained his beachhead on the Holston River.

As the smokescreen of Watts' and Patton's lies drifts away, Erwin Patterson's motives remain inscrutable. When he first visited the Cherokee towns in June 1752, did he discover a culture preferable to his own, or did he only see commercial opportunity ripe for exploitation? Did he escort The Emperor to Williamsburg in the hopes of forestalling Virginia's encroachment on Cherokee lands, or was he an agent of that encroachment? Did he sacrifice his social position in a vain effort to evict James Patton's minions, or had he hoped to replace Patton as the broker of fertile Holston lands? Was he a horrified witness to the assault on The Emperor, or was he an accessory? In the absence of evidence, the interpretation of Patterson's intentions hinges on the credibility of his pillow promise to The Emperor's wife: that he would return and marry her. Patterson's

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<sup>28</sup> Patton to Dinwiddie, January 1753, in Draper Mss. 1QQ 73.

<sup>29</sup> Ludwick Grant to Lt. Gov. Glen, 8 Feb. 1753, in McDowell, ed., *South Carolina Indian Documents* 1:367.

lover may have known whether or not he respected the Cherokees, but modern historians can only speculate.<sup>30</sup>

The Emperor's objectives and accomplishments were less ambiguous. By traveling to Williamsburg and meeting with the governor, The Emperor took a local issue--the cost of corn--out of the hands of Augusta County leaders. He accomplished this feat by dividing the county leaders against themselves, enlisting Erwin Patterson's assistance as a means of offsetting James Patton's influence. In the short term, the Cherokees benefitted from Stalnaker's grudging agreement to lower the prices he charged for provisions. Even if The Emperor struck a secret deal with James Patton and sold the Cherokee claim to the upper Holston, the Cherokees lost little: the tribe could repudiate the arrangement as a non-binding private agreement.

Finally, there is the assailant, John Connally. In some ways, Connally's behavior was the most straightforward of anyone's: he beat The Emperor and then fled the county. Historians from across the political spectrum attribute violence like Connally's to a combination of racial hatred and economic opportunism, but such an analysis explains little about frontier relationships.<sup>31</sup>

Like the rest of the participants in this affair, Connally's actions were consistent with his past. He had hunted commercially in Augusta County for six years, the

<sup>30</sup> Patterson fathered an illegitimate child with an Augusta County woman during this period, a fact that undercuts the credibility of his promise to The Emperor's wife (Augusta Parish, Augusta County, Vestry Book, 1747-1787, Vi, p. 119, entry dated 24 Mar. 1753). In any event, Patterson eventually married a Virginia woman (Augusta County Deed Book, [microfilm], Vi, 9:92).

<sup>31</sup> Gary B. Nash, *Red, White, and Black: The Peoples of Early America* (2d ed., Englewood Cliffs, NJ, 1982), pp. 254-255; Albert H. Tillson, Jr., "The Militia and Popular Political Culture in the Upper Valley of Virginia, 1740-1775," *Virginia Magazine of History and Biography* 94 (1986), pp. 292-294; Alden Vaughan, "Frontier Banditti and the Indians: The Paxton Boys' Legacy, 1763-1775," *Pennsylvania History* 51 (1984), pp. 3, 5.

last three of which were spent on the New and Holston Rivers.<sup>32</sup> According to James Patton he "had no Certain place of abode"--like most men in Augusta County, Connally was not a landowner. There was a difference, however: unlike many landless men he insisted on being accountable to no one. Instead of laboring on someone else's property, Connally preferred "sculking about" as a hunter.<sup>33</sup>

If Patton's language indicates his disapproval of Connally's roving life style, the hunter in turn demonstrated a marked contempt for the political and economic authority of freeholders such as Patton. The Augusta County court fined Connally £38 for illegal hunting in 1747, and, calling him "a Vagrant Person," required the hunter to post a £20 bond for good behavior.<sup>34</sup> The fact that a vagrant could hardly be expected to pay a hefty £38 fine suggests strongly that the court hoped Connally would leave the county. The hunter preferred to stay, however, and became increasingly "very abusive to several of his Ma[jes]tys Subjects in these Remote Parts." In one incident on the Holston, for example, Connally killed some deer on the land of one Charles Sinclair. After skinning his prey, Connally flaunted his poaching by leaving the carcasses next to Sinclair's fence. Later, "on hearing of s[ai]d Sinclairs complaint," Connally returned to the settler's land and "kill[e]d his

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<sup>32</sup> Augusta County OB 1:151, entry dated 18 Feb. 1747.

<sup>33</sup> Connally warrant, in Draper Mss., 1QQ 70.

<sup>34</sup> James Patton presided over this session (Augusta County OB 1:151). At the time of Connally's offense, Virginia law forbade killing bucks from December 1 to July 31, and does and fawns from January 1 to September 30. The law exempted persons killing a deer in an enclosed and planted field, as well as frontier inhabitants who killed a deer for food, from these seasonal restrictions. In addition, the law prohibited unauthorized hunting on someone else's patented land ("An Act, for the better preservation of the breed of Deer; and preventing unlawful Hunting," in William Waller Hening, comp., *The Statutes at Large: Being a Collection of All the Laws of Virginia...* [13 vols.; Richmond, 1819-23], 5:60-63).

two fine Dogs w[hi]ch he had for a Guard to his House."<sup>35</sup> Connally's actions carried highly charged symbolic meanings: Augusta County's landed minority proclaimed their property rights and higher social standing with fences, "fine Dogs," and houses that needed guarding, but the hunter despised such pretensions.

What, then, was the meaning of Connally's assault on The Emperor? Possibly Erwin Patterson really did order that the Indian "Be Layed," but even if Watts quoted him accurately, the words may have meant no more than "lie down" or "stop this annoying behavior," neither of which was improbable advice to an intoxicated Indian--and neither of which implied an assault.<sup>36</sup> Given the ambiguity of the language, Connally may have acted on his own initiative. Certainly his record of contempt for authority suggests that the same impulse underlying his abuse of Charles Sinclair could have triggered his attack on The Emperor. In this case there was even more provocation: Patterson's apparent pampering of The Emperor by giving him liquor must have stoked Connally's anger. When Connally lashed out at The Emperor, he struck something that Augusta County leaders valued highly.

If attacks on Indians reflected tensions within Virginian society, county leaders might understandably have shied away from bringing the offenders to trial. Such was the case with Connally. James Patton took John Watts' deposition against Patterson and Connally on 20 January 1753, but delayed issuing a warrant for Connally's arrest until 30 January, by which time the hunter had a comfortable head

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<sup>35</sup> Connally warrant, in Draper Mss., 1QQ 70. For the location of Sinclair's land, see Virginia State Land Office County Abstracts, Patents, and Grants (microfilm), Vi.

<sup>36</sup> *Oxford English Dictionary*, s.v. "lay."



start toward Carolina.<sup>37</sup> Throughout the next two decades county leaders confronted with similar quandries favored the same course of inaction.

In the mid-1750s, the ambiguities of relations between the Cherokees and the Virginians received a new and more militant complication. War broke out in the fall of 1754 between the Northern Indians and their French allies on the one hand and the English colonies on the other. Initially the Cherokees supported the Virginians, for both saw good reason to make a common cause. The Cherokees hoped to obtain relief from their long-running hostilities with the Northern Indians: four decades after the fact, Iroquois raiders continued to punish the Cherokees for joining South Carolina during the Tuscarora War's 1713 campaign.<sup>38</sup> There seemed to be no sanctuary from these attacks, for Northern warriors not only set ambushes close to the Cherokee towns, but also picked off Cherokees travelling through the Augusta County settlements.<sup>39</sup>

Virginians cherished similar hopes that an alliance would help buffer them from Northern Indian attacks. At the beginning of the war, Cherokee participation in the defense of Augusta County fulfilled these hopes. Approximately ninety warriors patrolled the approaches to the county in the fall of 1755 and winter of 1756, providing much-needed manpower for deflecting attacks by Northern raiders.<sup>40</sup>

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<sup>37</sup> Watts deposition, 20 Jan. 1753, in Draper Mss., 1QQ 71; Connally warrant, 30 Jan. 1753, in Draper Mss., 1QQ 70; Patton to Dinwiddie, January 1753, in Draper Mss. 1QQ 73.

<sup>38</sup> Nash, *Red, White, and Black*, p. 134; Reid, *Law of Blood*, p. 8.

<sup>39</sup> James Patton to [unknown], 1753, in Draper Mss., 1QQ 72.

<sup>40</sup> David Robinson to William Preston, 14 Oct. 1755, in Draper Mss. 1QQ 88; Robinson to Preston, November 1755, in Draper Mss. 1QQ 89. William Preston, "Journal of the Sandy Creek Expedition," in Draper Mss. 1QQ 96.

Later, in February 1756, the warriors joined about 150 Augusta County militiamen in an abortive attempt to march down Sandy Creek and raid the Ohio towns.<sup>41</sup>

For its part, the Virginia government sent eight wagon loads of gifts to the Cherokees and agreed to help fortify the Overhill towns.<sup>42</sup> In the spring of 1756, Major Andrew Lewis led a construction crew of about 100 Augusta County men to Chota, at the other end of the Cherokee road.<sup>43</sup> Upon his arrival, Lewis found that the Cherokees had additional motives for soliciting Virginia's aid: the new defenses were intended less to protect the town from Northern raids than to offset South Carolina's influence.<sup>44</sup> Pressed though the Overhill Cherokees were by attacks from the north, they continued to fuel the rivalry between Virginia and South Carolina.

Virginia again sought Cherokee allies in 1757, but by then many of the Cherokee warriors had lost interest, thanks to French diplomacy and military pressure from the Northern Indians.<sup>45</sup> Relations continued to deteriorate through the year, as increasing numbers of Cherokees either declined to serve or turned to

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<sup>41</sup> William Preston, "Journal of the Sandy Creek Expedition," in Draper Mss. 1QQ 96-121.

<sup>42</sup> Bethabara Diary, entry dated 15 Feb. 1756, in Adelaide Lisetta Fries, ed., *Publications of the North Carolina Historical Commission: Records of the Moravians in North Carolina* 1 (Raleigh, NC, 1922), p. 163.

<sup>43</sup> Raymond Demere to Lt. Gov. Lyttelton, 10 July 1756, in McDowell, ed., *South Carolina Indian Documents* vol. 2, p. 132.

<sup>44</sup> Andrew Lewis to Raymond Demere, 7 July 1756, *ibid.*, 2:138.

<sup>45</sup> Demere to Lt. Gov. Lyttelton, 10 July 1756, *ibid.*, 2:133; Dinwiddie to Loudoun, 28 Oct. 1756, in Brock, *Dinwiddie Papers* 2:533; Demere to Lyttelton, 23 Dec. 1756, in McDowell, ed., *South Carolina Indian Documents* 2:283.

petty crimes against Virginians.<sup>46</sup> By 1758, when Colonel William Byrd made a recruiting tour of Lower Cherokee towns, little enthusiasm remained for the war. Some 60 or 70 warriors set out for Virginia with Byrd, but only 57 got as far as Winchester.<sup>47</sup> This remainder trudged on to join the British campaign against Fort Duquesne, but by the time they reached Carlisle, Pennsylvania, the warriors' bad behavior had convinced senior army officers that they would desert at any moment.<sup>48</sup>

Throughout June and much of July the Cherokee detachment pressed the British and American officers, demanding in return for their services "a List of Goods the most extravagant that ever was thought of."<sup>49</sup> Cherokee war parties began deserting in mid-July, and by early August all of Byrd's recruits were gone, reportedly "plundering and taking prisoners on the frontiers of Virginia."<sup>50</sup> On 19 August, five of these freebooters stumbled into a company of scalp hunters patrolling one of the New River tributaries. Despite having identified the Indians as ostensibly friendly Cherokees, the patrol stalked the warriors overnight, eventually killing four and wounding the fifth. Neither side was innocent in this affair--the Cherokees carried what appeared to be white men's scalps, and rode horses that

<sup>46</sup> See for example Edmond Atkin to commanding officer, Fort Prince George, 22 July 1757, in McDowell, ed., *South Carolina Indian Documents* 2:406.

<sup>47</sup> Lachlin Mackintosh to Lt. Gov. Lyttelton, 10 Apr. 1758, *ibid.*, 2:454; Adam Stephen to Henry Bouquet, 1 May 1758, in S.K. Stevens, et al., eds., *The Papers of Henry Bouquet* (5 vols.; Harrisburg, PA, 1951-84), [hereafter cited as *Bouquet Papers*], p. 373; John St. Clair to Bouquet, 28 May 1758, *ibid.*, p. 376.

<sup>48</sup> Henry Bouquet to John Forbes, 7 June 1758, *ibid.*, 2:44.

<sup>49</sup> Henry Bouquet to Washington, 23 July 1758, *ibid.*, 2:263.

<sup>50</sup> Bouquet to George Washington, 14 July 1758, Washington to Bouquet, 28 July 1758, and Bouquet to John Forbes, 3 Aug. 1758, *ibid.*, 2:206, 284, 313. The latter document contains the quotation.

probably were stolen--but regardless of blame the incident annulled the Cherokee alliance with Virginia.<sup>51</sup>

Cherokee resentment of abuses by both South Carolinians and Virginians boiled over in the winter of 1758-59. Their anger was poorly timed, however, and as a consequence they fought alone against the southern colonies. Potential southeastern allies such as the Creeks refused to join the fight for want of military supplies and in retribution for Cherokee neutrality in earlier wars against the English.<sup>52</sup> Similarly, to the north, the Iroquois and other tribes on the Ohio River chose to abide by the Easton Treaty of October 1758, in which Pennsylvania renounced all claim to western lands in exchange for a cessation of hostilities.<sup>53</sup> The policy of seeking white allies against other Indians now revealed its great flaw: the Cherokees could find no assistance for their war with the English.

Fortunately for the Cherokees, the English colonies could not coordinate the various armies sent against the Cherokee towns. Virginia's efforts were especially

<sup>51</sup> The leader of the patrol, Robert Wade, was a captain in the Halifax County militia. Some of the other members were North Carolinians, and at least two--Adam and Daniel Harmon--were Augusta County freeholders (John Echols, "Concerning a March That Capt: Robt Wade took to the New River," in William P. Palmer, ed., *Calendar of Virginia State Papers and other Manuscripts Preserved in the Capitol at Richmond* [Richmond, 1875], pp. 254-257). A hunter named Abraham Dunkleberry identified the warriors as Cherokees, so Wade deferred his attack until after Dunkleberry's departure. Wade petitioned for the Virginia scalp bounties, claiming that the four dead Indians were Shawnees, and the House of Burgesses authorized payment in October, 1758 (H.R. McIlwaine, ed., *Journals of the House of Burgesses of Virginia* [Richmond, 1908], pp. 31, 35, entries dated 29 Sep. 1758 and 3 Oct. 1758). The Virginia Council subsequently investigated the affair, but after examining Wade and three of his witnesses found that "not any Thing material was proved" (H.R. McIlwaine, et al., eds., *Executive Journals of the Council of Colonial Virginia* [6 vols; Richmond, 1925-66], pp. 120, 124, entries dated 11 Nov. 1758 and 13 Dec. 1758).

<sup>52</sup> Nash, *Red, White, and Black*, pp. 255-256.

<sup>53</sup> W.J. Eccles, *The Canadian Frontier, 1534-1760* (Albuquerque, 1974), p. 179.

spasmodic, reflecting a half-hearted enthusiasm for the war. Colonel William Byrd led an army into Augusta County in the spring of 1760, ostensibly for the relief of a beleaguered garrison of South Carolina militia located among the Overhill towns.<sup>54</sup> The effort failed, however: by the time Byrd's advance forces reached the Long Island of the Holston, some 130 miles from Chota, the South Carolina fort had already capitulated. The surrender was conditioned on the promise that "the Indians were to Escort the Garrison Safe" to South Carolina, but the Cherokees reneged, killing some of their prisoners and holding the remainder as hostages.<sup>55</sup>

Byrd responded to the news by threatening to invade the Overhill Cherokee towns unless the hostages were returned unharmed, immediately. "Our people know the way into your nation," Byrd reminded the Cherokees, and if the Virginians came, Byrd promised that they would destroy the Cherokee towns.<sup>56</sup> For all his bluster, however, Byrd remained in camp on the New River.

Part of Byrd's restraint stemmed from concern for the hostages, and part reflected an awareness that the Cherokee warriors might outnumber the expedition. For all the seriousness of these issues, though, the chief obstacle to a Virginian invasion was the poor state of the roads upon which the army relied for its supplies. Like his principle subordinates, Byrd had drawn a valuable lesson from his service

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<sup>54</sup> Fauquier to Board of Trade, 30 June 1760, in Reese, ed., *Fauquier Papers* 1:385; William Byrd to Fauquier, communicated to Virginia council 23 July 1760, abstract in McIlwaine, et al., eds., *Executive Journals of Council*, 6:167.

<sup>55</sup> Andrew Lewis to Byrd, 9 Sept. 1760, in Reese, ed., *Fauquier Papers*, 1:409.

<sup>56</sup> Byrd to Overhill Cherokees, 16 Sept. 1760, in Reese, ed., *Fauquier Papers*, 1:413.

in the Seven Years' War: soldiers had to eat before they could fight.<sup>57</sup> Feeding the soldiers took wagon-loads of supplies, and army teamsters could not yet drive their wagons and carts to the Cherokee towns. When Byrd's troops first arrived in southwest Augusta County, the road from the Overhill towns to what had been the Holston settlements still consisted of "small intricate Paths."<sup>58</sup> Though these paths crossed terrain more gentle than did the routes to South Carolina, they could not support the ponderous supply trains that Byrd and his staff associated with successful campaigns. The Virginian army thus posed no threat to the Overhill towns in 1760. Byrd settled for "Clearing a Road Part of the Way" in order to resume operations the next year, if necessary.<sup>59</sup>

While Byrd's soldiers widened the physical road to the Overhill towns, the Cherokees labored to reopen the diplomatic road to Virginia. In early 1761 headman Attakullakulla led a delegation to Virginia to negotiate an end to hostilities. Envoys sent word to Governor Fauquier that the Overhill Cherokees "desire peace rather than Warr," which on its surface was reassuring. As Fauquier was quick to note, however, their proposal contained pitfalls. "If [Attakullakulla] should perform his promise and Engagements," Fauquier told Byrd, "we cannot enter their

<sup>57</sup> Byrd and his second-in-command Adam Stephen had served under British Brigadier General John Forbes, whose advance against Fort Duquesne in 1758 was paced by workmen laboring on a wagon road linking him to his supply depots. Though slow, Forbes was sure: when at last he approached Fort Duquesne, the French garrison withdrew without a fight. Nor were Byrd and Stephen alone in their experience. Andrew Lewis, commander of Byrd's advance forces, not only was commended to Forbes for his role in opening the road to Fort Duquesne, but nearly had starved to death while commanding the packhorse-supplied Sandy Creek expedition in 1756. For Lewis's commendation, see Bouquet to Forbes, 20 Aug. 1758, in *Bouquet Papers*, 2:395. See also William Preston, "Journal of the Sandy Creek Expedition," in Draper Mss., 1QQ 96-123.

<sup>58</sup> Raymond Demere to Lt.Gov. Lyttelton, 11 Aug. 1756, in McDowell, ed., *South Carolina Indian Documents*, 2:162.

<sup>59</sup> Thomas Walker to Bouquet, 23 Aug. 1760, in *Bouquet Papers*, 4:703.

Country with Fire and Sword, without a most notorious and infamous Breach of Faith." A separate peace with the Cherokees might well cause Fauquier trouble with his own government, for "if we would refuse [to invade the Cherokees] we shall with Justice be represented at home by Carolina, as having deserted them." Fauquier therefore deferred Attakullakulla's overtures with a disclaimer that "to make a firm peace to last for ever, requires much Consideration and cannot be done in a hurry." Promising to lay the matter before the council, Fauquier reminded Attakullakulla "that no peace can be lasting without it is made with Carolina as well as Virginia, and without the middle and lower Cherokee Towns as well as the upper [i.e., the Overhills]."<sup>60</sup>

Despite Fauquier's stalling, Attakullakulla persisted in his efforts to undermine Virginia's support for the war. In late March or early April the Cherokees brought a number of English prisoners to southwest Virginia with an offer to ransom them. Fauquier appointed commissioners to treat with the Indians and authorized redemption payments to the Cherokees "in any Goods they shall choose, excepting Ammunition or Arms of any Kind." Though the commissioners were not empowered to negotiate a separate peace, Fauquier gave them a significant message for the Cherokees. "[W]hen all things are adjusted between the Carolinas, ourselves, and the whole Cherokee Nation," the governor promised, "our Traders shall frequent their paths and exchange our Goods for their Skins as long as the paths shall continue open and unstained with Blood."<sup>61</sup> In word, at least, the Virginians appeared ready to reopen the metaphorical road.

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<sup>60</sup> Fauquier to William Byrd, 16 Feb. 1761, in Reese, *Fauquier Papers*, vol. 2, p. 476; Fauquier to Richard Smith, 21 Feb. 1761, in Reese, *Fauquier Papers*, vol. 2, p. 480.

<sup>61</sup> Fauquier to John Chiswell and Thomas Walker, 13 Apr. 1761, in Reese, *Fauquier Papers*, vol. 2, p. 507.

For all his peaceful assurances, however, Fauquier insisted on brandishing Virginia's military power. With the onset of spring, the colony's expeditionary force mustered again and moved back to advance posts in southwest Augusta County. Fauquier directed Byrd to march as far as Long Island of the Holston, where he was to await further orders.<sup>62</sup> The threat to the Cherokees was clear: if the war continued, the Overhill towns would burn.

The Cherokees understood the message. Under heavy military pressure from South Carolina, Cherokee delegates began negotiations in August 1761 and signed a peace treaty the following December. Virginia's army remained in its fortifications at Long Island through the winter, and disbanded in the spring of 1762. Thanks to Fauquier's maneuverings, Virginian participation in the 1760 and 1761 campaigns was just sufficient to deflect South Carolina's complaints of desertion, but in the end the Virginia military contributed little to ending hostilities.<sup>63</sup>

Despite Virginia's minimal involvement, the Cherokee War significantly affected the relationship between Augusta County residents and their Overhill neighbors. Most obviously, Byrd's army shortened the physical road between the Overhill towns and the Virginia settlements by some 50 miles.<sup>64</sup> Nor had the Virginians simply drawn closer to the Cherokees: in the early 1750s, a settler's home--Samuel

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<sup>62</sup> Adam Stephen to Bouquet, 12 May 1761, in *Bouquet Papers*, 5:476.

<sup>63</sup> For a detailed scholarly narrative of the Cherokee War, see John Richard Alden, *John Stuart and the Southern Colonial Frontier: A Study of Indian Relations, War, Trade, and Land Problems in the Southern Wilderness, 1754-1775* (1944; New York, 1966), pp. 101-133.

<sup>64</sup> William Byrd calculated the distance from Stalnaker's place to the Long Island of the Holston to be 50 miles, and from the Long Island to the Overhill town of Chota to be another 130 (Byrd to Fauquier, 11 July 1760, in Reese, *Fauquier Papers*, 2:520).



Stalnaker's place--had marked Virginia's terminus, but as of 1760 the Virginians fortified their end of the road.

The fort on Long Island vividly demonstrated a shift in Virginia's relations with the Cherokees, but the greatest change of all was invisible. In the course of the war, hundreds of militiamen observed for the first time the fertile lands of southwest Virginia.<sup>65</sup> Today's soldiers were tomorrow's settlers, bringing away from their tour of duty both a favorable impression of the region and a new attitude towards the Cherokees. Where relative isolation had forced early inhabitants like Samuel Stalnaker to rely primarily on peaceful protocols with the Indians, the invaders who marched with Byrd to Long Island must have drawn dramatically different conclusions about appropriate behavior between Indians and whites.

The Cherokee War officially ended in December 1761, but Augusta County settlers found little respite during the early 1760s. Northern raiders returned in 1763 and 1764, wreaking such devastation that the traumas of the Seven Years' War faded in comparison.<sup>66</sup> A British invasion of the upper Ohio region in late 1764 finally forced a halt to the raids, but this new truce produced relationships between Indians and settlers that differed significantly from those of the early 1750s. The change was a function of the years of frontier warfare between 1755 and 1764, when settlers saw the old distinction between Cherokees and Northern Indians break down. Cherokees no longer differed from Northern Indians in their friendly behavior, and the Northern Indians had proved to be devastating enemies

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<sup>65</sup> Byrd's 1761 expedition, for example, contained approximately 1,200 militiamen, teamsters, packhorsemen, and drovers (Adam Hoops to Bouquet, 20 July 1761, in *Bouquet Papers*, 5:641).

<sup>66</sup> For details, see Chapter 8 below.

indeed. As events outside of Staunton soon demonstrated, this corrosive decade of warfare generated a more violent context for relations between settlers and Indians.

The increasingly dangerous norm for intercultural contacts in Augusta County became tragically clear when a warrior named Nockonowe led nine other Cherokees northeastward in the spring of 1765. The warriors' arrival on the Holston River initially alarmed the Augusta County settlers there, who "collected some armed men" and hurried to meet the party, but these fears subsided when the Indians were identified as Cherokees. None of the settlers actually spoke Cherokee, but one of them agreed to accompany the Indians some 200 miles to Staunton. Once they reached the county seat, the party reported to Andrew Lewis, a veteran whose experience in Indian affairs included leading Cherokees on the Sandy Creek expedition and building a fort in the Overhill towns. Nockonowe informed Lewis that he and his men were bound for Winchester and Fort Cumberland, where they expected to rendezvous with other warriors and then "go to War against the Ohio Indians." Having explained his objective to Lewis, Nockonowe requested a written pass to go as far as Winchester.<sup>67</sup>

While the warriors "refreshed themselves two Nights" in Staunton, several of the settlers who had been captured by the Northern Indians expressed some doubts about the Cherokees, telling Lewis "that they thought they had seen one or two of them among the Ohio Indians." None of the former captives could prove to Lewis's satisfaction that the warriors were anything but Cherokees, and Lewis, who knew Nockonowe and another of the party from his military service, dismissed the notion that these were enemies. When the warriors were ready to

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<sup>67</sup> Lewis to Lt. Gov. Fauquier, 9 May 1765 and Lewis to Lt. Gov. Fauquier, 3 June 1765, in Reese, ed., *Fauquier Papers*, 3:1234, 1249.

continue on their journey, Lewis gave them "proper Colours and a pass," and sent them on their way.<sup>68</sup>

After marching five miles from Staunton, Nockonowe's party stopped for the night at John Anderson's plantation, on the Middle River of the Shenandoah, where they lodged in a barn. At daybreak the next morning some twenty or thirty settlers stealthily approached the cutbuilding and attacked the warriors, killing five on the spot. The survivors --at least one of whom died of his wounds soon afterwards-- escaped. One settler, James Clendenning, was wounded by an arrow, but otherwise the attackers suffered no casualties. Apparently they had surprised the warriors completely.<sup>69</sup>

News of the murders reached Andrew Lewis later that day. He mustered a militia detachment and hurried to Anderson's place, where he identified the bodies of his acquaintances Nockonowe and The Pipe. While in Anderson's neighborhood, Lewis arrested two suspects, the injured James Clendenning and one Patrick Duffy, and sent them back to the Staunton jail with a militia escort. Lewis then proceeded to his house and wrote an account of the tragedy to the leaders of the Overhill Towns. Emphasizing that the killers were young men-- "very bad ones"--who acted without his knowledge, or that of any other militia officers, Lewis repeatedly expressed his regret over the incident. He entreated the Cherokee headmen to restrain their own young men, and attempted to forestall any vengeful

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<sup>68</sup> Lewis to Lt. Gov. Fauquier, 9 May 1765, Lewis to Lt. Gov. Fauquier, 5 June 1765, and Lewis to Overhill Towns Cherokee headmen, 8 May 1765, *ibid.*, 3: 1234, 1254, 1236.

<sup>69</sup> Lewis to Lt. Gov. Fauquier, 9 May 1765 and Lewis to Overhill Towns Cherokee headmen, 8 May 1765, *ibid.*, 3:1234, 1236. For the location of Anderson's plantation, see J.R. Hildebrand, "The Beverley Patent, 1736, including original grantees, 1738-1815," in Howard McKnight Wilson, *The Tinkling Spring, Headwater of Freedom: A Study of the Church and Her People, 1732-1952* (Fisherville, VA, 1954), endpapers.

attacks by the Cherokees with a promise that the governor of Virginia would punish the guilty parties.<sup>70</sup>

The day after the murders, Lewis reported the incident to Lieutenant Governor Fauquier. By then, Lewis had more to worry about than Cherokee retaliation: after he departed Anderson's for home, a hastily assembled crowd rescued Clendenning from the militia escort. The guards managed to retain the other suspect, Patrick Duffy, but any arrest, imprisonment, and trial of the alleged murderers suddenly acquired a new and more volatile significance. Rather than confront the insurrection directly, Lewis temporarily passed the problem on to the governor, saying that he was certain that Fauquier would want the criminals "brought to Justice and will send me Instructions what steps to take," along with blank warrants for the arrest of further suspects.<sup>71</sup> This request for assistance tacitly admitted that Augusta County authorities could not follow the usual procedures of swearing out a warrant for arrest of a suspect, holding a called court to evaluate the evidence, and sending the suspect to the General Court in Williamsburg if the evidence warranted prosecution. Lewis thus shifted much of the responsibility for punishing the murderers to Fauquier.

Fauquier's vigorous initial instructions indicate that, like Lewis, the governor also perceived the limits of civil authority in Augusta County. He asked Lewis to inform the county sheriff of Fauquier's desire that the sheriff personally impanel a jury for trying the murderers in the General Court, and that the members be "the Gentlemen of the County which are most distinguished by their property,

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<sup>70</sup> Lewis to Overhill Towns headmen, 8 May 1765, in Reese, ed., *Fauquier Papers*, vol. 3, p. 1236. For names of suspects arrested, see Lewis to Lt. Gov. Fauquier 3 June 1765, *ibid.*, 3:1248.

<sup>71</sup> Lewis to Lt. Gov. Fauquier, 9 May 1765, *ibid.*, 3:1234-35.

knowledge Impartiality and Integrity." Fauquier strongly urged that the selection of jurors should not be left to undersheriffs, "who may probably Summon ignorant men who have little or no property to lose, and of course have less reason to dread, as they have less ability to foresee consequences." In an additional set of secret instructions, Fauquier also suggested that Lewis advertise a false time for sending the accused criminals to Williamsburg, and then remove the prisoners in the night, some 30 hours before their scheduled departure.<sup>72</sup>

Fear of popular resistance to any punishment of the murderers was soon confirmed. Accused attacker Patrick Duffy spent the first three nights after his capture in jail, but on the evening of 11 May about one hundred armed men surrounded the prison. The leaders confronted the county jailer, who lived in an adjoining house, and demanded that he surrender the keys. The jailer refused, despite "some Violence and many threats," so axemen chopped down the jail door. As the crowd bore Duffy away, the members declared "that they had most of the County to back them and that they would never suffer a man to be Confined or brought to Justice for killing of Savages."<sup>73</sup> Lewis and his fellow county authorities now faced an armed rebellion as well as the threat of an Indian war.

Despite such explicit opposition, Lewis and a few other officials gamely continued a preliminary investigation. The king's attorney, Gabriel Jones, assisted Lewis in taking depositions that identified seven more murderers, and the jailer identified two of the men who freed Duffy. Based on this information, Lewis issued warrants to the undersheriffs, but then the investigation faltered. The

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<sup>72</sup> Lt. Gov. Fauquier to Lewis, 14 May 1765, *ibid.*, 3:1238, 1240.

<sup>73</sup> Lewis to Lt. Gov. Fauquier 3 June 1765, *ibid.*, 3:1248-49. For the proximity of the jailer's house to the jail, see *Bond of William Hyde, 15 Mar. 1762*, in *Executive Papers*, pp. 162-163, Augusta County Circuit Court, Staunton, Virginia.

undersheriffs arrested no one, either for murder or for jail breaking.<sup>74</sup> Lewis posted the governor's proclamation offering a reward of £100 each for jailing the ring leaders, £50 for each accomplice, and a pardon for any informant who had not actually killed an Indian, but there were no takers.<sup>75</sup>

While Lewis conducted his investigation, another magistrate independently launched an inquiry to determine whether or not the dead Indians were enemies. Several alleged murderers--including the liberated Patrick Duffy--swore that the victims were known to be hostile, and thus deserved their deaths. Lewis recognized that this alternate proceeding not only gave an air of legitimacy to the crime, but also disrupted the unity of the county authorities. To Lewis, the latter effect apparently outweighed the consequences of appearing to sanction violence against Indians, for rather than aggravate the breach among his fellow magistrates, Lewis carefully avoided naming his competitor to the governor.<sup>76</sup>

Lewis showed less reticence in denouncing a second challenge to his legitimacy. Shortly after he posted Fauquier's offer of a reward for the criminals, Lewis discovered a counter-proclamation calling for *his* capture. This document, signed by the "Augusta Boys" and posted publicly, asserted the right "to act in the Offensive" when known enemies attempted to pass through the county. The Augusta Boys went on to decry the shortage of patriotism in county leaders, suggesting that since Andrew Lewis had written a pass for their enemies, he was not really "attached in heart to his present Majesty or his leige Subjects." They therefore offered a reward of £1000 "for the taking of the said Colo. Lewis that he

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<sup>74</sup> Lewis to Lt. Gov. Fauquier, 3 June 1765, in Reese, ed., *Fauquier Papers*, vol. 3, p. 1248.

<sup>75</sup> Proclamation by Lt. Gov. Fauquier, 13 May 1765, *ibid.*, 3:1237.

<sup>76</sup> Lewis to Lt. Gov. Fauquier, 5 June 1765, *ibid.*, 3:1254.

may be brought to Justice," plus an additional £500 each for two of Lewis's supporters, Doctor William Fleming and Captain William Crow, described as "Dupes and Parasites." Finally, the Augusta Boys extended a pardon to three militia lieutenants, Michael, Thomas, and Luke Bowyer, if each officer would "provide a string of Beeds"--that is, wampum--in an Indian ritual of atonement, and would live in the future "without depending alone on the smiles of Colo. Lewis."<sup>77</sup>

Not surprisingly, the Augusta Boys' proclamation outraged Lewis. He immediately suspected an attorney and former fellow army officer, Peter Hogg, of authorship, and accused Hogg to the governor. According to Lewis, Hogg hoped to gain both popularity and clients "amongst the Disaff[ected]." If so, the effort apparently failed, for Lewis also reported that only one or two of the persons involved in the murders participated in the publication of "this Libelas Proclamation." The remainder disapproved of it.<sup>78</sup>

The significance of the Augusta Boys' proclamation varied widely, depending on who read it. To Francis Fauquier, "The Defiance of the Government shewn by the Inhabitants of Augusta" was worse than the murders.<sup>79</sup> The proclamation confirmed the governor's opinion that civil authority had all but collapsed on the frontier, and for the remainder of his tenure, Fauquier complained to a variety of correspondents that "it is impossible to bring any body to Justice for the Murder of an Indian, who takes Shelter among our back inhabitants."<sup>80</sup>

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<sup>77</sup> Proclamation of the Augusta Boys, *ibid.*, 3:1255.

<sup>78</sup> Lewis to Fauquier, 5 June 1765, *ibid.*, 3:1253-4.

<sup>79</sup> Fauquier to Andrew Lewis, 14 June 1765, *ibid.*, 3:1259.

<sup>80</sup> Fauquier to Lt. Gov. John Penn, 11 Dec. 1766, *ibid.*, 3:1406. For other examples, see Fauquier to Board of Trade, 14 June 1765, *ibid.*, 3:1257, and Fauquier to the earl of Shelburne, 24 July 1767, *ibid.*, 3:1480.

Governor Fauquier might fear that "we have not strength in our hands to enforce Obedience to the Laws" on the frontier, but Lewis knew well that obedience had never depended on strength alone.<sup>81</sup> The Augusta Boys' proclamation surely annoyed Lewis, but it also must have reassured him. According to Lewis's informants, most of the murderers renounced the proclamation, so from his perspective the threat of civil upheaval was quickly subsiding. Despite their recent violence, the murderers and "their Abettors" did not intend to overturn the county authorities, nor to support fractious upstarts like Peter Hogg.<sup>82</sup> Tacitly, at least, the murderers agreed to let Lewis deal with Hogg in his own way if in return Lewis would let their crime go unpunished. Since the threat to county leaders was dissolving, the situation could return to normal.

But what was normal? As with the interpretation of the Augusta Boys' proclamation, Virginians held more than one opinion about what constituted ordinary behavior. Fauquier believed that frontier settlers preferred to be at war with Indians, but the relationship between Augusta County settlers and the Cherokees was not that simple.<sup>83</sup> Even the events surrounding the murders demonstrated a significant degree of toleration and flexibility.

When Nockonowe and his party first arrived on the Holston, a hastily mustered patrol of armed settlers examined the Indians, determined that they were Cherokees, and let the warriors continue on their way. This examination implied both a Virginian ability to distinguish among tribes and a willingness to treat friendly Indians in a peaceful manner. The settlers could not speak Cherokee, but despite

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<sup>81</sup> Fauquier to Board of Trade, 14 June 1765, *ibid.*, 3:1257.

<sup>82</sup> Lewis to Fauquier, 5 June 1765, *ibid.*, 3:1253.

<sup>83</sup> Fauquier to Board of Trade, 1 Aug. 1765, *ibid.*, 3:1266.



this fundamental disadvantage one of them accompanied the warriors as far as Staunton. The act of sending a solo escort indicates that while settlers thought that war parties should not roam the county at will, the presence of a war party was not automatically cause for alarm. A lone supervisor presumably was adequate to ensure good behavior.

Once the warriors arrived in Staunton, Nockonowe met his old acquaintance, Andrew Lewis, and reaffirmed their common cause against the Ohio tribes. Nockonowe's request for a pass shows that there was an established procedure for Indians to travel through the settlements, and that this procedure was accepted by Indians as well as whites. The two nights of refreshment taken in Staunton also reflected a long-standing protocol for the treatment of warriors--John McDowell had done much the same as early as 1742. The rituals continued when Lewis gave Nockonowe a written pass and an English flag to signify that the warriors had been duly examined by a qualified county official, and that they were attached to the English cause. The routine tone of the Cherokee passage persisted as far as John Anderson's farm: Nockonowe and his warriors not only wanted to spend the night in Anderson's barn, but Anderson permitted them to do so. The Cherokees felt so secure in their lodging that they posted no watch, and consequently fell easy victims to the murderers.

Seen in its proper context, the Cherokee lack of caution appears perfectly justified. From the limits of white settlement on the Holston River to John Anderson's place on the Middle River of the Shenandoah, Nockonowe's war party marched over 200 miles through white settlements. They arrived without incident in Staunton, where they joined Andrew Lewis--Augusta County's senior warrior--in rituals that confirmed the good intentions of both sides. Until the attack, Nockonowe's journey was just another routine passage.

After the attack, the road through Virginia's settlements no longer ran smoothly for Cherokees. The murders at Anderson's place demonstrated tragically that an adherence to established rituals and routine behavior could no longer guarantee safety and stability. Something had changed within Augusta County society to create new hazards and uncertainties: for reasons inscrutable to Nockonowe and his warriors, some settlers now displayed an unprecedented militancy toward well-behaved Indians.

Who were these aggressors, and what motives produced their crime? According to Andrew Lewis, John King and John Cunningham led the attack.<sup>84</sup> Both men were in their mid- to late-40s, and both were freeholders: King owned 1,278 acres in 1765, Cunningham 590.<sup>85</sup> King served as a road overseer in 1751, and on grand juries in 1749, 1753, and 1759, but held no other office before the attack.<sup>86</sup> Cunningham's sole position of authority was as a militia lieutenant in 1757, eight years before the murders.<sup>87</sup> In short, within the county context, both belonged to the middling sort economically, but neither had exercised a sustained political

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<sup>84</sup> Lewis to Fauquier, 3 June 1765, *ibid.*, 3:1249.

<sup>85</sup> Age estimates for Cunningham and King are based on the assumption that the men had already attained the age of twenty-one years when they acquired their first land. For land sources, see Chapter 2, n. 2, above.

<sup>86</sup> Augusta County OB 2:104 (17 May 1749), 2:574 (29 May 1752), 3:437 (16 May 1753), 6:257 (16 May 1759).

<sup>87</sup> *Ibid.*, 5:304 (16 Mar. 1757).

influence. Cunningham had abused the county sheriff before the court in 1752, but otherwise neither man had a record of disrespect or violence.<sup>88</sup>

Lewis also identified 7 other murderers, including Patrick Duffy, the man rescued from jail.<sup>89</sup> Of these, Duffy is something of a cypher: his family connections are uncertain, he held neither office nor land, and he lacked a prior criminal record. The remaining six, however, were of a piece (Table 18). Their ages ranged from 17 to 25 years, and while none owned land or held office, the fathers of at least 5 were comfortable freeholders. Thus, with the possible exception of Duffy, the rank-and-file murderers came from middle class families located in most cases within two or three miles of Anderson's place.<sup>90</sup>

The distinctions between the ringleaders and the rest of the murderers in age, social position, and economic status suggest that the two groups probably had different motives. Both the leaders and the younger men shared memories of the recent Indian wars, and so were equally likely to resent or even hate Indians. These were not new emotions, however: some people in Augusta County had resented Indians since the earliest settlements, but no one murdered Indians until 1765.

For King and Cunningham, killing Nockonowe and his warriors may well have expressed an additional resentment. Neither man had risen in the county's political hierarchy, despite their longevity. Cunningham especially had cause to feel slighted, for he had remained in the county and served as a militia leader during the

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<sup>88</sup> Ibid., OB 3:297 (20 June 1752). The court required Cunningham to post a personal recognizance of £10, plus find an additional security in the amount of £5. Cunningham owned no land at the time, although his family was landed.

<sup>89</sup> Lewis to Fauquier, 3 June 1765, in Reese, ed., *Fauquier Papers*, vol. 3, p. 1249.

<sup>90</sup> For data regarding freeholding, see sources listed in note 97 above. For the location of freeholds near John Anderson's place, see Hildebrand, "The Beverley Patent," in Wilson, *Tinkling Spring*, endpapers.

TABLE 18. STATUS OF PERSONS ACCUSED OF MURDERING CHEROKEES NEAR STAUNTON, 1765

Person Accused	Age	Offices	Freehold size in acres, 1765	Father's freehold in acres, 1765
* William Cunningham	> 45	lieutenant 1757	590	N/A
* John King	> 45	grandjury 1749, 1753, 1759 road overseer 1753	1,278	N/A
† Patrick Duffy	unknown	none	0	unknown
William Anderson father: George Anderson	25	none	0	411
Charles Baskins father: William Baskins	24	none	0	444
Hugh Baskins father: William Baskins	22	none	0	444
# James Clendenning father: uncertain	mid-20's	none	0	unknown
Alexander Robertson father: James Robertson	17	none	0	943
William Young father: John Young	20	none	0	345
or William Young father: James Young	16	none	0	476

\* identified by Col. Andrew Lewis as a ringleader

† jailed in Staunton, but subsequently liberated by a crowd

# arrested, but subsequently liberated before he could be jailed

Sources: Andrew Lewis to Lt. Gov. Fauquier, 3 June 1765, in Reese, ed., *Fauquier Papers* III:1248; age estimates for ringleaders are based on their earliest property acquisitions; ages for the Baskinses, Robertson, and Young are based on baptismal dates in Diary of John Craig, microfilm at Union Theological Seminary; age estimate for Clendenning based on his marriage to Margaret Anderson, whom Craig baptized in 1743; for officeholding, Augusta County O.B. vols. 1-15; for freeholding, see Chapter 2, note 2, above; for relationships, Craig Diary and Augusta Will Books 1-8.

height of the Indian raids during the Seven Years' War. Despite the risks that Cunningham endured, county leaders like Andrew Lewis never gave him the additional responsibilities that would have recognized his efforts. In one stroke, the murders may have expressed general dissatisfaction with the county's political structure and specific contempt for the authority of Lewis and officials like him.

The other murderers resembled Cunningham as a younger man. Like Cunningham when he bearded the sheriff before the county court, they remained economically dependent on their fathers. To them, older men--not only their fathers, but also leaders such as Andrew Lewis--appeared to have a tight grip on the county's economic opportunities. For all the senior generation's dominance in the economic arena, however, the older men had fought ineffectually against Indian raiders over the last decade. Now, when some of those raiders brazenly appeared among the settlements, Lewis timidly wrote the warriors a pass and stepped out of their path. The younger murderers may thus have seen in Nockonowe's band an opportunity to show their impatience both with wealthy authorities like Lewis and with a permissive if not craven Indian policy.

Augusta County authorities never prosecuted any suspects in the 1765 murders at Anderson's place, nor arrested anyone for breaking Patrick Duffy out of jail. The government of Virginia promised to punish the murderers "whenever it should find an Opportunity," but the opportunity never came.<sup>91</sup> Two years later, the superintendent of Indian affairs for the southern colonies advised Fauquier to pay compensation for the deaths, since "the Offenders cannot be brought to Justice."<sup>92</sup>

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<sup>91</sup> Lt. Gov. Fauquier to Board of Trade, 1 Aug. 1765, in Reese, ed., *Fauquier Papers*, vol. 3, p. 1265.

<sup>92</sup> John Stuart to Lt. Gov. Fauquier, 11 Apr. 1767, *ibid.*, 3:1467.

The governor and council authorized the purchase and shipment of appropriate goods, but then delayed so long in delivery that at last, three years after the crime, Cherokee warriors killed five whites to avenge the murders in Augusta County.<sup>93</sup>

With the exception of this long-delayed retribution, the murders near Staunton produced no further violence. The attack on Nockonowe's warriors set a lethal precedent, but Cherokees nevertheless continued their normal activities with Augusta County settlers. For their part, Virginia leaders, including Andrew Lewis, sought with increasing urgency to acquire Cherokee territory, especially along the route to fertile Kentucky lands.<sup>94</sup> Ordinary farmers settled in increasing numbers along the New and Holston, and began planting on other tributaries of the Tennessee River as well.

Cherokees tolerated persistent encroachments by American settlers into the early 1770s, for some newcomers performed valuable services such as gunsmithing, while others continued to provide convenient food and shelter.<sup>95</sup> These normal relationships could not completely offset new confrontations, however. Americans

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<sup>93</sup> Lt. Gov. Fauquier to John Stuart, 21 Nov. 1767, *ibid.*, 3:1516; Stuart to Pres. Blair, 17 Oct. 1768, in *VMHB* 13 (1906), p. 22; Botetourt to Thomas Walker and Andrew Lewis, 30 Dec. 1768, in *Journals of the House of Burgess of Virginia, 1766-1769* (Richmond, 1906), p. xxxii. For a full discussion of Cherokee customs governing the compensation for homicide, see Reid, *Law of Blood*, p. 103-106, 171-172.

<sup>94</sup> For a detailed narratives of the territorial negotiations between Cherokees and Virginians, see Alden, *John Stuart*, pp. 262-293, and Louis DeVorse, Jr., *The Indian Boundary in the Southern Colonies, 1763-1775* (Chapel Hill, 1966), pp. 48-92.

<sup>95</sup> For a blacksmith "that Works for the Cherokees" see Arthur Campbell to [William Preston], 22 June 1774, in Draper Mss., 3QQ 41.

now competed directly with Cherokees in the deer skin trade, and chance meetings between competing hunters frequently led to quarrels.<sup>96</sup>

For all the dangerous potential of these meetings, settlers demonstrated no lethal violence against Cherokees for nine years following the murders outside Staunton. The truce ended in 1774, shortly after a party of Cherokee warriors found one Isaac Crabtree hunting on their territory and robbed him of a load of deer skins. Still smarting from his loss, Crabtree returned to the settlements in southwest Virginia. There, at a racetrack on one of the Holston tributaries, he attacked and killed Billy, a Cherokee man attending the horse races.<sup>97</sup> Crabtree's neighbors initially reacted just as the Staunton jail-breakers did nine years earlier: they swore to protect the murderer. "[L]et the consequence of the affair be what it will," a local justice of the peace declared, "I am persuaded it would be easier to find 100 Men to screen him from the law, than ten to bring him to Justice."<sup>98</sup>

If so, general approval of the crime quickly wilted when settlers discovered moccasin tracks in the neighborhood. Confronted with the possibility of another war, most of Crabtree's former allies "were ready enough then to ascribe that supposed murder to his doings, however inconsistent they were before in avowing they would screen him from Justice."<sup>99</sup> So many witnesses appeared against the

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<sup>96</sup> Alden, *John Stuart*, pp. 263-264.

<sup>97</sup> Campbell to Preston, Draper Mss. 3QQ 41; Dunmore to Dartmouth, 24 Dec. 1774, in Draper Mss. 15J 4-48, as transcribed in Reuben Gold Thwaites and Louise Phelps Kellogg, eds., *Documentary History of Dunmore's War, 1774* (Madison, 1905), pp. 376-377.

<sup>98</sup> Arthur Campbell to William Preston, circa 20 June 1774, in Draper Mss. 3QQ 40.

<sup>99</sup> Arthur Campbell to William Preston, 22 June 1774, in Draper Mss. 3QQ 41.

surprised Crabtree at a preliminary hearing that the magistrates called an examining court to consider the matter the following week, on 18 July. The strong case against Crabtree--"5 or 6 people then present had been told by him at different times and places that he had killed the Indian"--all but ensured that the called court would have sent Crabtree to the General Court in Williamsburg.<sup>100</sup> The magistrates never had a chance to pass judgement, however. Rather than face a murder trial and the punishment of execution if found guilty, Crabtree fled. Despite rewards for his capture that totalled £150, the fugitive remained at large in southwestern Virginia, protected by his sympathizers.<sup>101</sup>

To what extent did the attitudes of Crabtree's supporters represent those held by ordinary settlers? Clearly some people strongly endorsed aggression against Indians, but many other settlers remained ambivalent about Crabtree's crime.<sup>102</sup>

<sup>100</sup> William Christian to William Preston, 12 July 1774, in Draper Mss. 3QQ 60.

<sup>101</sup> For reward, see Dunmore to Dartmouth, 24 Dec. 1774, in Draper Mss. 15J 4-48, as transcribed in Thwaites and Kellogg, eds., *Dunmore's War*, p. 377.

<sup>102</sup> For a recent scholarly interpretation that differs from the above, see Tillson, "Militia and Popular Culture in the Upper Valley of Virginia." Tillson argues that economic self interest as well as racism impelled ordinary settlers to a chronic animosity towards Indians (pp. 292-294). He overstates the extent of support for Crabtree, an error that is due in part to misreading the evidence. According to Tillson, "Crabtree and his followers continued attacking isolated Indians in the area" (p. 293) after murdering Billy, but his source (Arthur Campbell to William Preston, 22 June 1774, in Draper Mss. 3QQ 41) only states that the murderer "and a few mislead followers" had been *looking* for isolated Indians. The same source reported that "most of the people seem to disapprove Crabtrees conduct" following the discovery of Indian tracks in the neighborhood, a reversal in popular opinion that Tillson ignores. Tillson notes that William Christian ordered "the posting of a *large* militia party at the *prison* to prevent any rescue attempts" (emphasis added) at Crabtree's arraignment, strongly implying the threat of a sizeable and determined crowd (p. 293). While there was ample precedent for such a crowd action (as in the 1765 rescue of Patrick Duffy from the Staunton jail), Tillson inflates the threat in Crabtree's case. His source (William Christian to William Preston, 12 July 1774, in Draper Mss. 3QQ 60) does not mention the size of the militia detail, and states explicitly that the hearing was held at the house of one Captain Bledsoe, a domestic building presumably more in need of militia



Their early approval indicates some resistance to county leadership, but as soon as the threat of retribution developed, Crabtree lost most of his backers. Still, despite the sobering effect of a set of Indian tracks, this switch in allegiance did not necessarily imply full support for county officials investigating the crime.

As in the case of the murders of Nockonowe and his warriors in 1765, frontier leaders recognized that prosecuting a murderer of Indians might produce social upheaval. One justice of the peace strongly disapproved of Crabtree, calling him "the most hardened depraved villain I ever heard of," but still preferred that Crabtree escape or be rescued rather than appear before the called court. As a fugitive, the magistrate reasoned, Crabtree "would be afraid," but if the court acquitted the murderer "he will ruin this Country."<sup>103</sup> That ruin promised to be social as well as physical: while Indian attacks devastated farms, Crabtree's defiance would dramatically erode county authority.

The official search for a response to Crabtree reveals much about the enforcement of social order on the Virginia frontier. Local leaders and "the well disposed people" cared little "whether he goes to W[illia]m[s]burg or not but they pray that he may be ordered down, [even] if he should go off next minute, as it will keep him afraid."<sup>104</sup> In other words, the authorities expected Crabtree's fear to constrain his behavior, possibly even to drive him out of the county. They understood that as an instrument of law enforcement, such fear was both more

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guards than the prison that Tillson imagines Crabtree was held in. Furthermore, the same source states that Christian's orders stemmed not just from one leader's authoritarian stance, but rather were given "By the advice of the officers present," suggesting a more widespread disapproval of Crabtree's crime than Tillson acknowledges.

<sup>103</sup> William Christian to William Preston, 12 July 1774, in Draper Mss. 3QQ 60.

<sup>104</sup> Ibid.

reliable and more compelling than the actual legal sanctions available to county governments. If tried, Crabtree might be acquitted, but if not tried he could never escape his outlaw status.

The court called for 18 July thus corrected the social problems generated by the murder of Billy. Crabtree, who knew that he was guilty and that he might hang for his crime, chose to run away rather than to stand trial. His flight saved face for the county authorities, who could report to the Cherokees and to the colonial government that they had made an honest effort to redress the wrong. At the same time, local leaders avoided conflict with the minority who still supported Crabtree. Finally, because the abstract image of county authority remained undiminished, the same instrument of fear could be expected to work again if needed in the future. Only the Cherokees lost by this solution: it reconciled too many local problems for frontier leaders to set it aside in favor of an alternative that provided genuine redress for Billy's death.

Following Billy's murder, Cherokee leaders stepped up their efforts to reclaim lands occupied or used by white farmers and hunters. In May 1776, the Overhill Cherokees at last sent a message to encroaching settlers "to remove themselves" from the headwaters of the Tennessee River within 20 days, or else "they would kill them all."<sup>105</sup> By July the Cherokees began to make good on their threat, launching large raiding parties against the southwestern Virginia settlements. Though defeated at Long Island on the Holston, they bypassed the fort there and by the end of the month had pressed their attacks as far as the headwaters of the Holston, burning houses and crops, killing or driving off livestock, and attacking

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<sup>105</sup> John Montgomery and James McGavock to William Preston, 13 May 1776, in Draper Mss., 4QQ 38.

any settlers they met. The Virginians, unable to defend their scattered farms, decided to launch an offensive of their own.<sup>106</sup>

Supported by wagons loaded with flour and beef, eighteen hundred Virginians marched for the Overhill towns on October 6, 1776.<sup>107</sup> The army met no opposition, and so captured and burned four towns on the Little Tennessee River before occupying Chota. Once they had seized Chota, the Virginians offered to negotiate an end to hostilities. Rather than endure the destruction of that important town, the Cherokees capitulated.<sup>108</sup> After Cherokees agreed to attend a formal treaty conference the following spring, the army withdrew.<sup>109</sup>

The invasion of 1776 proved that Virginians now had the means to strike at the very heart of Cherokee culture--to destroy the Cherokee towns. This demonstration changed forever the relationship between Virginia's frontier settlers and their Cherokee neighbors. To be sure, that relationship had never lacked for violence or manipulation: Virginia's repertoire of sanctions against Indians had always included old colonial standbys such as recruiting other Indian allies and controlling the flow of trade goods. Thanks to those sanctions, the burden of smoothing the

<sup>106</sup> William Russell to William Preston, 17 July 1776, in Draper Mss., 4QQ 54; Russell to Preston, 23 July 1776, in Draper Mss., 4QQ 57; William Preston to [unknown] 30 July 1776, in Draper Mss. 4QQ 61.

<sup>107</sup> William Preston to John Page, 2 Aug. 1776, in Draper Mss., 4QQ 64; Preston to [unknown], 30 July 1776, in Draper Mss., 4QQ 61; James Thompson to Preston, 6 Oct. 1776, in Draper Mss., 4QQ 74.

<sup>108</sup> Chota continued unscathed until the winter of 1780-81, when an American army burned it and two other towns on the Little Tennessee River (Samuel Riggs, deposition, published in John C. Dann, ed., *The Revolution Remembered: Eyewitness Accounts of the War for Independence* [Chicago, 1980], pp. 308-309).

<sup>109</sup> Proceedings of the conference on Long Island, 21 Apr. 1777, in Draper Mss., 4QQ 133; *Virginia Gazette* (Purdie), 29 Nov. 1776.

metaphorical road between Virginia and the Cherokees always weighed more heavily on the Indians, but in return the physical road between the two cultures had helped the Cherokees to offset South Carolina's economic oppression. By 1776, however, the physical road had become a highway for conquerors. Once Virginians demonstrated that the road could bear the traffic of army supply wagons, they could afford to abandon the metaphorical road. William Byrd had warned the Cherokees in 1760 that "Our people know the way into your nation;" sixteen years later, the threat behind Byrd's warning became a reality.<sup>110</sup>

During the closing decades of the colonial era, Overhill Cherokees found themselves in a classic Indian dilemma symbolized perfectly by the road they made between themselves and Virginia. Metaphorically, the road made possible the diplomatic contact of two cultures, but physically it was an avenue of invasion. Manufactured goods that played fundamental roles in Cherokee material culture came over the road, but so did disruptive traders. Smoothing the path figuratively brought mutual understanding between common people while literally producing such numbers of immigrants that sympathetic behavior no longer seemed necessary to many of the newcomers. Regardless of the traffic, ordinary Cherokees and Virginians kept the road open for a variety of motives, and it remained a two-way road until the Virginians invaded the Overhill towns in the fall of 1776. From then on--whatever other events surrounded it--the road ran *to* the Cherokees, but not *from* them.

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<sup>110</sup> Byrd to Cherokee headmen, 16 Sept. 1760, in Reese, ed., *Fauquier Papers*, vol. 1, p. 413.

CHAPTER VIII  
WASPS AND YELLOWJACKETS:  
AUGUSTA COUNTY AND THE NORTHERN INDIANS

Augusta County residents and Northern Indians fought three major wars before the American Revolution. At first glance, these conflicts appear identical in their causes and effects, because the Seven Years' War (1755-58), Pontiac's Rebellion (1763-64), and Dunmore's War (1774) involved some of the same participants and produced comparable hardships. But on closer examination these wars were more distinctive, especially with regard to motive. The earliest case had the clearest origins: Indians launched the Seven Years' War in defense of their territorial claims. The extension of Pontiac's Rebellion to Augusta County is less easily explained, since in 1763 the diminished white population still had not recovered to the level reached before the Seven Years' War. And finally, unlike the first two conflicts, whites started the latest clash, Dunmore's War. These varied origins hint at more complex interactions between Indians and whites and invite further investigation.

Major wars such as these seemingly punctuate the history of Indian-white contacts in colonial America. They apparently mark dramatic changes in relationships between representatives of the two cultures, shifts that were both abrupt and permanent. Two features of the documentary record help create this epic aspect. In part, the perception of frontier wars as a transforming force derives from the vast amounts of paperwork generated by Europeans and their American colonists in the course of waging a war. Compared to the relatively sparse papers

colonists in the course of waging a war. Compared to the relatively sparse papers of peace, the extensive documentary record of conflict subliminally reinforces the impression of war's importance in defining relations between Indians and whites.

Beyond quantity, the *quality* of the documentary evidence about Indians and whites also emphasizes cultural conflict. The problem is not just that Europeans and their American descendants stored and transmitted information on paper while Indians did not. More basically, Indian cultural values helped shape the content of white documents: the rituals, etiquette, and objectives of daily Indian-white meetings rarely required whites to note these more mundane aspects of their contact with Indians. As a result, most commonplace encounters on the cultural frontier of Augusta County left little trace in the documentary record.

But little trace is still better than none at all. The fragments that survive provide an otherwise unobtainable perspective on the lives of Augusta County's white settlers and offer a more elaborate picture of Northern Indian activity in southwest Virginia. These additional details support a new interpretation of the origins and results of three frontier wars and shed new light on the motives of the people ensnared in those conflicts.

As he travelled down the Holston River in the late winter of 1762, Lt. Henry Timberlake learned from his Cherokee guides that "the northward Indians . . . always hunted in those parts at that season of the year."<sup>1</sup> Although this unwelcome information came as fresh news to Timberlake, the white settlers in Augusta County could have told him that for at least the last two decades the Northern Indians not only hunted, but also travelled and sometimes fought throughout the county's

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<sup>1</sup> Henry Timberlake, *The Memoirs of Lieut. Henry Timberlake* (1765; New York, 1971), p. 43.

length. From the Shenandoah River to the Holston, white farmers dealt frequently with the Northern Indians from Augusta County's inception.

Much of the available evidence about early contacts in Augusta County comes from records of conflicts between red and white people. These incidents suggest a consistent--albeit coercive--pattern of material exchange dating to the county's earliest settlement: Indian warriors came to often-isolated white farms and took something useful from the inhabitants.<sup>2</sup> These losses cut deeply into farmers' subsistence: as one observer noted on a tributary of the James River in 1750, the settlers "would be better able to support Travellers was it not for the great number of Indian Warriors, that frequently take what they want from them."<sup>3</sup>

Significantly, farmers did not forcibly resist these impositions. In part, this passive acceptance reflected their awareness that warriors possessed an overwhelming advantage in strength. As the losses of settler Adam Harman reveal, the river valleys of southwestern Virginia often held far more Indians than farmers. Harman, a farmer on the New River, was robbed on three successive days in April 1749 by various parties of Indian hunters. On the first day, seven Indians took from his house one elk and nine deer skins. The visitors spread the word of their good fortune, and "the next Day Came Six indiens & Did Rob the s[ai]d house of fourteen Deer Skins & one Elk Skin." These were substantial losses--the elk skins alone were worth as much as £1 10s.--but even so the warriors did not completely

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<sup>2</sup> As early as 1738, when only a handful of settlers inhabited the headwaters of the Shenandoah River, difficulties with passing Northern Indians led the Virginia Council to issue weapons to John Lewis. Settlers could not automatically assume that Indians were hostile, however: along with the weapons, the Council also sent instructions to Lewis enjoining him not to hurt any Indians passing through peacefully (H.R. McIlwaine, et al., eds., *Executive Journals of the Council of Colonial Virginia* [6 vols; Richmond, 1925-66], 4:414).

<sup>3</sup> Journal of Thomas Walker, entry dated 8 Apr. 1750, mss. in Library of Congress, Washington, DC.

strip Harman clean. Instead, they told yet another, larger party about the goods stored at Harman's place, so that "the next Day following there came a number of indiens to the s[ai]d house and Did rob, or take out of it seventy three Deer Skins & six Elk Skins & twenty seven Pounds of Leather and Two Buck Skins in Parchment &c."<sup>4</sup> But while his robbers clearly outnumbered Harman, this was a case of more than simple larceny by men with a numerical advantage. To amass almost one hundred deer skins, eight elk skins, and a considerable quantity of dressed leather required a far more concerted hunting effort than a white farmer could afford to spend. Harman almost certainly acquired his trove by trading actively with Indian hunters, so this incident may represent the dissatisfaction of his customers rather than the simple opportunism of chance passers by.

Harman's recurring losses hint at the existence of widely-understood protocols for contact on Augusta County's cultural frontier. Admittedly, Indian requests for a portion of white property always carried strong overtones of coercion: as one early Augusta County settler noted, the hunters "must be Supply'd at any house they Call at with victuals or they become their own Stuarts & Cooks spairing nothing they Chuse to Eat or Drink in the house."<sup>5</sup> But Indians had their own reasons both for taking white property and for *not* taking it, as the first two groups who robbed Harman demonstrated by leaving behind most of what the farmer eventually lost. Their restraint suggests strongly that Indians as well as whites recognized limits on

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<sup>4</sup> At a later date, an Augusta County merchant valued two elk skins at fifteen shillings each. The same merchant rated deer skins at seventeen pence per pound (William Thompson bill for skins sent to Alexander Boyd, 1762, William Preston Papers, Virginia Historical Society). For the Harman incident, see Deposition of Henry Leonard, 18 May 1750, in William P. Palmer, ed., *Calendar of Virginia State Papers and other Manuscripts Preserved in the Capitol at Richmond* 1 (Richmond, 1875), p. 243.

<sup>5</sup> Autobiography of John Craig (microfilm), p. 25, in Union Theological Seminary, Richmond.



permissible frontier behavior. With these protocols in place, each side could begin an intercultural encounter with the confidence that they would live through the meeting.

Both the game and the farmers of Augusta County drew Northern Indian commercial hunters to southwest Virginia. But these hunters had a second calling: they were also warriors. When the Seven Years' War broke out in the spring of 1755, their years of experience among the settlements provided valuable information regarding the location and strength of white settlers. Using their knowledge of the region to surprise the scattered farmers, Northern Indians quickly devastated the county's outlying settlements. After years of more peaceful contact, what caused the Northern men to switch from hunters to warriors in Augusta County?

Contemporary Virginia elites typically blamed the war on "the Encroachments of the French," but the raiders who hit Augusta County were no French puppets.<sup>6</sup> The most obvious Northern motive was economic: the warriors hoped to protect their hunting preserves from *Virginian* encroachments. As early as 1753 "Norward Indians" began harassing Augusta County settlers in the New River Valley: after threatening settler George Hoopaugh on several occasions, sixty warriors burned his house and stable on Sinking Creek, set fire to his corn field, and killed his best dogs, until at last Hoopaugh "was obliged to remove for fear of further Damage."<sup>7</sup> The violence shown to Hoopaugh's property suggests that this attack had a personal aspect, for on most occasions even warriors with an overwhelming

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<sup>6</sup> McIlwaine, et al., eds., *Executive Journals of the Council of Colonial Virginia*, 6:202.

<sup>7</sup> H.R. McIlwaine, ed., *Journals of the House of Burgesses of Virginia, 1752-55, 1755-58* (Richmond, 1909), p. 523.

advantage in numbers only threatened settlers. Thus from 10 to 20 June 1754, the "People on the Frontier of [Augusta] County was visited by Sundry Companies of Norward Indians who charged the People to remove off the Land otherwise it would be worse for them in a little time." Many settlers took the Indians at their word and moved back to more densely inhabited portions of the county, "leaving their Harvest & the rema[inder] of their stock a prey for the Enemy."<sup>8</sup> But these harsh incidents notwithstanding, in Augusta County the Indian condemnation of white incursions may have been partly rhetorical, since Indian hunting and white farming were not completely incompatible pursuits.

Northern hunters may have sought only to restore a more favorable balance of settlers and hunters in the New and Holston river valleys. But when hostilities broke out in 1755, Northern *warriors* readily exploited new opportunities created by their now-violent relationship with Augusta County settlers. For white farmers, the Indians' switch from hunters to warriors was devastating: between 9 May and 13 July, Northern raiders killed eighteen people, captured eighteen more, and drove the remaining settlers--including six wounded--from their Holston and New River farms. The attacks then shifted to the northeast and continued periodically over the next three years. By May 1758, a total of 307 Augusta County inhabitants were dead, wounded, or captured, although a few of the latter subsequently escaped.<sup>9</sup>

The raids on Augusta County served Northern Indian strategic and social ends beyond the reclamation of hunting grounds. In an immediate benefit, the blows struck in 1755 against the Holston and New River settlements severed important

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<sup>8</sup> James Patton to Lt. Gov. Robert Dinwiddie, 2 July 1754, in Preston Family Papers, Virginia Historical Society [hereafter cited as ViHi].

<sup>9</sup> Register of Persons Killed or Captured by Indians, Draper Mss. 1QQ 83 (microfilm edition, 1980, reel 100), State Historical Society of Wisconsin.

logistical connections between Virginia and the Overhill Cherokees, thus isolating the Cherokees and increasing the pressure on them to support the Northern tribes.<sup>10</sup> Additionally, the numerous captives taken from Augusta County satisfied an important cultural need by providing literal replacements for dead Indians.<sup>11</sup> This practice greatly rejuvenated Indian populations: as one white witness reported after returning to Augusta County in 1764, the Northern Indians were "stronger now than before the war, because of the young people whom they have captured."<sup>12</sup> Finally, the violence of the raids and the rituals for welcoming returning warriors bearing scalps and prisoners helped vent tensions within Northern Indian society.<sup>13</sup> In this, the Augusta County settlers sometimes suffered for the crimes of far-distant white people. After South Carolina officials jailed and allegedly abused a party of Shawnee warriors in 1753, for example, Shawnee

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<sup>10</sup> For additional details, see Chapter 7 above.

<sup>11</sup> James Axtell, *The European and the Indian: Essays in the Ethnohistory of Colonial North America* (New York, 1981), pp. 164-165.

<sup>12</sup> Bethabara Diary, entry dated 7 July 1754, in Adelaide Lisetta Fries, ed., *Publications of the North Carolina Historical Commission: Records of the Moravians in North Carolina* vol. 1 (Raleigh, 1922), p. 288.

<sup>13</sup> William N. Fenton, "Northern Iroquoian Culture Patterns," in Bruce G. Trigger, ed., *Northeast*, in William C. Sturtevant, ed., *Handbook of North American Indians* 15 (Washington, DC, 1978), pp. 315-316.

leaders "agreed that as Virginia and [South] Carolina was one People, they would revenge themselves on the Virginians."<sup>14</sup>

Years of experience with Northern hunters could not prepare Augusta County settlers to withstand the violence of that revenge. When the scope of the war became clear in the late spring of 1755, the most remote white inhabitants abandoned their farms and fled for safety to denser settlements in Virginia and North Carolina.<sup>15</sup> The pressure increased the following year, when so many Northern raiders combed the southwest Virginia river valleys that "they made a Tract like a Waggon Road through the Woods."<sup>16</sup> By late 1757, Augusta County farms on the Holston, New, and Roanoke rivers all stood vacant. Even as far to the northeast as the forks of the James River, most farmers "Deserted their Plantations by Reason of the Frequent Incursions of the Enemy Indians."<sup>17</sup> A precise accounting of this depopulation does not survive, but its extent surely

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<sup>14</sup> Quote: Old Hop's talk to Capt. John Stuart and Lt. Wall, 15 Nov. 1756, in William McDowell, ed., *Colonial Records of South Carolina: Documents Relating to Indian Affairs* (2 vols.; Columbia, 1958-70), 2:247. South Carolina officials jailed six Shawnee men in June 1753. Eventually the governor of South Carolina sent two of the captives by sea to Philadelphia, with a message for Shawnee leaders in the Ohio towns. Before the message could arrive, however, three of the remaining four escaped. One of the three fugitives died soon after breaking jail; the other two killed several whites and fled from South Carolina. (Capt. David Godin to Gov. James Glen, 11 June 1753, Gov. James Glen to Gov. James Hamilton, 3 Oct. 1753, and Gov. James Glen to Heads of the Creek Nation, 14 Dec. 1753, *ibid.*, 1:421, 463, 464-465)

<sup>15</sup> Bethabara Diary, entry for 19 July 1755, in Fries, ed., *Records of the Moravians* 1:133.

<sup>16</sup> Raymond Demere to Gov. Lyttelton, 28 July 1756, in McDowell, ed., *South Carolina Indian Documents* 2:149.

<sup>17</sup> Augusta Parish Vestry Book (hereafter cited as Augusta Parish VB), p. 197, Virginia State Library (hereafter cited as Vi), entry dated 19 Nov. 1757.

paralleled the declining numbers of the county's total tithables, which dropped from 2,663 to 1,386 between the years 1754 and 1758, a loss of 48.0 percent.<sup>18</sup>

Settlers who remained in Augusta County during the war explored several responses to Northern Indian raids. Attempting to fight fire with fire, they enlisted the assistance of Cherokee warriors during the early months of conflict. In a joint venture designed to strike back against enemy towns north of the Ohio River, Cherokees and Augusta County militia men marched down Sandy Creek toward the Ohio late in the winter of 1756. The expedition ran out of food, however, and turned back when most of the private soldiers refused to risk starvation by proceeding further.<sup>19</sup> Following this failure, Cherokee support diminished rapidly, leaving the inhabitants to defend themselves as best they could.<sup>20</sup> The county's survivors then settled into a defense based on a chain of small fortifications and militia patrols.<sup>21</sup>

Just as they had done little to bring on the war, so too the Augusta County settlers could not control the events leading to the war's conclusion. In October 1758, emissaries from the British colonies and the Northern Indians agreed upon terms for peace at Easton, Pennsylvania. The Easton Treaty provided guarantees of

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<sup>18</sup> Augusta County Order Book (hereafter cited as Augusta County OB), (microfilm), Vi, 4:322; Augusta Parish VB, p. 235.

<sup>19</sup> William Preston, "Journal of the Sandy Creek Expedition," in Draper Mss. 1QQ 96-123.

<sup>20</sup> For details of Cherokee support to Augusta County, see Chapter 7 above.

<sup>21</sup> For maps depicting Virginia's border fortifications during the Seven Years' War, see W.W. Abbot *et al.*, eds., *The Papers of George Washington, Colonial Series* (4 vols.; Charlottesville, 1983-84), 3:216-221.

Indian land claims and effectively ended Northern raids on the Virginia frontier.<sup>22</sup> Nevertheless, neither peace nor the fugitive inhabitants completely returned to Augusta County. The end of hostilities with the Northern Indians coincided with a marked rise in Cherokee antagonism; although Cherokee raiders did not strike Augusta County during their 1759 to 1761 war, their threat inhibited resettlement of southwest Virginia.<sup>23</sup> By late 1762 the tithables in Augusta County totalled only 2,284, still 14.2 percent less than the count for 1754.<sup>24</sup>

In addition to the death, capture, or flight of their neighbors and relatives, the war also stripped Augusta County inhabitants of extensive property, both personal and real. The loss in real estate hit settlers in the New and Holston river valleys especially hard, for by the terms of the Easton Treaty and the subsequent Proclamation of 1763, those lands reverted to Indian ownership. The 1768 treaties of Hard Labour and Fort Stanwix eventually reconfirmed the titles of New River settlers, but that outcome was not assured when news of the losses first arrived.<sup>25</sup>

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<sup>22</sup> For a detailed analysis of the Easton Treaty and its preliminaries, see Francis Jennings, *Empire of Fortune: Crowns, Colonies & Tribes in the even Years War in America* (New York, 1988), pp. 369-404.

<sup>23</sup> For details of Augusta County's role in the Cherokee War, see Chapter 7 above.

<sup>24</sup> Augusta County OB, 4:322, 7:356.

<sup>25</sup> John Richard Alden, *John Stuart and the Southern Colonial Frontier: A Study of Indian Relations, War, Trade, and Land Problems in the Southern Wilderness, 1754-1755* (1944; New York, 1966), pp. 264-272; Clarence Walworth Alvord, *The Mississippi Valley in British Politics: A Study of the Trade, Land Speculation, and Experiments in Imperialism Culminating in the American Revolution* (2 vols.; Cleveland, 1917), 2:71-72. The Hard Labour and Fort Stanwix treaties cleared Cherokee and Iroquois claims to the New River, but the Ohio towns whose men hunted (and fought) in southwest Virginia were not represented. In other words, the Cherokees at Hard Labour and the Iroquois at Fort Stanwix sold territory they did not own. The frauds satisfied Virginians, but the real owners continued to use the land and resist white encroachments.

During the intervening period, many frustrated settlers added their voices to that of Augusta County planter William Sayers, who, as one observer reported in February 1764, "has been damning this month about the Loss of the Dunkard's Bottom [on New River] and is not yet reconciled." Potent anger over losses of land and improvements thus lay beneath another settler's sarcastic remark that "'Tis a great Mercy that [the] Roanoak [valley] has not in like Manner been given as a Compliment to our good Friends and faithfull Allies, the Sha[w]nee Indians."<sup>26</sup>

Indian dissatisfaction with the Easton Treaty soon surpassed that of Augusta County's dispossessed freeholders. After the conquest of Canada in 1760, British aid and gifts to Indians dwindled to a trickle. Prices of trade goods remained high, and without the alternative markets formerly offered by French Canadians, the Northern Indians could not induce British traders to lower their prices. Faced with dependence on the penurious British, Northern Indians lashed out again in 1763, launching the war popularly known as Pontiac's Rebellion.<sup>27</sup>

The onset of this new Indian war with its "sudden unexpected and great Slaughter of the People" proved even more devastating to Augusta County than the raids of 1755: resident William Fleming remarked in July 1763 that "in Eight Years service I never knew such a general Consternation as the late Irruption of Indians

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<sup>26</sup> David Robinson to William Thompson, 18 Feb. 1764, in Draper Mss. 2QQ 44.

<sup>27</sup> For a concise introduction to the economic and nativistic origins of Pontiac's Rebellion, see Gary B. Nash, *Red, White, and Black: The Peoples of Early America* 2d ed. (Englewood Cliffs, NJ, 1982), pp. 260-263. For a detailed account, see Michael N. McConnell, "The Search for Security: Indian-English Relations in the Trans-Appalachian Region, 1758-1763" (unpublished Ph.D. dissertation, College of William and Mary, 1983). See also Jennings, *Empire of Fortune* pp. 438-453.

has occasioned."<sup>28</sup> Warriors struck repeatedly even in densely settled parts of the county, attacking within twenty miles of Staunton by the spring of 1764, "which [was] the nearest to that Town of any Damage done this or the last war."<sup>29</sup> To make matters even worse, enemies from without threatened to unleash enemies from within; in Dr. Fleming's words, "the Indians are saving & Carressing all the Negroes they take," a move potentially "productive of an Insurrection."<sup>30</sup> Nor was the danger of rebellion limited to blacks: disaffected or impressionable whites posed a similar threat. As one escaped captive told Augusta County inhabitants, younger prisoners found Indian culture far more appealing than that of their white parents, and soon proved "more cruel in killing and scalping than the Indians themselves."<sup>31</sup>

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<sup>28</sup> William Fleming to Lt. Gov. Francis Fauquier, 26 July 1763, in Draper Mss. 3ZZ 50 (microfilm edition, 1980, reel 121), State Historical Society of Wisconsin.

<sup>29</sup> *Pennsylvania Gazette*, 3 May 1764.

<sup>30</sup> Fleming to Fauquier, Draper Mss. 3ZZ 50. Augusta County slaveholders may have found this development especially unnerving in light of the fact that their slave population was rapidly increasing. Masters registered the largest numbers of African children to date just before the outbreak of the war: thirty-two in 1761 and fifteen in 1762. Since the county contained only forty taxable slaves in 1755, many settlers probably doubted the loyalties of the unfamiliar black newcomers. The murder of John Harrison by his slave Tom in September 1763, two months after Fleming expressed his concern, could only have exacerbated such fears. (For registrations, see Fig. 10, above; for slave count in 1755, see Lt. Gov. Dinwiddie to Board of Trade, 23 Feb. 1756, in R.A. Brock, ed., *The Official Papers of Robert Dinwiddie, Lieutenant-Governor of the Colony of Virginia, 1751-1758* vol. 2 (Richmond, 1884), p. 352; for the murder of Harrison, see Augusta County OB, 8:325-326 and Chapter 3 above.)

<sup>31</sup> Bethabara Diary, 1764, entry for 7 July 1764, in Fries, *Records of the Moravians* 1:288. For a detailed analysis of the behavior of white captives and the process by which they learned to be Indians, see James Axtell, "The White Indians of Colonial America," *William and Mary Quarterly* ser. 3, XXXII (1975), pp. 55-88.



Augusta County settlers responded to the new Indian war in familiar ways. Many fled: between 1763 and 1764, the tithable count dropped from 2,562 to 2,257, a decline of 305 taxable persons, or 11.8 percent of all tithables.<sup>32</sup> The inhabitants who remained did their best to fend off the raiders and to pursue the Indians who slipped past forts and patrollers. On several occasions the militia overtook and attacked retreating warriors, with mixed results. Sometimes armed settlers successfully routed the Indians, recovering captives and a substantial portion of stolen property.<sup>33</sup> But attempted rescues could also end tragically: when a militia company overtook the captors of Jacob Kimberlin on New River, the warriors killed Kimberlin before retreating.<sup>34</sup> Finally, every pursuit risked ambush by a superior force, as the companies of Captains Moffet and Phillips learned in October 1763 at the cost of twelve dead men.<sup>35</sup>

As in 1758, Augusta County inhabitants had to rely on an outside agency to halt the raids against frontier settlements. This time an invasion of the Ohio country in 1764 by troops under the command of British Army colonel Henry Bouquet compelled the Northern Indian to negotiate a new peace.<sup>36</sup> Augusta County men

<sup>32</sup> Augusta Parish VB, p. 373; Augusta County OB, 9:159.

<sup>33</sup> Augusta County OB, 10:237; *Pennsylvania Gazette* 21 June 1764, p. 3, col. 3.

<sup>34</sup> Extract of a letter from Capt. William Christian, 19 Oct. 1763, as published in *Pa. Gazette* 8 Dec. 1763, p. 2, col. 3.

<sup>35</sup> John Blair to Gen. Thomas Gage, 22 Oct. 1763, Gage Papers, W.L. Clements Library, Ann Arbor, Michigan.

<sup>36</sup> For additional details of Bouquet's 1764 campaign, see Paul K. Adams, "Colonel Henry Bouquet's Ohio Expedition in 1764," *Pennsylvania History* 40 (April 1973), pp. 139-147; J.C. Reeve, "Henry Bouquet: His Indian Campaigns," *Ohio Archaeological and Historical Quarterly* 26 (October 1917), pp. 489-506; Edward G. Williams, ed., "The Orderly Book of Colonel Henry Bouquet's Expedition against the Ohio Indians, 1764," *Western Pennsylvania*

voluntarily joined Bouquet's expedition, acting with "the greatest Zeal & readiness" to provide what Bouquet termed "a sufficient Force to compell these haughty Savages to submit upon our Own Terms."<sup>37</sup> In addition to their service to Bouquet, these volunteers also gained a previously unknown advantage for Augusta County. For the first time, militia officers from Augusta County systematically examined the home towns and countryside of some of their Northern Indian opponents. The long-standing Indian advantage in good military intelligence was at last melting away.<sup>38</sup>

Beyond a new understanding of their enemies, the settlers of Augusta County retained another legacy from the wars of 1755-58 and 1763-64. Many surviving families were broken by the death or captivity of some of their members. The dead, of course, could never be recovered and captives often proved no less irretrievably lost. Numerous obstacles prevented reunions of white families, not the least of which was the problem of properly identifying the origins of young and extensively acculturated captives. In November 1764, for example, Bouquet's Augusta County

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*Historical Magazine* 42 (March 1959), pp. 9-33, (June 1959), pp. 179-200, (September 1959), pp. 283-302.

<sup>37</sup> Bouquet to Lt. Gov. Fauquier, 15 Nov. 1764, in George Reese, ed., *The Official Papers of Francis Fauquier, Lieutenant Governor of Virginia, 1758-1768* (3 vols.; Charlottesville, 1980-1983), (hereafter cited as *Fauquier Papers*) 3:1162. The total number of Augusta County men participating in Bouquet's expedition is unknown, but the Virginia Assembly subsequently awarded a £40 allowance to nine county militia officers who served under Bouquet (John Pendleton Kennedy, ed., *Journals of the House of Burgesses of Virginia, 1766-69* (Richmond, 1906), p. 63).

<sup>38</sup> Of the numerous Augusta County captives taken to the Ohio towns, few were grown men and only some of these ever returned. From a military perspective, the most experienced of these was probably Capt. John Smith, taken in June 1756 from Augusta County to the Shawnee towns, and eventually ransomed to England from Quebec. Smith returned to Virginia by the spring of 1758 to report the vulnerability of the Ohio towns to invasion, but the colony did not act on his offer to guide an expedition against his former captors (*Journals of the House of Burgesses, 1752-58*, p. 499).

volunteers escorted forty female and twenty male white prisoners from the Muskingum River back to Fort Pitt. One of these was a thirteen-year-old male captive identified only as Wynima, or Pouter. At Fort Pitt, Wynima's guardians released him to the custody of Pennsylvania troops, only to learn after the soldiers' departure that Wynima was really John Adam Mallo, son of Augusta County settler Michael Mallo. As of the following summer the anxious father still had not recovered the youth.<sup>39</sup>

Captives who freed themselves by escaping also did not always find their way back; Ann Mullen was taken from her Augusta County home on the Cowpasture River in 1757, when she was fifteen years old; she escaped in 1760, and as of 1763 had last been heard of in New Jersey.<sup>40</sup> Other white captives remained in the Indian towns even after Bouquet's expedition, as in the case of one of Ulrick Conrad's children.<sup>41</sup> Nor did a return to Augusta County guarantee a happy ending: Jane Midley, who "was Taken Prisoner by the Northward Indians in June 1756 and Continued many Years amongst them," came back to a hard-scrabble life and eventually was "Reduced to beg[ging] Relief from House to House."<sup>42</sup>

In addition to the widespread psychic scars of a decade of violence, many of Augusta County's survivors bore painful and disabling physical wounds. Some Augusta County militiamen never fully recovered from the damage they sustained

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<sup>39</sup> White Prisoners Received by Capt. Charles Lewis from Capt. Lewis Ourry, 15 Nov. 1764, in Henry Bouquet Papers, vol. 21655, photostats in Library of Congress. For Michael Mallo's advertisement for the lost boy, see *Pa. Gazette*, 27 June 1765, p. 1, col. 2.

<sup>40</sup> *Ibid.*, 17 Mar. 1763, p. 3, col. 1.

<sup>41</sup> *Ibid.*, 5 Sept. 1765, p. 4, col. 2.

<sup>42</sup> Augusta Parish VB, p. 420.

during their battles with the Indians: one was "dangerously wounded in his right Arm by a Musket Ball, which has deprived him of the Use thereof;" another "received a Wound in his left Hand, which has rendered it entirely useless;" a third "was shot through the Thigh, by which means he is rendered incapable of getting a Livelihood." A scout "had the Misfortune to be shot through his Breast and one of his Arms, which has totally deprived him of the Use of it, as also of the Means of Livelihood;" a private soldier "received a Wound in his Body" that would not heal, and that left him "unable to labour for the support of himself, his Wife and Children;" a volunteer "received a Wound in his Back, and through his Shoulder... whereby he is rendered unable to support himself at all by Labour." During a night action, a father of six was mistakenly shot in the ankle by his fellows, and could no longer work "without Hazard of losing his Limb."<sup>43</sup> Nor was the bodily mutilation limited to combatants: David Cloyd's wife and Jacob Cunningham's daughter both survived scalping.<sup>44</sup> Taken together, these physical and mental wounds continually reminded Augusta County settlers of the shock and violence of warfare with the Northern Indians.

In addition to locally prominent scars of conflict, the Seven Years' War and its sequel left a colony-wide inflammation: the claims of Anglo-American veterans to western lands. These claims dated to 1754, when Virginia's Gov. Dinwiddie offered 200,000 acres on the Ohio River to potential recruits as an inducement to

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<sup>43</sup> John Pendleton Kennedy, ed., *Journals of the House of Burgesses of Virginia, 1761-65* (Richmond, 1907), pp. 214, 215, 216, 249, 253-254; *Journals of the House of Burgesses, 1766-69*, p. 159.

<sup>44</sup> *Pa. Gazette* 1 Nov. 1759, p. 3, col. 2, and 3 May 1764, p. 2, col. 2; Joseph A. Waddell, *Annals of Augusta County, Virginia, From 1726 to 1871* (1886; second ed., Staunton, 1902), p. 172.

enlist.<sup>45</sup> Unfortunately for the soldiers who accepted Dinwiddie's enlistment incentive, the terms upon which they agreed to start fighting directly contradicted the terms upon which the Northern Indian warriors agreed to stop. The Easton Treaty of 1758, with its guarantees of Indian territorial rights in the Ohio Valley, effectively cancelled Dinwiddie's offer. Citing the need to prevent another costly war, crown officials in London steadily refused to authorize western grants and instead reinforced the Easton Treaty's protection with the Proclamation of 1763. But the stakes were too high for Virginians to abandon the western land game, so influential veterans continued to maneuver for the preservation of their claims while hoping that the imperial government would lift its ban on western grants. This expectation grew largely from the widespread belief that the Proclamation of 1763 was only a sop for the Indians: as George Washington confided in 1767, "I can never look upon that proclamation in any other light (but this I say between ourselves) than as a temporary expedient to quiet the minds of the Indians."<sup>46</sup> For all the anticipations of Virginia speculators, though, the expedient survived for year after frustrating year.

Imperial activism to prevent encroachments on Indian land came at a critical time for an influential group of speculators involved in expansion to the northwest. Since their organization as the Ohio Company of Virginia in 1747, these men had actively pursued one goal: control of the upper Ohio River.<sup>47</sup> But the Seven

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<sup>45</sup> H.L. McIlwaine, et al., eds., *Executive Journals of the Council* 5:461-462, 499-500.

<sup>46</sup> Washington to William Crawford, 21 Sept. 1767, in C.W. Butterfield, *The Washington-Crawford Letters* (Cincinnati, 1877), p. 3.

<sup>47</sup> The historical literature on the Ohio Company is extensive. For a concise imperial school introduction, see Thomas Perkins Abernathy, *Western Lands and the American Revolution* (New York, 1937), pp. 5-10. For a more recent revisionist's synopsis of the company's early activities, see Jennings,

Years' War violently interrupted Ohio Company efforts to claim this strategic area, and the Proclamation of 1763 threatened to delay the attempt beyond hope of salvage. Following the suppression of Pontiac's Rebellion late in 1764, a rapidly growing number of Pennsylvania-based traders and land speculators threatened to preempt Virginia's authority on the upper Ohio. The prize for this competition was vast indeed, for the Ohio River was widely recognized as an artery through which the produce of the North American interior could be pumped to the Atlantic seaboard. But would that produce enter the Atlantic economy from warehouses and docks in Pennsylvania or in Virginia? More explicitly, would the vast profits of this commerce flow to Northern Virginia factors or to Philadelphia merchants?

The issue of sovereignty over the upper Ohio remained unsettled for years after the restoration of peace with the Indians. Thanks to the restrictions of the Proclamation of 1763 and the delay in resolving the border disputes between the two colonies, neither Pennsylvania nor Virginia completely established civil authority over the upper Ohio country. As a result, the area around modern Pittsburgh, known then as Ft. Pitt, fast acquired a deserved reputation for lawlessness. One contemporary observer commented about Ft. Pitt as early as 1762 that there were "more Indians there than were born in America," a condition that changed little with each passing year.<sup>48</sup>

The question of colonial jurisdiction in the upper Ohio country remained unresolved through the 1760s and into the early 1770s. If anything, the situation worsened soon after the arrival at Williamsburg in 1771 of the earl of Dunmore,

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*Empire of Fortune*, pp. 10-19. Researchers seeking detailed information should consult first Lois Mulkearn, comp. and ed., *George Mercer Papers Relating to the Ohio Company of Virginia* (Pittsburgh, 1954) and Arthur Procter James, *The Ohio Company: Its Inner History* (Pittsburgh, 1959).

<sup>48</sup> Lewis Ourry to Henry Bouquet, 8 May 1762, Bouquet Mss., Library of Congress.

Virginia's latest governor. Speculators interested in asserting Virginia's claim to the troubled Ohio region quickly found in Dunmore a knowledgeable and agreeable ally. Having served as governor of New York before his reassignment to Virginia, Dunmore already knew well both the profitability of frontier land and the protocol for acquiring it: during his New York tenure, he acquired 50,000 acres on Lake Champlain and learned Indian diplomacy from the white master of that art, Sir William Johnson.<sup>49</sup>

Ohio Company members and other Virginia speculators lobbied Dunmore heavily for the realization of long-deferred opportunities lying to the northwest. The governor responded favorably, issuing land grants in violation of his instructions on a variety of pretexts. In 1773 Dunmore toured the upper Ohio country, observing both the region's potential richness and, at Ft. Pitt, its present disorder. Upon returning to Williamsburg, he reasserted Virginia's claim to Ft. Pitt by creating a governmental district called West Augusta. The new government exercised the same magisterial functions as those performed by courts in ordinary counties, but dodged ministerial prohibitions against the creation of new counties beyond the negotiated borders between colonies and Indians.<sup>50</sup>

In theory, the West Augusta district offered a deft evasion of imperial policy, but in practice Virginia's new local government soon degenerated into a maladroit liability. Dunmore's appointee as senior magistrate, Dr. John Connolly, quickly enraged his Pennsylvania rivals, who noisily protested his high-handed behavior.<sup>51</sup> Worse still, in April 1774 Connolly circulated an inflammatory

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<sup>49</sup> John E. Selby, *Dunmore* (Virginia Independence Bicentennial Commission, 1977), p. 11.

<sup>50</sup> Selby, *Dunmore*, p. 14-15.

<sup>51</sup> Selby, *Dunmore*, pp. 15-16.

proclamation that allegedly inspired a hunter named Daniel Greathouse to murder a group of Indians during a drinking bout on Yellow Creek, about fifty miles down the Ohio from Ft. Pitt.<sup>52</sup> The Indian dead included relatives of the Shawnees, Senecas, and Cayugas, Northern tribes whose potential military clout galvanized white settlers from above Ft. Pitt to far southwest Virginia.

Recognizing that Greathouse's murders were likely to provoke Indian vengeance, American settlers hastily abandoned their farms and hurried back over the mountains to safety. One observer remarked in May 1774 that inhabitants on the Monongahela River fled "as fast as ever you saw them in the year 1756 or 1757, down in Frederick county, Virginia." In a single day, over a thousand persons shuttled across the Monongahela River on three ferries less than a mile apart.<sup>53</sup> Two months later, the *Virginia Gazette* reported that "1500 families, settled to the westward of the Alleghany mountains, have deserted their habitations, and fled for relief."<sup>54</sup> Further south, settlers on the Clinch River, west of and parallel to the Holston River, "totally Evacuated their Plantations," some in such haste "that they left all their stock and [the] greatest part of their Household Furniture."<sup>55</sup>

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<sup>52</sup> For Connolly's proclamation, see Reuben Gold Thwaites and Louise Phelps Kellogg, eds., *Documentary History of Dunmore's War, 1774* (Madison, WI, 1905), p. xiii. For the murders on Yellow Creek, see "Reminiscences of Judge Henry Jolly," in Thwaites and Kellogg, eds., *Dunmore's War*, pp. 9-14.

<sup>53</sup> Valentine Crawford to George Washington, 7 May 1774, in Butterfield, ed., *Washington-Crawford Letters*, p. 87.

<sup>54</sup> *Virginia Gazette* (Rind) 7 July 1774, p. 3, col. 1.

<sup>55</sup> William Russell to William Preston, 7 May 1774, Draper Mss. 3QQ 23; Daniel Smith to William Preston, 22 Mar. 1774, Draper Mss. 3QQ 15.



Despite the fears of nervous frontier settlers, the spring of 1774 gave way to summer and still the Northern Indians withheld their anticipated revenge. Nevertheless, other Indian actions crippled the interests of Virginians: Shawnee warriors captured a surveying crew near the Ohio River, stripped the surveyors of their belongings, and ordered them out of the Ohio country.<sup>56</sup> Even more ominously, Shawnee ambassadors reportedly sought allies among other disaffected tribes south of the Great Lakes.<sup>57</sup> Similar warning signs prefaced the onset of the Seven Years' War, so Dunmore and his advisors assumed that they now risked a comparable conflict.<sup>58</sup> Given this threat, Dunmore could have sent a condolence present to all relatives of the murder victims, thus preventing their retaliation; as he soon demonstrated, Dunmore knew the proper etiquette for such a ritual.<sup>59</sup> Instead, Dunmore chose to console only some of the victims' families.

Dunmore's decision to make no more than a partial atonement demonstrated not only a competent grasp of diplomatic relations among the Northern Indian, but a shrewd calculation of the threat posed by his white Pennsylvania rivals. To refuse any condolence gifts whatsoever would almost certainly bring on a general border war between the Northern Indians and several British colonies, an event guaranteed

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<sup>56</sup> John Floyd to William Preston, 26 Apr. 1774, Draper Mss. 3QQ 19.

<sup>57</sup> Guy Johnson to Gen. Thomas Gage, 11 Aug. 1774 and 19 Aug. 1774, in Milton W. Hamilton, ed., *The Papers of Sir William Johnson* 13 (Albany, NY, 1962), pp. 667, 670.

<sup>58</sup> Dunmore's circular letter to county lieutenants, 10 June 1774, Draper Mss. 3QQ 39.

<sup>59</sup> Elisabeth Tooker, "The League of the Iroquois: Its History, Politics, and Ritual," in Trigger, ed., *Northeast*, p. 423; Nicholas B. Wainwright, ed., "Turmoil at Pittsburgh: Diary of Augustine Prevost," *Pennsylvania Magazine of History and Biography* LXXXV (April, 1961), pp. 138-139, 143; *Va. Gazette* (Pinkney) 13 Oct. 1774, supplement.

to ruin Dunmore's career. On the other hand, a complete atonement for the murders on Yellow Creek would overtly acknowledge Virginia's culpability for the crimes. Such an admission would gravely undercut the legitimacy of a Virginia government on the upper Ohio, giving Pennsylvanians a weighty argument for excluding Virginians from the region.

Dunmore steered deftly between these two hazards with a combination of diplomacy and force. He left Williamsburg on 10 July 1774, ostensibly "to settle matters amicably with the Indians, if possible."<sup>60</sup> This publicly stated purpose was partly true: in September, the governor met with Iroquois, Wyandot, and Delaware legations at Ft. Pitt, giving them a condolence present to "cover the graves of your deceased friends, that the remembrance of your grief upon that occasion may be buried in total oblivion."<sup>61</sup> While at Ft. Pitt, Dunmore also settled matters amicably with influential Pennsylvania traders, promising to validate the long-clouded land titles of these old enemies in exchange for their influence among the Indians on behalf of Dunmore and his program.<sup>62</sup>

But Dunmore's other purpose in going to the frontier was militant, not peaceful. Once he had secured the neutrality of most of the Northern tribes, the governor intended to attack the Shawnee towns west of Ft. Pitt in a campaign that offered two potential rewards. First, a major Shawnee defeat would break the power of that tribe and weaken its influence among more distant allies, thus diminishing the threat to Virginia settlements in the event of a general frontier war. Of equal importance, the conquest of the Shawnees, when coupled with the occupation of

<sup>60</sup> *Va. Gazette* (Rind) 14 July 1774, p. 3, col. 1.

<sup>61</sup> *Va. Gazette* (Pinkney) 13 Oct. 1774, supplement.

<sup>62</sup> Prevost Diary, entries for 16 and 17 Sept. 1774, pp. 138, 139.

Ft. Pitt by a Virginia army, would extinguish Pennsylvania's claims to the upper Ohio region.

Raising an army for this invasion initially posed a problem for Dunmore. Despite the support he enjoyed from powerful Virginia land speculators, the governor could not persuade the assembly to provide funds for the expedition: instead, that body preferred to fulminate over the imperial crisis brewing in Boston. Stymied only temporarily, Dunmore dissolved the assembly and turned to the senior militia officers of the frontier counties.<sup>63</sup> Publicly he struck a vigilant but moderate tone, ordering the county lieutenants only to mobilize their forces in preparation "either to defend that part of the Country or to march to the Assistance of any other."<sup>64</sup> Privately, however, the governor spelled out his intentions regarding the Shawnees in his instructions to Col. Andrew Lewis, county lieutenant for Augusta County: "proceed directly to their Towns & if possible destroy their Towns & Magazines and distress them in every way that is possible." The purpose of this attack was to "give the Enemies a Blow that will Breake the[ir] Confederacy, & render their plans abortive."<sup>65</sup>

The frontier militia responded enthusiastically to Dunmore's call to arms. Relatively few people in Augusta and the two new counties created from it by 1774 held a financial interest in the outcome of the upper Ohio dispute, so this support at

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<sup>63</sup> Selby, *Dunmore*, p. 16.

<sup>64</sup> Dunmore's circular letter to county lieutenants, 10 June 1774, Draper Mss. 3QQ 39.

<sup>65</sup> Dunmore to Andrew Lewis, 12 July 1774, Draper Mss. 46J 7 (microfilm edition, 1980, reel 33), State Historical Society of Wisconsin; Dunmore to Lewis, 24 July 1774, Draper Mss. 3QQ 141.

first appears incongruous.<sup>66</sup> Nevertheless, the war was clearly popular: the counties of Augusta, Botetourt, and Fincastle contributed a total of over 1,300 men to Dunmore's campaign against the Shawnee towns.<sup>67</sup> Some of the participants doubtless enlisted with the hope of profiting from the war, but land hunger and the prospect of loot alone cannot account for the broad appeal of the proposed invasion of the Ohio towns.

The favorable response of ordinary frontier settlers to Dunmore's call to arms can best be explained in light of Augusta County's experience during the troubled decade between 1755 and 1764. Common inhabitants and gentry members alike lived constantly with reminders of the damage that raiders could inflict. Almost certainly, the memories of dead or captured friends and family members and the daily presence of mangled survivors played a major role in an individual's decision to join the army and march against the Shawnees. Faced with the prospect of yet more devastation, southwestern frontier settlers mobilized for a war in which they otherwise had little stake.

The western army began mustering on the Greenbriar River in Augusta County on 27 August, and the first troops marched downstream toward the Ohio on 6

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<sup>66</sup> The colonial government subdivided Augusta County in 1770 to form Botetourt County, which in turn was split in 1772 to create Fincastle County. ["An act for dividing the county and parish of Augusta, and for adding certain islands, in the Fluvanna river, to the counties of Albemarle and Amherst," and "An Act for Dividing the county of Botetourt into two distinct counties," in William Waller Hening, comp., *The Statutes at Large: Being a Collection of All the Laws of Virginia* . . . (Richmond, 1818-23), 8:395-398, 600-601.

<sup>67</sup> For Augusta County total, see Andrew Lewis to William Preston, 8 Sept. 1774, Draper Mss. 3QQ 93. For Botetourt and Fincastle County totals, see Morning Return of the Botetourt & Fincastle Troops Camp'd on Point Pleasant, 9 Oct. 1774, Draper Mss. 2ZZ 26, as transcribed in Thwaites and Kellogg, eds., *Documentary History of Dunmore's War*, p. 418. For the additional Fincastle troops under Col. William Christian, see Fleming's Orderly Book, 7 Oct. 1774, *ibid.*, p. 340.

September.<sup>68</sup> In many ways, this corps represented the best offering of Virginia's militia system, for it was led by seasoned officers: Andrew Lewis, the overall commander, served in combat under Washington and Forbes during the Seven Years' War and commanded Augusta County men in battle during Pontiac's Rebellion.<sup>69</sup> His younger brother Charles, the colonel of the Augusta County troops, fought repeatedly as a company commander during Pontiac's Rebellion. Charles Lewis also served as a volunteer on Bouquet's expedition to the Ohio towns in 1764, as did the leader of a company of volunteers from Culpeper County, Col. John Field.<sup>70</sup> Fincastle's colonel, William Christian, likewise led troops in action during Pontiac's Rebellion, and the senior Botetourt County officer, Col. William Fleming, was a veteran of the Seven Years' War.

Despite their credentials, these officers did not distinguish themselves in Dunmore's War. In large part their failings derived from over-confidence: as Col. William Christian put it earlier in the summer, "It is the Opinion of the Officers Here [on Clinch River] that 150 or 200 Men are sufficient to March to the Ohio . . . and then if nothing extraordinary happened, that we might go over & attack the lower Shawnese Town."<sup>71</sup>

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<sup>68</sup> William Fleming Journal, Draper Mss. 2ZZ 71, pp. 49-50. On 6 Sept. 1774, Dunmore and some three or four hundred men were still on the road to Fort Pitt (Prevost Journal, entry for 6 Sept., p. 128).

<sup>69</sup> Thwaites and Kellogg, eds., *Dunmore's War*, p. 426-427; Blair to Gen. Gage, 22 Oct. 1763, Gage Papers, W.L. Clements Library. Lewis also led a detachment of Augusta County militia in the abortive attempt to invade the Ohio towns by way of Sandy Creek in 1756.

<sup>70</sup> Field apparently hoped to recover his captive son Ephraim (Thwaites and Kellogg, eds., *Documentary History of Dunmore's War*, p. 113n).

<sup>71</sup> William Christian to William Preston, 12 July 1774, Draper Mss. 3QQ 63.

But something extraordinary did happen, and for the observant the indications of danger were evident from the start. As early as the beginning of the militia's muster on Greenbriar River, army leaders received frequent reports that their progress was "narrowly watched by the Enemy."<sup>72</sup> Shawnee scouts continued their reconnaissance once the army started toward the Ohio, accurately counting the Americans and keeping Shawnee war leaders informed of the army's movements.<sup>73</sup> The militia reached the Kanawha and Ohio river junction on 6 October and camped there on Point Pleasant to await additional supplies and reinforcements. Subsequent Indian actions demonstrate that Shawnee scouts reported both the disposition of Lewis's encampment and the approach of his rear guard. Unfortunately for the overconfident Virginians, their information concerning the Indians was far less accurate: as one participant remembered it, "we thought our Selves a terror to all the Indian Tribes on the Ohio & thus Lul[le]d in safety . . . little Expecting to be Attack[e]d." This false sense of security provided Indian tacticians with the opportunity they constantly sought in warfare: to surprise their enemies by attacking unexpectedly. On the night of 9 October, while the white rear guard was still a full day's march away, about five hundred Shawnee warriors

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<sup>72</sup> Fleming Journal, Draper Mss. 2ZZ 71, pp. 49-51.

<sup>73</sup> Shawnee warriors counted 1,100 American soldiers as of the morning of 10 October, an estimate that was only about forty men short of the number that the white officers counted. This was a remarkably accurate intelligence assessment, even by modern standards (William Christian to William Preston, 15 Oct. 1774, as transcribed in Thwaites and Kellogg, eds., *Documentary History of Dunmore's War*, p. 265). The Augusta County contingent numbered about 600, and 40 additional volunteers came from Culpeper County (Andrew Lewis to William Preston, 8 Sept. 1774, Draper Mss. 3QQ 93). The Botetourt and Fincastle County troops totalled 497 (Morning Return of the Botetourt & Fincastle Troops Campd on Point Pleasant, 9 Oct. 1774, Draper Mss. 2ZZ 26, as transcribed in Thwaites and Kellogg, eds., *Documentary History of Dunmore's War*, p. 418).

secretly "Crossed the Ohio on Rafts & Poisted themselves 'Within one mile" of the encampment.<sup>74</sup>

Early the next morning some Virginian hunters stumbled across the warriors as they formed for their attack and sounded a hasty alarm.<sup>75</sup> "Imagining this to be some scouting party, Colo. [Andrew] Lewis ordered a detachment from every Company, so as to make up One hundred & fifty men from each line [*i.e.*, Augusta and Botetourt], to go in quest of them. Colo. Charles Lewis led the Augusta Detachment . . . & Colo. Fleming [led] the Botetourt." The patchwork militia formation "Marched Briskly 3/4 of a mile or better from Camp, the Sun then, near an hour high, when a few guns were fired on the Right, & succeeded by a heavy fire, which in an Instant extended to the left and the two lines were hotly engaged." From virtually the beginning no American commander controlled his side of the battle. "Early in the engagement Colo. Charles Lewis on the Right [flank] received a mortal wound, and was led out of the Field . . . Soon afterward Colo. Fleming on the left [flank] was daingerously wounded in the breast & Arm & obleedged to quit the field."<sup>76</sup> Andrew Lewis's original orders calling for a detachment from each company now proved disastrous. "There was no onc officer who had his own men," a late arrival reported. "When they found there was fighting enough for the

<sup>74</sup> Quotes: William Ingles to William Preston, 14 Oct. 1774, Draper Mss. 3QQ 121. Subsequent white estimates of the number of warriors involved ranged as high as one thousand. That figure probably doubles the actual total; after "searching about & seeing the track the Indians made and the rafts they crossed the river on," Capt. John Floyd reported that "it is my opinion there were not more than five hundred at most" (Floyd to William Preston, 16 Oct. 1774, in Thwaites and Keillogg, eds., *Documentary History of Dunmore's War*, p. 268). Dunmore likewise estimated the Indian strength at "near five hundred" (Dunmore to Dartmouth, 24 Dec. 1774, *ibid.*, p. 384-385).

<sup>75</sup> Isaac Shelby to John Shelby, 16 Oct. 1774, *ibid.*, p. 271.

<sup>76</sup> Fleming Journal, 10 Oct. 1774, Draper Mss. 2ZZ 71, p. 53.

whole [army], it was impossible for the officers to collect their own men." Nor would the private soldiers obey strangers: when officers "saw any [men] doing no good, and ordered them to advance, they refused and said they would [only] be commanded by their own officers." Many would not be commanded at all: fully half the Virginians "lurked behind and could by no means be induced to advance to the front."<sup>77</sup>

The performance of the Shawnee warriors, on the other hand, "exceeded every man's expectations." According to Col. Christian, Indian leaders "ran continually along the line exhorting the men to 'lye close' and 'shoot well', 'fight and be strong.'" Thus encouraged, the warriors initially drove the Virginians back toward camp, but militia resistance stiffened with the arrival of reinforcements from camp and the Virginians eventually forced the Shawnees to fall back slowly along the Ohio. Whether advancing or retreating, however, warrior morale remained high. Throughout the day-long battle, the Shawnees derisively "damned our men often for Sons-of-Bitches," mocked the militia's fifes with cries of "Don't you whistle now," and generally "made very merry about a treaty." At sundown the action ground to an inconclusive halt, with the warriors taunting the Virginians "that tomorrow they w[oul]d have 2000 men for them, to fight on."<sup>78</sup>

The militia waiting anxiously through the night of 10 October could not have known it, but this last threat was a bluff. The total number of Shawnee warriors at Point Pleasant probably did not exceed five hundred, too small a force to rout the Virginians without the advantage of surprise. To make matters still more difficult

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<sup>77</sup> John Floyd to William Preston, 16 Oct. 1774, as transcribed in Thwaites and Kellogg, eds., *Documentary History of Dunmore's War*, pp. 268-269.

<sup>78</sup> William Christian to William Preston, 15 Oct. 1774, *ibid.*, pp. 264-265.



for Shawnee war leaders, over two hundred additional Virginia militiamen arrived at the Point Pleasant encampment during the middle of the night following the battle.<sup>79</sup> Faced with impossible odds and lacking the crucial advantage of surprise, the Shawnees pulled back across the Ohio.

The colonial army they left behind was badly mangled. Seventy Americans died in action or of wounds and seventy-seven more were seriously wounded but survived.<sup>80</sup> Together with the sick, these losses amounted to about thirteen percent of the Virginians present when the battle began.<sup>81</sup> The midnight reinforcements of 10 October offset these casualties, but Andrew Lewis's once-jaunty corps was nevertheless stunned by its battle. The loss in officers was especially critical: of the four colonels subordinate to Lewis at the campaign's beginning, his brother Charles and John Field were dead and William Fleming was gravely wounded.<sup>82</sup> Only William Christian, who brought in the reinforcements, was fit for command. Junior officers suffered as well: five captains, three lieutenants, and an ensign died at Point Pleasant and two additional captains and three lieutenants sustained serious

<sup>79</sup> John Floyd to William Preston, 16 Oct. 1774, and General Return for the Fincastle Troops, 19 Oct. 1774, *ibid.*, p. 267, 303.

<sup>80</sup> Historians Reuben Gold Thwaites and Louise Phelps Kellogg noted that "there is considerable variation in the lists and numbers of the killed and wounded." The casualty figures used here were calculated by Lyman C. Draper and are conservative. Thwaites and Kellogg believed that only the seriously wounded were reported originally, and that a total of about 150 wounded is more accurate. I prefer Draper's lower figures, since they give a more realistic picture of the effective strength of the Virginian army (*ibid.*, p. 344n)

<sup>81</sup> Andrew Lewis and his officers calculated their total strength as about 1,140 on the morning of the battle. For sources, see note 73 above.

<sup>82</sup> Field's case testifies eloquently to the deadly aspect of Shawnee banter during combat: while he was "looking for an Indian who was tal[k]ing to amuse him," some other warriors "shot him dead" (William Christian to William Preston, 15 Oct. 1774, as transcribed in Thwaites and Kellogg, eds., *Documentary History of Dunmore's War*, p. 265)

wounds.<sup>83</sup> These casualties accounted for over twenty percent of all company-grade officers in Lewis's army, a crippling loss. Therefore, despite orders from Dunmore on 13 October to advance against the Shawnee towns, Lewis and his army delayed several days more at Point Pleasant before moving forward at last on 17 October.<sup>84</sup>

By then the war was almost over, thanks to Dunmore's invasion of the upper Ohio country. Having isolated the Shawnees through his diplomacy at Fort Pitt, Dunmore brought 1,200 volunteers downriver in late September, arriving at the mouth of Wheeling Creek, now Wheeling, West Virginia, on 30 September. From Wheeling, Dunmore and his army proceeded down the Ohio, reaching the mouth of the Hocking River by 10 October, the day of the battle at Point Pleasant. The governor turned west and inland at the juncture of the Hocking and the Ohio and was approaching Chillicothe when an emissary from the Shawnees arrived with a request to negotiate peace. Dunmore agreed and a settlement was arranged after several days of discussions.<sup>85</sup>

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<sup>83</sup> Fleming Orderly Book, Draper Mss. 2ZZ 71, p. 42.

<sup>84</sup> During this time, the militiamen fortified Point Pleasant for the protection of their wounded, who were left there. (Fleming Orderly Book, Draper Mss. 2ZZ 71, pp. 35-36; Fleming Journal, Draper Mss. 2ZZ 71, p. 55)

<sup>85</sup> Thwaites and Kellogg, eds., *Documentary History of Dunmore's War*, p. 301n; Samuel Murphy interview, 1 Sept. 1846, in Draper Mss. 3S 11-15 (microfilm edition, 1980, reel 47) State Historical Society of Wisconsin; Valentine Crawford to George Washington, 1 Oct. 1774, in Butterfield, ed., *Washington-Crawford Letters*, pp. 97-98; William Christian to William Preston, 8 Nov. 1774, Preston Mss. 3QQ 130.

Dunmore's peace treaty required the Shawnees to deliver their captives and stolen horses and to never again hunt south and east of the Ohio River.<sup>86</sup> From the governor's perspective--and that of his speculating supporters--the war was a success, for it bolstered Virginia's claim to the Ohio valley. Settlers in Augusta County and its recent subdivisions likewise took a positive view of Dunmore's War, believing that the battle at Point Pleasant prevented another devastating war with the Northern Indians. In this the frontier inhabitants were only partially correct: the Ohio country invasion averted a new round of Northern raids, but a complete condolence ritual could have accomplished the same end without bloodshed. The men of Andrew Lewis's western army thought they were protecting their communities from the all-too-familiar horrors of an Indian war without realizing that their troubles really arose from the machinations of Virginia's speculators, not from the implacable animosity of the Northern tribes.

For the Northern tribes, the latest conflict brought few substantial changes. Dunmore's negotiations with the Delawares and Iroquois prevented the participation of those tribes in a border war but altered neither their relationships with Virginia nor with the Shawnees. Beyond their battle casualties, the Shawnees also lost little: they relinquished only a few prisoners, and soon hunted again south and west of the Ohio. But while Dunmore did not force the Shawnees into major new concessions, his war pointed toward an overwhelmingly militant future.

That future was foreshadowed by a metaphor used during a 1769 encounter in Kentucky between Shawnee and white hunters. After the Shawnees stripped deer hides and equipment from the trespassers, they released their captives with a

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<sup>86</sup> Dunmore to Dartmouth, 24 Dec. 1774, as transcribed in Thwaites and Kellogg, eds., *Documentary History of Dunmore's War*, p. 386); William Crawford to George Washington, 14 Nov. 1774, in Butterfield, ed., *Washington-Crawford Letters*, p. 54.

warning: "go home and stay there," the warriors told the white men. "Don't come here any more, for this is the Indians' hunting ground, and all the animals, skins, and furs are ours; and if you are so foolish as to venture here again, you may be sure the wasps and yellowjackets will sting you severely."<sup>87</sup>

The metaphor was well chosen. In two major conflicts during the 1750s and 1760s, Northern Indian warriors caused great agony along the Virginia frontier. By repeatedly stinging Augusta County settlers, the warriors won a respite from white encroachments in southwest Virginia. But like yellowjackets, the communities of Northern Indians were vulnerable to fire. When frontier militiamen ignored the painful stings of Dunmore's War and approached Indian towns with torches in their hands, they forced more than a peace negotiation. By requiring Shawnee leaders to act defensively, Dunmore and his armies deprived that tribe of a measure of initiative. Dunmore's War did not break the Shawnees, but it did drain a portion of their strength. After the war, similar debits accumulated at an ever-faster rate, eventually producing not just a loss of initiative, but a loss of independence.

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<sup>87</sup> Charles A. Hanna, *The Wilderness Trail* (2 vols.; New York, 1911), 2:225.

## CONCLUSION

The 1738 statute creating Augusta County defined a set of borders that included only a handful of white settlers. In the following three decades this empty shell filled with over 17,000 persons and by the end of 1769 included better than one thousand square miles of patented land.<sup>1</sup> The result was more a region than a county: until 1770, most of Virginia beyond the Blue Ridge was called Augusta. A detailed examination of this vast frontier thus provides not only local insights, but also a clearer understanding of how Virginia society spread west into the North American interior.

On a basic level, this dissertation recounts the coming of white settlers to Augusta County during its earliest years. I have described how those immigrants lived and sometimes how they died; how they organized their private and public responsibilities; what they valued and why. But of all that settlement's features, perhaps the most salient was the deliberate replication of a county society in the established style of colonial Virginia. This swift transfer of traditional social forms to the margins of settlement had far-reaching effects for immigrants, for Virginia, and for the Indian inhabitants of a larger, cultural, frontier.

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<sup>1</sup> According to the standards of contemporary Virginia, both the population and the area were extraordinary: by comparison, about 12,000 people can be identified as living in 132-square-mile Middlesex County during the entire century from 1650 to 1750 (for population: Darrett B. and Anita H. Rutman, *A Place in Time: Middlesex County, Virginia, 1650-1750* [New York, 1984], p. 31; for area: Virginia Division of State Planning & Community Affairs, *Economic Data Summary: Middlesex County* [Richmond, 1975], p. 5).

White newcomers felt those effects almost immediately. Even settlers arriving in the early 1740s found that an elite handful of men already controlled access to most land in Augusta County and used their control to retard or accelerate the fortunes of subsequent immigrants. In addition to this formidable economic clout, the members of Augusta County's elite also selected or rejected freeholders for local political offices. By sifting all applicants for economic and political opportunities, the county elite produced a stratified frontier society that from its very inception operated like an eastern Virginia county.

As with other local communities in mid-century Virginia, Augusta County society defined social status according to degrees of dependence. The frontier encompassed many such degrees, for even the earliest immigrants brought white servants as well as dependent family members, and these were soon joined by a variety of indigent minor children, convict servants, and slaves. Although they were outnumbered, freeholders managed the rising numbers of dependents with supervisory techniques identical to those used throughout colonial Virginia. The small freeholder was perhaps the single most important agent in controlling potentially restive dependents, and Augusta County's elite seems to have relied extensively on such men to enforce social distinctions by scrutinizing strangers and neighbors alike.

Not all newcomers readily accepted the manipulative conditions they found in Augusta County; indeed, a few chafed vigorously against a system they perceived as overbearing. Their resistance to the assertions of authority by Augusta County's newly created elite took a variety of forms, of which disrespect toward magistrates was one of the most visible. Such challengers sought either to repudiate the county's social hierarchy or to improve their relative standing. The former type of protest never succeeded, but the latter sometimes could. As elsewhere in colonial

Virginia, tensions within frontier society also surfaced in religious contests; the underlying causes of such incidents in Augusta County will eventually be made clear, but for now the most obvious source of religious conflict seems to have been the resentment of young men excluded from positions of authority within their community. Whatever the arena of dissent, the county's leaders never lost their grip on society. Judged by how well it maintained local order, the Augusta County elite functioned as effectively as any other county gentry in Virginia.

The effectiveness of Augusta County's frontier elite provided critical support for a larger movement, the imperialistic expansion of colonial Virginia. Part of that support stemmed from the county's role in governing a new territory: the political and social institutions of Augusta County provided the mechanisms for administering an extensive portion of new territory. In the long run, however, a more significant social aspect of the county overshadowed any bureaucratic functions of its government. Augusta County's traditionally structured society greatly reduced the risk that Virginia's growth would generate regional instability, as happened in North Carolina and Pennsylvania. Whether or not that benefit was the product of deliberate decisions is presently unclear, but in any event the outcome clearly favored Virginia's imperial ambitions: no outraged Regulators or Paxton Boys armed themselves and marched against the colonial capitol. The social control exercised by a frontier elite thus promoted the eighteenth-century expansion of colonial Virginia into the North American hinterland.

Settlers in Virginia's vanguard readily crossed the eastern continental divide, vaulting all geographic obstacles to create new communities with a familiar form. Ultimately, however, white immigrants could not surmount a second divide, a cultural escarpment separating them from the Indians they met in Augusta County.

Their failure was in large measure due to the swift implementation of Virginia's social order: traditional white society emphasized control, not conversion.

By their resistance to acculturation, white immigrants deprived Indians of a powerful tool for molding the terms of new relations between the two peoples. White settlements offered enticing short term opportunities, especially for hunting or raiding parties looking for food or other support. Beyond this important economic issue, settlement growth ultimately threatened not only Indian control over valuable hunting lands, but also Indian passage along the major line of communication between northern and southern tribes.

Indian responses to these threats varied from tribe to tribe. Cherokees applied the hallmark tactic in Indian diplomacy of playing two European powers against one another, pitting Virginia against South Carolina. Northern Indians, especially those living on the northwest side of the Ohio River, proved more militant. In the near term--through the decade of the 1770s--Northern policy appears more successful. After resisting an invasion from southwest Virginia during Dunmore's War, the Ohio tribes were never again threatened by forces from that quarter. The Cherokees, by contrast, saw troops from old Augusta County burn a number of towns during the Revolutionary War.

For contemporary whites and Indians, the region that was colonial Augusta County seemed at times to offer great rewards. Individual successes in realizing those rewards varied widely, depending partly on chance and larger historical events beyond local control. But one constant continually influenced both destinies, red and white alike--the form and function of white society. That society, simultaneously conservative and dynamic, led Virginia's advance across the first divide.



APPENDIX A  
MAGISTRATES AND LANDHOLDING

Loading eighteenth-century information into twentieth-century computers usually involves some arbitrary banging of square pegs into round holes. Cliometrical jargon such as "datapunching" acknowledges this need to coerce even the most apparently explicit evidence -- commissions of the peace, in this case. The following notes explain the hammering that produced the chapter entitled "Assertions of Authority."

Membership in the Augusta County Commissions of the Peace

Between Augusta County's independence in 1745 and its first subdivision in 1770, county magistrates served under the authority of thirteen commissions of the peace. County order book copies of the first seven commissions and of the eleventh through the thirteenth are located as noted in Table 19. The known members of the missing eighth through tenth commissions are listed in Table 20.

Complete copies of the Council orders for new Augusta County magistrates exist for the first, second, fourth, and sixth commissions only. In addition to these complete lists, Council orders modifying the third, fifth, and ninth commissions also survive. Citations for these orders are noted in Table 19.

Small but important discrepancies exist between the commission that was ordered by the governor and Council, and the commission that was recorded in the Augusta County Order Book.

¶ In the first commission, the Council Order lists twenty men, while the County Order Book copy includes twenty-one. The addition, John Anderson, is noted at the end of the county copy. Since magistrates were listed in order from the most senior to the most junior, this would make Anderson the least senior justice. Anderson sat as a magistrate during the first commission's term, so I included him in the calculations for that commission.

¶ Similarly, the second commission as recorded in the county order book

TABLE 19. AUGUSTA COUNTY COMMISSIONS OF THE PEACE  
OCTOBER 1745 - JUNE 1770

Commission Date	Date Recommended	Date Presented in Court	Source
1. 30 Oct. 1745	16 Apr. 1746	9 Dec. 1745	EJC 5:191, O.B. 1:1 O.B. 1:42
2. 13 June 1746	19 Mar. 1746/7 17 Feb. 1748/9	16 July 1746	EJC 5:214, O.B. 1:68 O.B. 1:173 O.B. 2:101
3. 9 May 1749	26 Aug. 1749	19 May 1749	EJC 5:289, O.B. 2:127
4. 14 June 1749		22 Aug. 1749	EJC 5:290, O.B. 2:149 O.B. 2:286
5. 27 Oct. 1749	30 Nov. 1750	29 Nov. 1749	EJC 5:303, O.B. 2:287 O.B. 2:514
6. 30 Apr. 1752*	19 May 1753	20 May 1752	EJC 5:389, O.B. 3:242 O.B. 3:451
7. 16 June 1753	24 Aug. 1754	13 Aug. 1753	O.B. 4:1 O.B. 4:291
8. unknown	19 Nov. 1755	20 Mar. 1755	O.B. 4:382 O.B. 4:495
9. 24 May 1757	20 Mar. 1758 17 Nov. 1758 17 Aug. 1759†	16 June 1757	EJC 6:50, O.B. 5:367 O.B. 6:141 O.B. 6:221 O.B. 6:297
10. unknown		21 May 1760	O.B. 6:353
11. unknown	19 Feb. 1763	19 May 1761	O.B. 7:1 O.B. 7:482
12. 16 Apr. 1763	23 Nov. 1764† 23 May 1765	22 June 1763	O.B. 8:113 O.B. 9:212 O.B. 9:357
13. 12 June 1765	21 May 1767 22 June 1769 16 Aug. 1769 21 Mar. 1770	20 Aug. 1765	VSL Bull. 14, O.B. 9:440 O.B. 11:87 O.B. 13:223 O.B. 13:324 O.B. 14:65
14. 4 June 1770		19 June 1770	O.B. 14:103

\* The Council added Robert Breckenridge to this commission on 10 June 1752. (EJC 5:399)

† The Council did not respond immediately to these proposals but when it did issue a commission, all the recommendations were accepted. After 1765, the Council deferred action on further recommendations until after Augusta County's subdivision in January 1770.

Sources: Augusta County Order Books 1-14; Hail, *Executive Journals of the Council V*; Hillman, *Executive Journals of the Council VI*; "Justices of the Peace of Colonial Virginia, 1757-1775," *Virginia State Library Bulletin* 14 (April, July 1921), pp. 66-67.

TABLE 20. RECONSTRUCTION OF COMMISSIONS OF THE PEACE 8 - 10

8th commission 1755	9th commission 1757	10th commission 1760
		[Alexander, Archibald]*
Bowyer, John	Archer, John	Archer, John
Breckenridge, Robert	Bowyer, John	Bowyer, John
	Breckenridge, Robert	Breckenridge, Robert
Buchanan, John	Buchanan, James	†
	Buchanan, John	Buchanan, John
Christian, John	Christian, John	Christian, Israel
Dickenson, John	Dickenson, John	Christian, John
		Dickenson, John
Hart, Silas	Hart, Silas	Gilbert, Felix
Lewis, Andrew	(absent with the army)	Hart, Silas
	Lewis, William	†
Lockhart, James	Lockhart, James	Lockhart, James
		Lockridge, James
Lyon, Humberston	X	
McClenachan, Robert	X	
Martin, Patrick	Martin, Patrick	Martin, Patrick
Mathews, John	Mathews, John	<b>DEAD</b>
		Maxwell, John
Neilly, James		
Patton, James	<b>DEAD</b>	
		Patton, Mathew
Preston, William	Preston, William	Poage, John
Robinson, George		† (current sheriff)
Sayers, Alexander	Sayers, Alexander	Sayers, Alexander
	Smith, Daniel	Smith, Daniel
Stuart, David	X	
	Tyler, Francis	Tyler, Francis
Wilson, William	X	
Woods, Richard	Woods, Richard	†

X omission ordered by council

† not confirmed in 10th, but named routinely in 11th commission

\* recommended for 10th; not confirmed, but listed in 11th ahead of men who were both recommended for *and* confirmed in 10th

Complete lists for the eighth, ninth, and tenth commissions do not survive. Twenty members of the eighth commission were identified through their oaths of office and the names that the Council ordered dropped from the next commission. Seventeen men in the ninth commission swore in or were ordered added by the Council. The tenth commission is partially reconstructed from oaths and attendance, accounting for eighteen magistrates. (Augusta County OB 4:382, 395, 425, 465, 489, 498, 5:367, 373, 375, 378, 421, 6:20, 41, 51, 71, 206, 297, 316, 335, 353, 355, 367, 400, 7:1; Hillman, *Executive Journals of the Council* 6:50)

includes two men not mentioned in the Council's order: John Christian and Samuel Gay. Christian did not serve during this term; Gay did. The county copy also omits three men named in the Council's order: John Finlay, John Mathews, and Benjamin Borden, Jr. None of these three men served during this term. The Council repeated its order to add Mathews and Borden when directing the issuance of a third commission, so presumably the excluded men were not named in the copy of the second commission received in Augusta County, and thus were not included in my count for this term. John Finlay was never mentioned as a magistrate again, although he continued to live in the county and remained active in local affairs. Like Mathews and Borden, Finlay must have been excluded from the final version of the second draft. A fourth magistrate, Robert Campbell, was named in the council order, does not appear in the order book, but does appear in the county clerk's rough copy of the commission in the Augusta County Minute Book [1748]-1749 (microfilm at Virginia State Library. Campbell's deletion from the order book thus appears to be a clerical error, so although he neither served nor took the oath of office, I counted him as a member of the second commission.

¶ In its order for the fourth commission, the Council ordered that Benjamin Borden, Richard Woods, John Mathews, and Joseph Kennedy be placed in their former positions; and thus ahead of all of the new additions. Contrary to the Council's order, these four ranked last in the county version.

¶ In the fifth commission, the Council ordered the addition of John Anderson. The order book copy includes neither Anderson's name nor that of veteran magistrates Silas Hart and Robert McClenachan. Anderson never served and apparently was excluded from the final copy, but the other two probably were included: although he was not named, Hart was summoned for failing to take the oath of office. ("Order summoning Justices," 2 Dec. 1749, in Augusta County Circuit Court, Staunton, Virginia) I therefore counted Hart as a member of the fifth commission. Since Robert McClenachan swore into the commission on 29 Nov. 1749, I also counted him as a member. (Augusta County O.B. 2:287)

#### Recommended Changes to the Commission of the Peace

Table 19 notes the dates and locations for all recommendations from the Augusta

County magistrates for modifying their commissions. Table 21 lists the names and eventual dispositions of recommendations that the Council rejected as of 1758. From 1758 through May 1765, the Council appointed each nominee proposed by the magistrates. After 1765, the Council refused to act on the court's recommendations, possibly in anticipation of Augusta County's subdivision.

#### Calculating Attendance at Regularly Scheduled Courts

In order to sit on the bench, magistrates were required to swear into each new commission; some justices took their oaths of office when the commission arrived, while others delayed until peer pressure, legal summons, or personal inclination moved them. Once entitled to join in the court's deliberations, magistrates came and went freely, so long as at least four remained on the bench to conduct business. The composition of the court thus varied throughout the day, with the clerk marking each new presence or absence as it occurred.

#### Mapping the Residence of Augusta County Freeholders and Magistrates

The sources of all Augusta County landholding data are given in full in Chapter 2, note 2. Taken together, these records form a remarkably complete picture of freeholding. Identifying landowners is easy, and within the two largest tracts patented from the crown, Beverley Manor and Borden's Land, locating the tracts is equally simple. Similarly, the patents granted by Lord Fairfax's agents clearly involved Northern Neck land. But the Virginia government also patented land that later was ruled to be part of the Northern Neck proprietorship: that land can only be positively identified in patents or deeds if the property description unambiguously names a watercourse known to lie completely within the Northern Neck, such as the Hawksbill. Deeds contain references to adjoining property owners, and so the tracts lying within the Fairfax line could be traced eventually, but so far this time-consuming game has not been worth the candle. For now, I assume that the number of people involved is too small to undermine any responsible generalities.

To further complicate the uncertain location of some patented tracts, a number of Augusta County freeholders and magistrates owned land derived from more than one source. When there was no obvious sign as to which property was the home place (such as the phrase "where he now lives" in a deed, or, cautiously, traditional

TABLE 21. REJECTED NOMINATIONS TO THE AUGUSTA COUNTY COMMISSION OF THE PEACE, 1746-58

Recommendation date and cite	Nominee	Commission then in force	# & year of Commission to which eventually added
16 Apr. 1746 (OB 1:42)	Burk, Charles	1	never accepted
	Lapsley, Joseph	1	never accepted
	Ruddell, John	1	5. 1749
	Waiscoat, Ebenezer	1	never accepted
19 Mar. 1746/7 (OB 1:173)	Alexander, Robert	2	never accepted
	Buchanan, John†	2	never accepted
	Ruddell, John	2	5. 1749
	Smith, John	2	never accepted
	Stevenson, John	2	never accepted
26 Aug. 1749 (OB 2:286)	Pickens, Andrew	4	never accepted
30 Nov. 1750 (OB 2:514)	Beatty, Francis	5	never accepted
	Calhoun, James	5	never accepted
	How, Joseph	5	never accepted
	McClenachan, Elijah	5	never accepted
	Nealy, James	5	8. 1755
	Poage, John	5	10. 1760
	Ruddell, Cornelius	5	never accepted
	Trimble, James	5	12. 1763
	Wilson, William	5	7. 1753
19 May 1753 (OB 3:451)	Beatty, Francis	6	never accepted
	Nealy, James	6	8. 1755
24 Aug. 1754 (OB 4:291)	Poage, John	7	10. 1760
	Waring, Michael	7	never accepted
19 Nov. 1755 (OB 4:495)	Patton, Mathew	8	10. 1760
	Waring, Michael	8	never accepted
20 Mar. 1758 (OB 6:141)	Finlay, John	9	never accepted
	McClenachan, Robert	9	never accepted
	Stuart, David	9	never accepted
17 Nov. 1758 (OB 6:221)	Smith, John	9	never accepted
	Wilson, John*	9	11. 1761

† John Buchanan the yeoman, not John Buchanan, gent., who was already a magistrate.

\* John Wilson may have been restored to the tenth commission, but if so never swore in.

Sources: Augusta County Order Books, as indicated above.

accounts) I used the following rules to assign freeholders and magistrates to one of the four divisions sketched in Maps 5 and 6:

¶ Beverley Manor + anything else = Beverley Manor. During the 1740s, freeholders usually purchased their first land from someone and only patented land later. Very few freeholders owned land in both Beverley Manor and Borden's Land (one in 1746, three in 1749), so this rule does not significantly discriminate against Borden's Land. No freeholders owned land in both Beverley Manor and the Northern Neck.

¶ Borden's Land + crown land = Borden's Land. The same facts and reasoning apply to Borden's Land.

¶ Northern Neck + individually patented crown land (non-Beverley, non-Borden) = Northern Neck

¶ Crown land = owned nothing but land that was originally patented individually, and was not on a watercourse positively identified as a Northern Neck stream.

¶ The Calfpasture exception: as I discussed in detail in Chapter 2, William Beverley, James Patton, and John Lewis acquired a 30,000-acre grant of land on the Calfpasture River and its branches, just across the Little North Mountain and North Mountain from Beverley Manor. I counted the freeholders residing in this tract as belonging to Beverley Manor, because the same speculators controlled access to land in the two grants, and exercised comparable influence in both. In 1746, a total of sixteen freeholders owned nothing but Calfpasture land. This number increased to eighteen in 1746, and twenty-one in 1749.

I omitted from these calculations any landowner positively identified as a non-resident of Augusta County. In the case of sales, I used the home counties identified in the deeds. For patents, I followed the sales records and official affiliations noted in the *Executive Journals of the Council* and the *Legislative Journals of the House of Burgesses*. For numbers of non-resident landowners in 1745, 1746, and 1749 in the four locations, see Table 22.

### The Unlocated Magistrates

Three magistrates in the third, fourth, and fifth commissions held no title to land in Augusta, Frederick, or Orange counties. The first of these, William Harmison, had no obvious connections in Augusta County and did not reappear in county

TABLE 22. NUMBERS OF NON-RESIDENT LANDOWNERS  
IN AUGUSTA COUNTY, 1745, 1746, & 1749

<u>Location</u>	<u>1745</u>	<u>1746</u>	<u>1749</u>
Beverley Manor	1	1	3
Borden's Land	0	0	1
Crown land only	6	10	10
Northern Neck	1	0	3

Sources: see "Mapping the Residence of Augusta County Freeholders and Magistrates" in Appendix A.



records. The second, Thomas Ingles, remained in Augusta County but as of 1770 neither purchased nor patented any land. Only the third, James Rutledge, came from a family currently owning Augusta County land. As of 1749, the year he entered the commission, two persons with the surname "Rutledge" owned a total of 437 acres in the county. The apparently slight economic clout of these men suggests strongly that they were associated with a more powerful local figure. In Rutledge and Harmison's cases, this figure probably was James Patton, since one of his courts nominated these two.

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