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Williamsburg and Norfolk: Municipal Government and Justice in Colonial Virginia

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WILLIAMSBURG AND NORFOLK:
MUNICIPAL GOVERNMENT AND JUSTICE
IN COLONIAL VIRGINIA

A Thesis
Presented to
the Faculty of the Department of History
The College of William and Mary

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts

by
Robert Mangum Barrow
June 1960

APPROVAL SHEET

This thesis is submitted in partial fulfillment of
the requirements for the degree of
Master of Arts

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PREFACE

There are a great many works dealing with colonial Virginia and its history. While some discuss various aspects of government and justice on the local levels of county and parish, relatively few make any reference to municipal government or justice. In other American colonies early records have permitted historians to study many of the corporate towns and cities in some detail. Such is not the case with Williamsburg and Norfolk, the only municipal corporations in colonial Virginia. Many Williamsburg and James City County records, removed to Richmond for safekeeping during the Civil War, were burned in the evacuation of the city. Other records have simply disappeared.

Despite the scarcity of available material, I felt that a study should be made of these two Virginia towns. Their corporate nature made Williamsburg and Norfolk a special case in the scheme of local colonial government. For this reason, I have tried to present as detailed a description as possible of the only municipal governments and court systems found in colonial Virginia. Although there are some gaps, it is possible to supply information by inference in a few cases--what is true of one town is sometimes true of the other. At best, the picture must remain incomplete. I am convinced, however, that an incomplete picture is at least preferable to none.

In the course of research and writing many people have given me their assistance and suggestions for which I now wish to express my appreciation. I should like to thank especially Dr. William W. Abbot and my fellow graduate students; Mr. H. L. Canter, Archivist at the College of William and Mary; and Dr. Edward M. Riley and the staff of the Colonial Williamsburg Research Department. Finally, I wish to express my gratitude to Dr. Lester J. Cappon for his criticism and countless helpful suggestions in the course of directing this thesis.

R. M. B.

Williamsburg, Virginia

June 1960

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WILLIAMSBURG AND NORFOLK:
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I. ENGLISH BACKGROUND

In 1722 Williamsburg, capital of the Virginia colony, received a royal charter of incorporation. The city became a self-perpetuating corporation governed by mayor, recorder, aldermen, and common councilmen. The city was also authorized to hold its own municipal court.¹ Fourteen years later the town of Norfolk received a charter, the provisions of which were almost identical to those of the Williamsburg document.² Consequently, although Williamsburg was officially styled a "city" and Norfolk a "borough," both towns had the same form of government.

The government of Williamsburg and Norfolk, like that of New York, Annapolis, and a number of other colonial towns, was closely patterned after that of the English municipal borough. The borough is found as far back in English history as the Middle Ages. By the beginning of the eighteenth century it had become the common form of town and city government throughout England and much of Wales. There was, however, no typical borough. Some had grown up through custom;

¹ "Charter of Williamsburg" in Rutherford Goodwin, A Brief and True Report Concerning Williamsburg in Virginia (Richmond, 1940), 350-357.

² "The Charter of Norfolk Borough" in The Ordinances of the Borough of Norfolk, (Norfolk, 1845), 3-8.

others had been created by statute or by charter. At one time or another most of them had received royal charters providing for, or at least recognizing, their incorporation.

The privileges enjoyed by a municipal borough varied widely from place to place. Many boroughs had the right to send burgesses to Parliament. They might also elect their own local officials, although the first officers were sometimes named in the charter. A typical group might include mayor, recorder, aldermen, councilmen, chamberlain, town clerk, and bailiff.³ Some boroughs had more officials than others; often a man in one borough performed the duties of several men in another. The municipal borough frequently exercised some or all of such privileges as raising revenue, controlling expenses, passing bylaws and ordinances, and holding fairs and markets.⁴ The administration of borough affairs was in the hands of a corporate body often referred to as the common council, composed of mayor, recorder, aldermen,

³ Borough officials in England were known by a variety of titles. Those given here correspond to the titles of the Williamsburg and Norfolk officials. The colonial sergeant was the counterpart of the English bailiff, although his position was never one of the same power or prominence.

⁴ Richard E. Morris, Select Cases of the Mayor's Court of New York City, 1674-1784 (Washington, 1935), 2. See also Sidney and Beatrice Webb, English Local Government: The Manor and the Borough (London, 1908), 277-278, 283-285.

and councilmen. A separate court of freemen, known as the common hall, had gone out of general use by 1689.⁵

Of all the liberties possessed by the English borough, the most important was the right to hold a municipal court of its own. Local courts presided over by the mayor were created to meet the growing need for prompt justice.⁶ By the end of the seventeenth century "the desire of a town to have its own Magistrates was the most frequent reason for seeking a Charter."⁷

The nature of the courts varied with the borough. Those with the right to hold fairs and markets held courts of piepoudre to decide all controversies, suits, and quarrels that arose during a fair or market.⁸ Many boroughs held courts of quarter sessions for the trial of criminal cases. In some instances they were permitted to try and punish all felonies "not affecting life or member" in addition to all misdemeanors, although the court at Leeds was not allowed to try cases of

⁵ Webb, Manor and Borough, 363-367. This term was often used in Williamsburg and Norfolk to mean the common council. The term common council sometimes meant only the councilmen.

⁶ Morris, Select Cases, 3.

⁷ Webb, Manor and Borough, 279.

⁸ Although these courts had about gone out of use in eighteenth-century England, they were authorized in the charters of Williamsburg and Norfolk. The City of New York had such a court as late as 1773. Morris, Select Cases, 4.

manslaughter or murder.⁹ In the matter of civil jurisdiction some courts were limited to personal actions, others to cases regarding land within the borough, and others to suits arising within the limits of the borough. A few courts were permitted to hear any sort of civil action.¹⁰

The most highly developed institutions of local government and justice were those found in the City of London, the greatest municipal borough corporation in eighteenth-century England. Government in the City of London was in the hands of the mayor, aldermen, and common councilmen. These men were responsible for passing all laws and ordinances to regulate trade and industry and to govern the City. They set price limits, supervised weights and measures, and regulated the public markets. They also controlled all public land, appointed the watch, granted freedom of the City to strangers, and chose a large number of lesser officials.¹¹ The aldermen issued all licenses for the City's ale houses.¹²

In all criminal cases justice was administered by

⁹ Webb, Manor and Borough, 281.

¹⁰ Ibid., 341-342.

¹¹ [William Bohun], Privilegia Londini: or, the Laws, Customs, and Priviledges of the City of London... (London, 1702), 67-91, 350-354; Morris, Select Cases, 32.

¹² Webb, Manor and Borough, 662.

quarter and petty sessions of court, held before mayor, recorder, and aldermen. According to the various charters granted to London, these officials were designated as justices of the peace for the City. Their authority was the same as that of any county justice of the peace. As the justices became the real rulers of the county in the eighteenth century, these men became the dominant influence in the borough.¹³

In medieval times civil jurisdiction had been exercised by a hustings court, possessing the same powers as the county courts and transacting both administrative and judicial business. While this court still existed in the eighteenth century, it was concerned only with such matters as pleas of land and rente and the enrolling and probating of wills. In its place the major civil jurisdiction was exercised by the London mayor's court.¹⁴ Despite the name hustings, the municipal courts of Williamsburg and Norfolk were modeled after this later and more important judicial body.

The mayor's court of London was held before the mayor, recorder, and aldermen. Only four attorneys were permitted to practice in the court, and costs were

¹³ Ibid., 266, 576-577; Privilegia Londini, 15, 26.

¹⁴ Morris, Select Cases, 6-8. There was also a sherriffs' court, but it was inferior in that cases could be removed from it to the mayor's court by either party at any time before a jury was sworn to try the case. See also Privilegia Londini, 188.

kept low. No limit was placed on the amount of debt or damages that could be recovered. As a court of record, it tried all personal and mixed actions arising within the limits of the City. Common law actions might include debts, contracts, torts, and ejectment. Among the equity or chancery cases brought before the court were bills for general relief, cases of fraud and duress, suits involving estates and the custody and education of orphans, and suits brought by apprentices.¹⁵ The court exercised jurisdiction in maritime and admiralty cases as well as in those involving defamation, married women engaged in trade, the public markets, and the supervision of apprentices. The mayor's court also tried all breaches of the City ordinances.¹⁶

The common form of town and city government in eighteenth-century England was the municipal borough. The greatest of all borough corporations was the City of London, where the institutions of local government and justice reached their highest point of development. It was upon such institutions that the boroughs of colonial Virginia were based.

¹⁵ Morris, Select Cases, 9-10, 13, 35-36; Privilegia Londini, 186, 256.

¹⁶ Morris, Select Cases, 27-28, 32.

II. INCORPORATION

During most of the seventeenth century Jamestown was the only place in the Virginia colony that could be called a town. Even so, as late as 1675 it had only twelve or fourteen families.¹ Constant efforts were necessary to keep the town in suitable repair, and frequent fires destroyed even the most well-constructed buildings. Jamestown never enjoyed any form of local government, for control of the town was entirely in the hands of the governor and the General Assembly. The chief importance of the settlement was as the seat of government for the colony. Despite repeated efforts to move the government to some other place, Jamestown remained the capital until the close of the seventeenth century. It received its fatal blow in 1698 when the newly built State House was destroyed by fire. This time the Assembly was persuaded to move the seat of government rather than rebuild at Jamestown, and Middle Plantation, a healthier and more convenient location, was selected as the site for the new capital.

Middle Plantation had been settled in 1633 to provide additional protection against the Indians. Located on high ground midway between the James and

¹ Philip A. Bruce, Economic History of Virginia in the Seventeenth Century (New York, 1896), II, 525, 545.

York Rivers, the settlement was for many years only a military outpost. Although Middle Plantation grew, and even served as the temporary capital of the colony during Bacon's Rebellion, it never became as large or as important as Jamestown. The first sign of the settlement's future importance came in 1693, when the General Assembly selected Middle Plantation as the most suitable place for building the College of William and Mary in Virginia. Six years later it became the new capital and was renamed the City of Williamsburg in honor of King William III.

By an act of Assembly passed in 1699 a new town was laid out between the college and the site of the new capitol building. Ten men were named as directors of the city to make any rules, orders, or directions for building not provided by the act, and the governor was given authority to grant the city as many fairs and markets as he thought fit. The act further provided that the governor might incorporate the city as the Mayor, Aldermen, and Commonalty of the City of Williamsburg, with the right of perpetual succession and the right to make any laws, rules, and ordinances for governing the city not contrary to those of England or the colony.²

² William Waller Hening, The Statutes at Large... 1619-1792 (New York, 1823), III, 197, 419-432. See also "An Act Directing the Building the Capitoll and the City of Williamsburgh" in Goodwin, Williamsburg, 335-344.

The new capital grew slowly. The James City county court was moved from Jamestown to Williamsburg, and in 1715 a new courthouse was built on the southwest corner of Francis and England Streets across from the powder magazine. Like Jamestown, the capital continued to be governed by acts of the General Assembly. In the opening session of November 1713, Governor Spotswood told the Assembly that a market house, better landings, and a few public springs would be of benefit to "this Infant town."³ The poor condition of the main street and public landings and the need for a market and new furnishings for the church led the inhabitants to petition the Burgesses for money in 1720. They were granted £150 for building bridges and causeways on the main street, but the other requests were rejected.⁴

The freeholders and inhabitants of Williamsburg had petitioned the Council in 1717 for a charter of incorporation. Although the Council favored the idea, it apparently took no action.⁵ The citizens petitioned again in May 1722. This time they asked the Burgesses to aid them in securing a charter from the governor in

³ Calendar of Virginia State Papers (Richmond, 1875-1893), I, 169.

⁴ Journals of the House of Burgesses of Virginia, 1619-1776 (Richmond, 1905-1915), V, 283.

⁵ Executive Journals of the Council of Colonial Virginia, 1680-1754 (Richmond, 1925-1945), III, 457-458.

accordance with the Act of 1699. One month later the Burgesses presented Governor Spotswood with a formal address asking that the City of Williamsburg be incorporated.⁶

On July 28, 1722, the city was granted a royal charter in the name of George I.

Whereas a healthful, pleasant, & commodious Place by Act of the General Assembly... hath been appointed & laid out for a Town... called Williamsburg... KNOW YEE that we... do constitute and erect the said Town... a City incorporate....⁷

According to the charter the officers of the corporation included a mayor, a recorder, six aldermen, and twelve common councilmen. The first mayor, recorder, and aldermen were named in the charter and were directed to "elect and chuse other of the most sufficient of the Inhabitants of the said City, being free Men," to serve as the common councilmen. In order to perpetuate their succession they were to meet every year on the feast day of St. Andrew, the thirtieth of November, and elect one of the aldermen as mayor for the ensuing year. The recorder, aldermen, and common councilmen would remain in office during their good behavior. Upon the death, departure, or resignation of any official, the others

⁶ Journals of the House of Burgesses, V, 341, 344, 348.

⁷ "Charter of Williamsburg" in Goodwin, Williamsburg, 350-351.

were to meet and choose a successor. Vacancies among the common councilmen would be filled only on the thirtieth of November. Only an alderman could be elected as mayor, and to become an alderman a person must first be one of the common councilmen. The recorder had to be "a Person learned in the Law."

As a corporate body the city's officials could purchase or otherwise acquire lands and buildings, not exceeding the value of £2000 sterling a year, as well as goods and chattels. They were allowed to sue and to be sued in any court of law and to have an official seal which they might change at will.

The mayor, recorder, and aldermen were designated as justices of the peace within the limits of the city. As such they had authority to appoint constables, surveyors of the streets, and any other necessary officers. They were to enforce all laws, ordinances, and statutes made for governing the city; however, they had no jurisdiction over the governor's lands or household without his permission. No other justice of the peace could exercise any authority within the city limits of Williamsburg.

These same officials were to hold a court of hustings once a month and were to appoint clerks and other officers. As judges they had jurisdiction over all pleas of trespass and ejectment, writs of dower, and other personal and mixed actions arising within the

limits of the city. As a court of record they were to give judgment and award execution according to the laws and statutes of England and the colony. A limit of £20 current money or 4000 pounds of tobacco was placed on personal or mixed actions, and provision was made for appeal to the General Court of the colony. The charter further stated that no future alderman should act as a justice of the peace or sit on the court of hustings unless he had first been named a justice of the peace in some county within the colony.

The corporation officials were given the power to build workhouses, houses of correction, and prisons. To regulate trade and other matters they were empowered to pass reasonable and just bylaws and ordinances "not contrary but as near as conveniently may be" to the laws, statutes, and acts of Assembly then in force. Penalties imposed on lawbreakers, not to exceed 40s. current money of Virginia, might be levied by the sale of the offender's land and employed for the public benefit.

The city was to have two markets a week, on Wednesday and Saturday, and two fairs a year, on December 12 and April 23. Tolls levied on livestock and goods sold at the market might be used for the city's benefit and were not to exceed 6d. on every beast, 3d. on every hog, and one-twentieth the value of any commodity sold. Freemen who were inhabitants of the city would pay only half the toll charged non-residents.

On the fair day, as well as two days before and two days after, persons attending the fair were exempt from arrest, and their goods were exempt from attachment. Instead, the mayor, recorder, and aldermen would hold a court of piepoudre to hear and determine all suits and controversies arising during the course of the fair.

The charter allowed the city one representative in the House of Burgesses. As in England, there were certain property qualifications for holding office and for voting. A candidate seeking election to the House of Burgesses must have a freehold or visible estate worth £200 sterling if a resident of Williamsburg; if not a resident, he must have a freehold or visible estate worth £500 sterling. All freeholders in the city having a house and lot, all residents with a visible estate of £50 current money, and all persons having served five years at a trade within the city and afterwards being a housekeeper and inhabitant of the city were entitled to vote in this election.

The final provision of the charter named the first town clerk. He was to hold office during his good behavior and was to receive all fees arising out of the office.

The town of Norfolk was not settled until the end of the seventeenth century. For many years the Crown had urged that towns be established throughout the colony,

and in 1680 the General Assembly passed one of several acts intended to implement this Crown policy. The act designated fifteen sites on which towns were to be built.⁸ One of the sites selected was the property of Nicholas Wise on the Eastern Branch of the Elizabeth River in Lower Norfolk County. This narrow peninsula was laid off in lots of one-half acre each. Norfolk was soon settled, although the Act of 1680 was disallowed and subsequent efforts failed to create towns by means of legislation. By the beginning of the eighteenth century the port was the center of commercial activity for the lower part of Virginia and the Albemarle section of North Carolina.

In 1705 the Assembly passed another act to establish ports and towns in the colony, and the port of Norfolk was included in its provisions. Its inhabitants were to elect five or eight "benchers" who would in turn elect one of their number as a "director." These men were to be a corporation with the right of perpetual succession and the power to raise money and erect public buildings. As soon as there were sixty families in the town, the inhabitants were to elect fifteen "assistants" to act

⁸ Henning, II, 471-478. For a discussion of the opposition to the establishment of towns in Virginia, see Edward M. Riley, "The Town Acts of Colonial Virginia," Journal of Southern History, XVI, (August, 1950), 306-325; and Bruce, Economic History, II, 522-565.

with the benchers and director.⁹ The director, benchers, and assistants corresponded to the later offices of mayor, aldermen, and common councilmen found in both Williamsburg and Norfolk.

The Act of 1705 further provided that the director and benchers held a court of record with jurisdiction over civil actions not exceeding the value of £30 sterling and all cases relating to town lands and the penal statutes of the colony. A weekly court of hustings was to punish all cases of immorality and petty larceny in the same manner as justices of the peace and the county courts, although a fine could not exceed £5 sterling. The court could appoint town clerk, bailiff, cryer, constables, and any other necessary officers.¹⁰

This act met with great opposition in England. It went beyond the mere creation of towns; it made them corporations with liberal privileges of government. The British government feared that such action would cause inhabitants of the colony to take up manufacturing in the towns and neglect the raising of tobacco--to the detriment of British shipping, revenue, and industry.¹¹ On December 15, 1709, Queen Anne declared the act null

⁹ Henning, III, 408, 411-413.

¹⁰ Ibid., III, 409-411.

¹¹ Riley, "Town Acts," 321. See also E. B. Russell, The Review of Colonial Legislation by the King in Council (New York, 1915), 119-120.

and void, and Governor Spotswood announced its repeal the following July. Although the Act of 1705 never went into effect, its provisions were very similar to those that later appeared in the charters of Williamsburg and Norfolk.

In 1736 the inhabitants of Norfolk petitioned Governor Gooch for a charter of incorporation, and on September 15, 1736, the town was granted a royal charter in the name of George II.

Whereas, a healthful and pleasant place, commodious for trade and navigation, by act of the General Assembly... hath been appointed and laid out for a Town, called by the name of Norfolk... Know ye, That we ...do constitute and erect the said town ...a Borough Incorporate...¹²

The similarity between the charters of Norfolk and Williamsburg is evident at the very outset. Phrase by phrase, provision after provision, the two documents are nearly identical.

There are, however, some few differences. Norfolk was to have eight aldermen rather than six and sixteen common councilmen rather than twelve. The day appointed for the election of the Norfolk mayor was June 24, the feast day of St. John the Baptist. A limit of £1000 sterling was placed on the value of lands and buildings that the corporation might acquire each year. While

¹² "The Charter of Norfolk Borough" in Norfolk Ordinances, 3.

Williamsburg had two markets a week, Norfolk was to have three--on Tuesday, Thursday, and Saturday. Its fairs would be on the first Mondays of October and April. A Norfolk freeholder needed to have only a house and half a lot to be eligible to vote for a representative to the House of Burgesses. Unlike Williamsburg, future aldermen of Norfolk were not required to be justices of the peace in some county in the colony. The town clerk of Norfolk was not named in the Charter.

A comparison of the two charters suggests that the Norfolk document was merely a copy of the earlier one, with a few minor changes relative to local conditions. Besides their similarity, it has already been noted that both charters embody many of the provisions of the earlier Town Act of 1705. More important still is the fact that the system of government and courts in both towns was carefully modeled after that found in the English municipal boroughs.

III. THE COMMON COUNCIL

In colonial Virginia the justices of the peace and the county courts exercised almost complete authority in local affairs. All matters relating to the peace and good government of the county fell within their jurisdiction. They made rules governing county affairs, enforced laws in the county, and brought to justice all those who broke the law. In short, the justices were legislators and executives as well as judges for the county.

When Williamsburg and Norfolk were chartered, all authority was vested in the officials of each corporation --mayor, recorder, aldermen, and common councilmen--but, unlike the county justices, their powers were divided. All judicial authority and certain executive powers relating to the maintenance of law and order were granted to the mayor, recorder, and aldermen alone. The legislative and major executive powers were given to the entire group of officials meeting as a common council for the purpose of governing the town.

The Norfolk common council met for the first time on November 18, 1736, two months after the charter was granted. The charter provided that the sixteen common councilmen be chosen by the other officials, which must have been done during the intervening two months as eleven of the councilmen were present at this first

meeting. The council elected a new mayor to replace Samuel Boush, Sr., who had died since being appointed in September. They also chose a town clerk, Samuel Boush, Jr., and two new aldermen.¹

An act passed to confirm Norfolk's charter gave Sir John Randolph, the first recorder, and all future recorders the right to appoint deputies, subject to the approval of the common council. Randolph attended the first council meeting but two days later named Major David O'Sheal as his deputy. When Randolph died the following year, O'Sheal became the recorder.² Randolph's son, Peyton, who served as recorder for the borough after 1749, also appointed a deputy for part of that time.

The common councils spent a great deal of time providing for their perpetual succession. Once a year they chose a new mayor from among the aldermen. Frequent elections were necessary, especially in the case of Norfolk, to maintain the proper number of aldermen and to fill vacancies that occurred among the councilmen. Vacancies occurred for any number of reasons, the two most frequent in Norfolk being death and resignation from office. Replacements were also needed for men who

¹ Minutes of the Common Council of the Borough of Norfolk, 1736-1798 (Microfilm, Research Department, Colonial Williamsburg, Inc.), November 18, 1736.

² Hening, IV, 541-542; Minutes, November 20, 1736, March 19, 1737.

had gone to Britain or elsewhere "beyond seas," men who had moved to another colony, and (in at least two cases) men who had moved outside the town limits and into the county. There was one instance of a councilman losing his seat after being absent for over a year.³

Both charters provided that new officials be elected by those remaining in office. New aldermen were chosen from among the common councilmen, and new councilmen from the leading citizens. In their government, both Norfolk and Williamsburg were closed corporations, and the officials made every effort to see that it remained that way. One attempt was made in Norfolk in 1774 to provide for the popular election of councilmen when an alderman suggested petitioning the Governor and Council to strike the self-perpetuation clause from the charter, thus allowing the inhabitants to fill vacancies among the councilmen. The motion was promptly defeated, and it was not until 1787 that the charter was amended to permit the election of councilmen by popular vote.⁴

So closed was the nature of the Norfolk council that no person was admitted to its meetings unless sent for on business, and visitors were directed to leave as soon as their business was concluded. Some years later

³ Minutes, June 24, 1767.

⁴ Ibid., February 14, 1774; Norfolk Ordinances, 22-23.

borough inhabitants were permitted to sit in the gallery "provided they behave with decency."⁵

The Norfolk council was faced with the problem of irregular attendance at council meetings. The average number of aldermen present was six; the average number of common councilmen was ten. All eight aldermen were present only ten times during the colonial period, and the greatest number of councilmen present was fourteen, which happened only four times.⁶ By 1773 the council had reached the limit of its patience with certain members who consistently failed to attend the meetings. The sergeant of the borough was ordered to ask William Aitchison why he so often failed to attend the council. Aitchison replied that

he did not know any person had any such authority as to desire his reasons for not giving his attendance...and that he thought it very impertinent in those who took the Liberty of doing it....⁷

When he was asked the same question a few months later, he replied much as he had before. The council decided to ask the opinion of the recorder, Peyton Randolph, as to what power it had over its members. Randolph's reply is not recorded.

⁵ Minutes, March 25, 1749, January 31, 1774.

⁶ The lack of minutes for the Williamsburg council prevents a similar analysis.

⁷ Minutes, August 17, 1773.

The common councils were also supposed to select additional persons to carry out the functions of government. Williamsburg's town clerk was named in its charter; Norfolk's was chosen at the first meeting. The towns soon had sergeants (corresponding to the county sheriffs), deputies, and constables. In Norfolk the town clerk and the sergeant each received a yearly salary of £5. Williamsburg's clerk and sergeant had no settled fee until 1770 when it was made the same as that received by the county clerks and sheriffs.⁸ From time to time the Norfolk council appointed men as surveyors of the streets, prison inspectors, smallpox examiners, and chamberlains (treasurers). In 1754 Governor Dinwiddie presented the Borough of Norfolk with a silver mace, symbol of governmental authority, and the borough hired a mace bearer for £5 a year (later reduced to 30s.) to carry it on all official occasions.⁹ Williamsburg had a mace of silver dipped in gold which was also carried on solemn occasions, probably by the sergeant.

Williamsburg and Norfolk each had its own militia company, separate from those of the counties. The governor, by issuing blank commissions, often left the

⁸ This amounted to 1200 pounds of tobacco in Norfolk County in 1761.

⁹ Minutes, April 1, 1754; June 24, 1758; June 24, 1760.

appointment of militia captain up to the common councils. At other times the councils, like the county courts, merely recommended certain persons (often their own members) for appointment by the governor. The mayors, recorders, and aldermen of both towns were repeatedly exempted from militia muster but were required in 1757 to provide two sets of arms for the militia.¹⁰

While the councils were concerned with self-perpetuation and the appointment of other officials, their primary task was governing. To insure a better regulation of trade and government in the towns, the councils were empowered by their charters to pass reasonable and just bylaws and ordinances "not contrary but as near as conveniently may be" to the laws, statutes, and acts of Assembly then in force.¹¹

The authority of the colonial common councils extended to many aspects of urban life. The original powers were set forth in the charters of incorporation, and additional powers were granted by acts of Assembly. The towns themselves passed countless bylaws and ordinances, revised from time to time by various council committees. New laws and ordinances were often needed to meet the changing conditions of eighteenth-century

¹⁰ Hening, IV, 531; VII, 93, 95.

¹¹ "The Charter of Williamsburg" in Goodwin, Williamsburg, 354; "The Charter of Norfolk Borough" in Norfolk Ordinances, -6.

town life in Norfolk and Williamsburg.

The right to hold markets had long been a privilege in the English borough. In the colonies, where growing towns were faced with the problem of providing an adequate food supply, the right to hold markets was as much a necessity as a privilege. In the very beginning Williamsburg had a market square in the center of town where markets were held twice a week. Despite frequent requests for a market house, no action was taken to build one until the 1750's.

The Norfolk council turned its attention to the question of markets almost immediately. In December 1736, it ordered the construction of a market house, a 30' x 15' structure with brick foundation, shingled roof, walls of feather-edged planking, and six-foot eaves supported by four posts on each side. The contract for constructing the building was awarded to John Taylor, one of the aldermen, who did the work for £46 current money.¹²

The council declared that markets would be held in Norfolk on the days named in the charter--Tuesday, Thursday, and Saturday--and would be open by sunrise the year round. No beef, pork, veal, mutton, or lamb could be sold at any place in the town except the market

¹² Minutes, December 20, 1736, June 24, 1737.

house, under penalties ranging from 1s. to 5s. for both buyer and seller. All provisions brought to the town for sale must be carried to the market house and weighed. Tolls were levied on meat sold--6d. for beef, 4d. for mutton and veal, 3d. for lamb, and 2½d. for every hog weighing over 40 pounds. While non-residents paid the full toll, according to a provision in the charter inhabitants of the borough paid only half the amount. A clerk of the market, appointed by the council, collected the tolls and kept one-fifth the amount as payment for his services. ¹³

In 1743 the Norfolk council decided to rent out the market house. Only two years before New York had begun to lease its market houses at public auction to the highest bidder, who then had the right to sublet the stalls. After 1745 the Norfolk market house was rented out each year for between £10 and £14. ¹⁴

An act of the General Assembly of 1757 granted to Williamsburg and Norfolk the right to hold as many additional markets a week as they found necessary, since those provided by their charters were not sufficient for

¹³ Ibid., December 20, 1736, January 24, 1737. The practice of appointing clerks of the market was an old English custom. For accounts of market practices in other large colonial towns, see Carl Bridenbaugh, Cities in the Wilderness (New York, 1955), 27-28, 192-194, 349-353.

¹⁴ Minutes, June 24, 1743, July 26, 1745; Bridenbaugh, Cities in the Wilderness, 350.

the growing needs of the inhabitants. The act also empowered the councils to assess taxes for building and maintaining market houses. That same year the common council of Williamsburg finally decided to build a market house. Some type of structure must have been erected, for an act of 1764 again allowed Williamsburg officials to levy a poll on tithables for building and repairing a market house when the one "now in use shall happen to fall to decay...."¹⁵

In August of 1764 the Norfolk council ordered a small stall built on public land "up Town" to be used as an additional market. Samuel Boush, Jr., the town clerk, built it for £20. What happened to the market house in Williamsburg is not known, but in 1770 the Burgesses refused the city permission to use the guardhouse as a market, even though the guard had been discontinued.¹⁶

During the colonial period municipal authorities tried to regulate prices, especially those of essentials such as food. They also supervised weights and measures. From time to time the Norfolk council passed various bylaws regulating the operation of the market, the amount of tolls levied, and the prices of certain foods.

¹⁵ Hening, VII, 136-137; Virginia Gazette (Hunter), April 22, 1757; Hening, VIII, 21-22.

¹⁶ Minutes, August 1, 1764, June 24, 1765; Journals of the House of Burgesses, XII, 9, 28-29.

Like the assize of bread found in early English boroughs, it sought to regulate the size, weight, and price of bread. Although in 1738 the council proposed to prevent the sale, except in ordinaries, of strong drink in quantities of less than one gallon, the idea was finally rejected.¹⁷ The officials ordered that Indian corn meal be sold by weight in 1762, but ten years later decided that the appointment of sworn grain measurers was not within their jurisdiction. On the other hand, in 1772 Williamsburg's council ordered that "all Coal, or Grain of any kind, offered for sale... shall be by Winchester Measure" and "...shall be measured by such Person as the Court of Hustings shall for that Purpose appoint..."¹⁸

Two Norfolk council ordinances were aimed primarily at the servant population. While the first was "to prevent the slaves from selling Cakes &c, and small Beer at the market and other public places in this Borough," the second forbade "Indians, mulattoes, or negroes Bond or free" to sell dressed meat, bread, cakes, beer, or spiritous liquors within the borough.¹⁹

¹⁷ Bridenbaugh, Cities in the Wilderness, 49-51; Minutes, June 19, 1738.

¹⁸ Minutes, June 24, 1762, February 1, 1772; Virginia Gazette (Purdie & Dixon), March 5, 1772.

¹⁹ Minutes, August 1, 1764, June 29, 1773.

According to their charters, both Williamsburg and Norfolk were to hold two fairs each year. Since earlier Williamsburg fairs had not met with much success, in 1739 a group of local men contributed money for bounties and prizes to encourage greater participation in the December fair. Bounties were given for livestock offered for sale; prizes were awarded the winners of various races and contests. The fair began on December 12 and lasted for three days. While it was not the great success hoped for, it was, said the Virginia Gazette, "as good a Beginning as we cou'd reasonably expect; and it's not doubted but it will in a few Years be brought to great Perfection...."²⁰

The fairs held in Norfolk must have been quite similar to those in Williamsburg. Bounties were offered for the best woven cloth and the best livestock and poultry. Besides the buying and selling there were a great many games and contests for various prizes.²¹

One of the most important duties of the common councils was to insure the safety of the inhabitants. Both councils spent a large portion of their time

²⁰ Virginia Gazette (Parks), November 30, 1739, December 7, 1739, December 14, 1739.

²¹ Ibid., (Clementina Rind), September 23, 1773; Thomas G. Broughton, ed., "Old Times," The Norfolk and Portsmouth Herald, January 7, 1835.

passing regulations for the protection of citizens in various phases of town life.

As early as 1737 the Norfolk council passed three ordinances in an attempt to curb vagrancy. The first prohibited day laborers, minors, and apprentices from gambling in local taverns, and any tavern keeper who permitted such gambling was to be subject to legal action. Another ordinance was aimed at "suppressing" all vagrant, idle, and dissolute persons, while a third was to discourage persons from allowing vagrants to get into debt to them.²²

The Negro population posed a dangerous threat to the peace and security of colonial towns. One Philadelphia citizen wrote in 1738 that "the disorders committed by the Slaves, every Night and Sunday, are so notorious, that all the Inhabitants must be convinced that a Reformation is absolutely necessary."²³ In 1740 the Norfolk council ordered the owner of any Negro arrested after ten o'clock at night to pay 8s. and to have his slave whipped. A year later the council forbade servants and slaves to purchase rum or spiritous liquors. To end the disturbances of Negroes in town at night and on Sundays and holidays, the watch was ordered to bring

²² Minutes, December 20, 1736, March 19, 1737, August 22, 1737, June 19, 1738.

²³ Bridenbaugh, Cities in the Wilderness, 379-380.

offenders before the mayor or one of the aldermen to receive whatever punishment the magistrate thought reasonable. The owners of such Negroes had to pay 1s.
4d.²⁴

As early as 1730 the Governor and Council directed all persons to carry firearms to church on Sundays and holy days to prevent any surprise slave insurrection. On July 7, 1741, the Norfolk officials resolved

That for the future the inhabitants of this Borough shall (to prevent any Invasions or Insurrections) be Armed at the Church upon Sundays or other Day of Worship or Divine Service under Penalty of Five Shillings To be Recovered before the Mayor or any one of the Aldermen to the Informer.²⁵

To some extent this ordinance may have been the result of the outbreak of King George's War the year before and of the "Negro Conspiracy" in New York in the early months of 1741. In 1744 the council ordered constables to arrest any Negroes that assembled or became tumultuous on Sundays.²⁶

When runaway slaves sought service aboard royal warships in the Norfolk harbor in 1775, the council sent a deputation to Captains McCartney and Squires to thank them for refusing to take the slaves aboard. Should any

²⁴ Minutes, June 24, 1740, July 4, 1741.

²⁵ Arthur P. Scott, Criminal Law in Colonial Virginia (Chicago, 1930), 307-308; Minutes, July 7, 1741.

²⁶ Minutes, September 1, 1744.

more slaves seek refuge, the council asked the captains "to secure them until sent for" and to send the names of the slaves and their masters to the mayor.²⁷

Norfolk established its first night watch in 1738. Four men were hired for a year at a salary of £10 apiece, to be paid for by a tax levied on the inhabitants of the borough. The next year a committee was appointed to select residents of the town to serve as night watchmen. Although the watch was to be paid, refusal to serve or to provide a substitute would result in a fine of 5s. current money.²⁸ The duties of night watchmen varied from town to town during the colonial period. The men were usually expected to keep the peace during the night, watch out for fires, and perhaps call out the time and the condition of the weather. They were to be on their good behavior at all times.²⁹

The Norfolk council appointed a sergeant, a deputy, and several constables in 1744. Constables were exempted from serving on the night watch, so the council ordered four residents to watch from eight o'clock each night until five in the morning "according to the List as they are Lotted." It further declared that

²⁷ Virginia Gazette (Dixon), August 5, 1775; Minutes, July 26, 1775.

²⁸ Minutes, October 11, 1738, October 14, 1738, October 15, 1739.

²⁹ Bridenbaugh, Cities in the Wilderness, 219.

In Case of a Riot or the Watch being Assaulted, an Alarm shall be given by firing 3 Guns...upon which all the Inhabitants are to repair to their Assistance with proper Arms, under the Penalty of ten Shillings.³⁰

Four days after this ordinance was passed a riot occurred between some of the citizens and armed sailors from one of His Majesty's ships of war. The governor's Council admonished the ship's officer and directed that the Norfolk watch "be allowed only Staves and Lanthorns" in the future. It ordered that all disorderly persons arrested by the watch be taken before the magistrates as soon as possible.³¹

The mayor was authorized to appoint watchmen for Norfolk in 1746 and again in 1753. Although the council set a fine of 10s. for anyone refusing to serve, John Pedrick was fined only 5s. when he persistently refused to keep watch. Pedrick was placed in the sergeant's custody until he could pay the fine and costs.³²

These attempts to protect Norfolk by such a night watch apparently proved unsuccessful, for in May 1763 the council petitioned the Assembly for the power to levy taxes to support a regular night watch and to pay for erecting street lamps. The petition pointed out

³⁰ Minutes, February 24, 1744, August 15, 1744, September 1, 1744.

³¹ Executive Journals, V, 161-162.

³² Minutes, July 28, 1746, June 24, 1747, May 7, 1753.

that "frequent Robberies have of late been committed in the said Borough...chiefly owing to the Want of a regular Watch." The Assembly granted the right to tax and ordered that the watchmen be exempt from service in the militia. It also provided penalties for anyone caught breaking one of the new street lamps, providing there was one witness to the act. The offender was to be fined 50s. current money, or receive thirty-nine lashes if a slave. The fines were to help pay the expenses of the watch and the lamps. A few months later the council appointed a committee to determine how many watchmen and lamps a place the size of Norfolk would need and how much they would cost.³³

Despite an occasional robbery,³⁴ the pattern of law and order in Norfolk seemed to settle down during the next few years. The council passed an ordinance to prevent the shooting of guns within the borough's limits.³⁵ Although the town had been divided into three wards in 1755, ten years later it was divided into

³³ Journals of the House of Burgesses, X, 183; Hening, VII, 254-255; Minutes, September 2, 1763.

³⁴ "Some days ago the Post Office in Norfolk was robbed of about 20 l. cash by one John Terry, a watchmaker's apprentice there, who is ordered to Williamsburg to take his trial at the General Court." Virginia Gazette (Purdie & Dixon), July 28, 1768.

³⁵ Minutes, February 17, 1755. According to the common law a person was responsible for any damage done by discharging firearms. Richard B. Morris, Studies in the History of American Law (New York, 1930), 244.

eight, with a watchman for each.³⁶ New watchmen were hired from time to time, and the residents paid a 2½ per cent property tax to pay for their salaries and for the new lamps.³⁷ The council even constructed "a small House for the Watch to retire to, on the public Land up Town, near the Market House."³⁸

The sergeant of Norfolk was allowed 5 per cent of the watch tax in 1770 as a fee for collecting it. Although the mayor was authorized to hire him to oversee the watch, another man got the job for £25 a year. At the same time four watchmen were hired for £24 each to watch two and two every other night for a year.³⁹ The council continued to levy the watch tax as late as 1773, but it became increasingly difficult to hire men for the job, and in 1775 the council returned to the earlier policy of requiring "every white male Tithable...to watch regularly by turns."⁴⁰

³⁶ Minutes, March 23, 1764, April 5, 1765. The practice of dividing towns into wards had long been used in the English borough.

³⁷ Ibid., December 30, 1765. Lamps had already been erected in New York in 1761. They were authorized in Philadelphia the same year although not erected until 1767. Charleston had public lighting in 1770 and Boston in 1774. Carl Bridenbaugh, Cities in Revolt (New York, 1955), 241, 242.

³⁸ Minutes, February 8, 1768.

³⁹ Ibid., March 21, 1770, March 28, 1770.

⁴⁰ Ibid., March 2, 1771, March 15, 1771, February 1, 1772, April 1, 1773, April 22, 1775.

Williamsburg had no night watch until 1772, although the Virginia Gazette had for several years waged something of a campaign for one. The council decided in July 1772 to appoint "four sober and discreet People" (the Gazette recommended the additional qualities of honesty and diligence) to patrol the streets from ten o'clock at night until daylight, crying the hours and apprehending all disorderly persons. Each watchman would receive a yearly salary of £30.⁴¹

When Governor Dunmore had the powder removed from the public magazine in 1775, the Williamsburg council "as guardians of the city" asked for an explanation and demanded the return of arms taken from the magazine. The governor suggested that the city officials appoint a guard for the public magazine. Lacking authority to levy a tax for the guard's salary, the council recommended that Dunmore appoint "Mr. Gabriel Maupin, who lives near the magazine, as a person worthy of that trust."⁴² A few weeks later Dunmore fled the city.

The possibility of fire was a constant danger faced by residents of a colonial town. Early fire regulations for Williamsburg are unknown, but the manner in which the town was laid out offered some protection. The more or

⁴¹ Virginia Gazette (Furdie & Dixon), July 16, 1773.

⁴² Ibid., (Dixon), April 22, 1775, May 13, 1775.

less square lots meant that the first houses were not built side by side as in most towns, thus reducing to some extent the danger of fires spreading until later years when the houses were built closer together. The Norfolk council took its first action to reduce the cause of fires in 1737 when it imposed a fine of 5s. on any person "whose Chimney shall blaise out." The use of a wooden chimney made a resident subject to a monthly fine of 5s.⁴³

The exact date that Norfolk and Williamsburg obtained their first fire engines is not known. In 1753 Norfolk spent 4s. 4¹/₂d. for "leather" for its fire engines and paid John Jones £8.16.0 for cleaning and repairing them. Jones agreed to keep them in good repair during the next year for £5, but two years later he was paid £8.17.8 for his services. In 1756 the council ordered a shed built onto the prison to house the fire engines.⁴⁴ There was at least one fire engine in Williamsburg in March 1756, for it was used to fight a fire that broke out in Dr. Peter Hay's shop. Two years earlier the Virginia Council had ordered a fire engine and four dozen leather buckets from London "for the Use of the Capitol." This may have been the same engine used in

⁴³ Minutes, December 20, 1736, March 19, 1737.

⁴⁴ Ibid., February 1, 1753, June 25, 1753, February 17, 1755, June 24, 1756.

the Hay fire.⁴⁵

An act of Assembly passed in November 1741 authorized the Williamsburg city officials to levy a poll tax on the tithable inhabitants to pay for sinking new wells and installing pumps in them "to supply the fire engine with water, in case of fires." Although Norfolk had wells, it was not dependent upon them for water to put out fires. Instead, the residents simply formed a bucket brigade between the river and the burning building. Perhaps this system of fighting fires explains the lack of destructive fires during the colonial period.⁴⁶

In 1761 Norfolk ordered from Ennes & Hope, London merchants, "one fire Engine compleat" worth approximately £60 sterling. The balance of a £100 note was to be spent for buckets and other equipment to go with the engine. For several years afterwards Nicholas Poole was paid £12 a year for keeping the engines in repair. The last fire regulation passed by the Norfolk council in the colonial period was in 1773 when every inhabitant was ordered to obtain a strong ladder that would reach to the ridge of

⁴⁵ Maryland Gazette, April 15, 1756; Executive Journals, V, 469. The engine ordered by the council was probably a Newsham engine, the most popular in London and the one most often sent to the colonies in the eighteenth century.

⁴⁶ Hening, VII, 469-470; T. J. Wertenbaker, Norfolk: Historic Southern Port (Durham, 1931), 12.

his dwelling.⁴⁷

Although Williamsburg had at least one fire engine in the late 1760's,⁴⁸ it was often proposed that more be acquired. "Timothy Telltruth" suggested that the city needed one or two more engines and a set of watchmen, and the Virginia Gazette declared that "only one Engine belongs to this Metropolis, [and] we have no Firemen, no Pumps (except one, which, though lately repaired, is out of Repair),..."⁴⁹ When the Williamsburg council appointed four watchmen in 1772, it directed them "to have the Care of the FIRE ENGINES, and to be ready, in Cases of accidents by Fire, to give their Assistance towards extinguishing the same." A few months later these new watchmen were each given a £5 reward for their assistance in putting out a fire at the city's jail.⁵⁰

Among the tasks that fell to the common councils was that of protecting the citizens' health. One of the greatest threats to the health of anyone living in a colonial town was the frequent recurrence of smallpox

⁴⁷ Minutes, September 11, 1761, June 29, 1773.

⁴⁸ According to an account of Joseph Royle's estate (May 1766), he owned a small fire engine. This, rather than the one ordered for the Capitol, may have been used at the Hay fire.

⁴⁹ Virginia Gazette (Burdie & Dixon), July 7, 1768, October 31, 1771.

⁵⁰ Ibid., July 16, 1772, November 19, 1772.

epidemics. In 1737 smallpox struck the town of Hampton, located across the Roads from Norfolk. The council resolved to fine 40s. any Norfolk inhabitant who received into his home a resident of Hampton or his belongings. Nobody was to go from Norfolk to Hampton, under penalty of a like fine, without first getting permission from the mayor or one of the aldermen. Apparently the disease spread to Norfolk anyway. It must have lasted a long time, for it was not until October 1738 that the Virginia Gazette announced that smallpox had disappeared entirely from the Norfolk area.⁵¹ It struck the town again in 1744, brought ashore by sailors from a vessel in the harbor, and the council ordered all those with the disease to leave town and not to return without permission under penalty of a 40s. fine. Nurses and attendants were rewarded by the authorities for reporting any infected person that remained in town. The offender was to pay the 15s. reward, but if he were a Negro he received thirty-nine lashes and his master paid the cost. In the meantime, the town clerk was ordered to take up a subscription for building a hospital.⁵²

Another smallpox epidemic broke out in Norfolk in

⁵¹ Minutes, June 8, 1737; Virginia Gazette (Parks), October 20, 1738. Smallpox was also raging in Boston, New York, and Charleston in 1738. Bridenbaugh, Cities in the Wilderness, 399n.

⁵² Minutes, February 24, 1744.
in the Wilderness

December 1746, again brought ashore from a West Indian vessel then in port. The council forbade all shipmasters to land infected persons within the borough. It rented the glebe land and set up an infirmary to which all the sick were moved. Nurses and medical care were provided at the borough's expense for all those who otherwise could not afford it. In the fall of 1747, smallpox spreading southward from New York and Maryland broke out in Williamsburg. Early the next year the common council set a fine of £2 sterling to be imposed on any inhabitant receiving an infected person into his home and a fine of £1 for every day that person remained. The Norfolk council had taken similar steps eleven years before. The epidemic reached its peak during the winter months, although it did not run its course until October 1748. Despite the epidemic's length, Williamsburg suffered a rather low mortality rate, only .71 per cent instead of the usual 10 per cent.⁵³

A few cases of smallpox occurred in Hampton in 1751. The disease spread to Norfolk again, and in June 1751 the council paid one woman 15s. for nursing the sick for nine days. One year later the council repeated its ordinance against harboring persons infected with the

⁵³ Ibid., December 6, 1746; William Q. Maxwell, ed., "A True State of the Smallpox in Williamsburg, February 22, 1748," Virginia Magazine of History and Biography, LXIII (July 1955), 269-271.

disease. This particular outbreak seems to have been one of the worst in Norfolk's history, for as late as May 1753 the mayor was authorized to hire persons to examine houses for smallpox.⁵⁴

Williamsburg had one of its worst epidemics in 1768. In January of that year the council repassed its 1747 law against lodging victims of the disease and passed an additional measure forbidding victims to enter the city. The council rented a house some distance from other dwellings and moved all the sick to it where they were attended by doctor and nurses and placed under guard to keep others away. So serious was the epidemic that to deal with it the council met every other day and was prepared to meet oftener in case of an emergency.⁵⁵ On March 10, 1768, the College faculty voted to give the Williamsburg corporation \$50 to be applied "towards defraying the Expenses of stopping the Progress of the Small Pox." The council also levied a tax to help pay the expenses.⁵⁶

⁵⁴ Maxwell, "True State of the Smallpox," 272; Minutes, June 24, 1751, June 24, 1752, May 7, 1753; Virginia Gazette (Purdie & Dixon), September 8, 1768. There was also an epidemic in Boston in 1752.

⁵⁵ Virginia Gazette (Purdie & Dixon), January 21, 1768, January 28, 1768.

⁵⁶ William and Mary Quarterly, First Series, V (1896), 15; Journals of the House of Burgesses, XI, 66-69, 172-173. The Burgesses rejected a petition for money to repay the council for these expenses.

There was a great deal of opposition to the practice of inoculating against smallpox. When Cornelius Calvert, Norfolk's mayor, hired a doctor in 1769 to inoculate two of his slaves, a mob gathered and broke into his house. Calvert was determined to have the justice "which a British subject is entitled to" and succeeded in having some of the rioters indicted. Despite protests of the Norfolk County court, the case was carried to the General Court. Several of the Norfolk officials and Norfolk County justices, including the mayor's brother, Maximilian Calvert, posted bond for the rioters.⁵⁷ In response to a petition from Norfolk and Norfolk County, the Assembly passed an act forbidding inoculation without a license from either county or town officials. The officials were also empowered to levy taxes to defray expenses caused by treating or regulating the disease.⁵⁸

Like most other growing towns in the eighteenth century, Norfolk faced the problems of cleanliness and sanitation. In 1738 the council directed all proprietors "to pull up and Destroy a certain Pernicious Weed called May Weed from off their land in Town, and before their

⁵⁷ Virginia Gazette (Purdie & Dixon), January 9, 1772, March 19, 1772; Scott, Criminal Law, 176. This incident seems to have been the cause of the Calvert family feud. See below, pp. 71 and 81.

⁵⁸ Journals of the House of Burgesses, XI, 66-69, 203; Hening, VIII, 371-374.

Doors and Houses" or pay a fine of 5s. for every lot they owned. Colonial butchers sometimes caused a problem by throwing their garbage into the streets, so in 1749 a committee was appointed to draw up regulations concerning the proper places for slaughtering livestock. Bylaws of 1755 and 1763 forbade throwing garbage and trash into the public streets.⁵⁹

As colonial towns grew their streets became more crowded. Stray animals roamed about in the streets frightening townspeople, impeding traffic, and causing all manner of annoyances. The major trouble was caused by unpenned hogs and stray dogs. In 1754 Norfolk's sergeant and constables were ordered to kill all hogs not confined, and in 1773 the council authorized a 1s. 3d. bounty to be paid for killing hogs running loose. Despite these ordinances, some townspeople preferred to let their hogs forage for themselves, thus sparing owners the cost of buying feed and building pens.⁶⁰ The Williamsburg council passed an ordinance against keeping dogs in great numbers in 1739. In 1772 an even stricter regulation provided that no person in Williamsburg

⁵⁹ Minutes, June 19, 1738, July 8, 1749, January 3, 1755, April 19, 1763.

⁶⁰ Ibid., December 16, 1754, August 17, 1773; Eridenbaugh, Cities in the Wilderness, 19.

shall keep within the Limits thereof any Bitch, and none but a Housekeeper any Dog; and that no such Housekeeper shall keep any Bull Dog or Mastiff...otherwise than confined by a Chain within his own enclosed Ground; nor any Dog of another Kind without a Collar worn about his Neck, whereon the initials of the Owner's Christian Name and surname shall be marked; nor more than two Dogs, with such Collars.

Every offender was to be fined 40s. It was also made lawful for anyone to kill any bull, mastiff, or mongrel dogs not properly confined, any dogs running loose in the streets without a collar in the daytime or with a collar at night, and any dogs belonging to residents who were not housekeepers. The sergeant, constables, and watchmen were to take oath to kill all such dogs and to report all offenders against the ordinance.⁶¹

Some idea of the crowded street conditions in Norfolk may be seen in three council ordinances passed in 1755. One was to restrain the keeping of dogs in great numbers. The other two were to prevent mischief from unruly horses and from oxen pulling carts and waggons, and to prevent horses from being run or trained in the streets. The council also ordered that the owner of any servant or slave riding "faster than a foot pace" through the streets was to pay a fine of 5s. 6d. or

⁶¹ Virginia Gazette (Purdie & Dixon), September 10, 1772.

deliver the offender to be punished.⁶²

The duties of the common councils also included the construction and maintenance of public facilities. In 1738 Norfolk appointed a surveyor of the town streets and placed all male, laboring tithables under his command, presumably for the purpose of keeping the streets in good repair. Eleven years later every male tithable was charged 2s. 6d. to pay for repairing the streets, and the surveyor was told he might employ as many Negroes as he needed to do the work. The surveyor himself received 5s. a day. The council also appointed a committee to find out where to get dirt to use in the repair work.⁶³ Since the streets of Williamsburg were in such "ruinous a condition" in 1761 that it was "unsafe to pass in the night in any coach or other carriage," the city was authorized to spend as much of its taxes as was necessary to keep the streets and lanes in repair.⁶⁴ Apparently neither town had paved streets in the colonial period.

⁶² Minutes, January 3, 1755, July 7, 1741. Boston had passed a similar law nearly a hundred years earlier, and in Charleston Negroes were absolutely forbidden to ride horses within the city. Bridenbaugh, Cities in the Wilderness, 21; Cities in Revolt, 35.

⁶³ Minutes, June 19, 1738, July 8, 1749, July 26, 1749.

⁶⁴ Hening, VII, 469-470.

Both Williamsburg and Norfolk had public wells. While they provided the towns with a water supply, the Williamsburg wells were sunk primarily to insure an adequate supply of water for fighting fires. Norfolk's first four wells were sunk in 1751 at a cost of £34.17.6, and each year persons were appointed to keep the wells and pumps in repair. The council ordered every vessel watering at the public wells to pay a fee for their upkeep. In 1765 ships paid 10s., brigs and snows 7s. 6d., sloops and schooners 5s.⁶⁵ Additional wells were sunk in 1760 and 1765, but regardless of the quantity of Norfolk's water supply, visitors always complained that the water was brackish and unpalatable.⁶⁶

William Byrd described Norfolk's wharves when he visited the town in 1740.

They lay down long pine logs that reach from the shore to the edge of the channel. These are bound fast together by cross-pieces notched into them.... A wharf built thus will stand several years, in spite of the worm, which bites there very much.⁶⁷

As Norfolk's shipping and commerce continued to grow, the port required more waterfront facilities. In 1753 George Abyvon, an alderman, received £25 for building a wharf from the public land. The council apparently

⁶⁵ Minutes, June 29, 1751, June 24, 1752, June 24, 1765.

⁶⁶ William Byrd in his History of the Dividing Line, quoted in Wertenbaker, Norfolk, 11-12.

⁶⁷ Ibid., 6.

planned to build another but spent the money for something else.⁶⁸

The public wharf belonging to the borough and the county was in such bad condition in 1758 that the council petitioned Governor Fauquier for permission to hold a lottery. They hoped to raise £500, since neither borough nor county had the power to levy a tax for the purpose of repair. The petition must have been rejected, for the Town Point Company, a group of private citizens, was created as a result of an Assembly act passed in 1761. They were to build a wharf and warehouse on a piece of public land.⁶⁹

The construction of private wharves must have taken place without any regulation, for in 1773 they were blocking the channel and navigation. The council appointed a committee to draw a plan of the Elizabeth River showing how far the wharves should be extended. These men were "to lay off water streets" sixty feet

⁶⁸ Minutes, June 25, 1753, August 24, 1757. The HMS Ludlow Castle arrived in port short-handed. The council told the sergeant to hire fifty Negroes to work on board the ship for three days. Their wages were to be paid from money set aside for building a wharf. A similar instance of the council's generosity occurred when they rented a house to accommodate a troop of soldiers bound for New York but who had been on board ship for seventeen weeks. The council also agreed to supply them with wood, bread, and fresh beef. Minutes, February 14, 1757. That the council's action in both cases may have been "forced" upon it by the military commanders is a point worthy of speculation.

⁶⁹ Minutes, July 22, 1758; Hening, VII, 433-437.

wide.⁷⁰

The councils also engaged in the construction of public buildings. The market houses and the shelters for night watchmen have already been mentioned. In 1752 the Assembly empowered Norfolk officials to build a school and hire a teacher.⁷¹ Much of the public construction in Norfolk was undertaken for the borough by private citizens, in most instances various officials of the town.

In answer to a petition the Assembly allowed the Norfolk council to levy taxes on the residents in 1772 in order to purchase a lot and erect a powder magazine. In 1774 the tax collected amounted to over £118, and by the following year the magazine was under construction. It was built for the borough by Robert Waller, one of the councilmen. The same Assembly act authorized the council to hire a keeper for the magazine and directed that all gunpowder brought into the borough be stored in the magazine at a charge of 1s. 3d. per barrel. Failure to store powder there, except for 10 pounds that each resident was allowed to keep at home, would result in a 20s. fine, half to the borough and half to

⁷⁰ Minutes, October 19, 1773, May 16, 1774. The "water streets" presumably refer to a street or streets along the shore at the foot of the wharves. Although it might possibly refer to a channel, it is inconceivable that they would mark off a channel only sixty feet wide.

⁷¹ Hening, VI, 265.

the informer,⁷²

As Williamsburg and Norfolk continued to grow they felt the need of having their own courthouses and jails. Using the facilities of adjacent counties became increasingly inconvenient. Although Williamsburg was authorized in 1744 to levy a tax for building a jail, the following year found the city's finances in such a state that "the Whole Money which has been gathering since the Corporation was first made proves deficient to erect a Prison for the City." It was at this time that the common council, declaring that Williamsburg had no courthouse and no money to build one, petitioned the subscribers for the playhouse to present that convenient and vacant building to the city. The subscribers willingly complied with the request, and after extensive alterations and repairs--new shingling, painting, plastering, reflooring, new sash windows and a door--the structure remained the city's courthouse until 1770.⁷³

In limiting the uses for which Williamsburg's taxes could be spent, the Assembly declared in 1764 that part of the taxes might be spent for building and repairing

⁷² Ibid., VIII, 611-613; Minutes, February 14, 1774, January 4, 1775.

⁷³ Hening, V, 263-264; William and Mary Quarterly, First Series, XXIV (1915), 29-30; Virginia Gazette (Parks), December 19, 1745.

a courthouse and prison. Two years later the Virginia Gazette announced the retention of three runaways in Williamsburg, one in the James City County prison and two in the Williamsburg corporation prison.⁷⁴ In 1769 Williamsburg and James City County decided to build a new brick courthouse "at their joint expense and for their common use." Since the part of the market square selected for the site lay in York County, the Assembly annexed that portion of the square to James City County. The Assembly also granted permission for James City County to sell its old courthouse and lot to pay its share of the expenses of building the new courthouse. Both the county and the city were authorized to keep the new building in repair at their joint expense.⁷⁵

As early as 1747 the council in Norfolk resolved to erect a prison "20 by 15 with a Brick Chimney Eight foot pitch." Nothing was done, however, until after 1752 when the Assembly authorized a tax to pay for a prison and courthouse.⁷⁶ The following year the inhabitants were assessed 1s. 3d., and Robert Tucker, an alderman, received £85.10.0 for constructing a wooden jail 32' x 16' with an 8' pitch, three rooms, and "a

⁷⁴ Hening, VIII, 21-22; Virginia Gazette (Furdie), March 14, 1766.

⁷⁵ Hening, VIII, 419-420; Virginia Gazette (Furdie & Dixon), March 23, 1769.

⁷⁶ Minutes, June 24, 1747; Hening, VI, 264-265.

Brick Stack of Chimneys,"⁷⁷ The council decided to build the new courthouse in 1754, and additional taxes of 1s. 3d. were collected that year and again the following year. In July 1770 a tax was levied to pay for repairing the jail.⁷⁸

Of all the problems facing colonial officials perhaps the most difficult and vexing was that of securing sufficient income to meet expenses. They were continually hampered by the lack of public funds or the lack of necessary authority to obtain them. Salaries had to be paid, public facilities constructed and kept in repair, and other operating expenses met. Some of the methods employed to raise money have already been noted: tolls levied on goods sold at the markets, rent from the market house, special taxes levied by authority of Assembly acts, fees paid by vessels watering at the public pumps, and fines. In addition to these, other ways had to be found to increase municipal income.

Norfolk tried several devices for raising money. The council's first effort was to order anyone receiving a favorable judgment in court to pay the borough 1s. current money. When Samuel Smith was chosen mayor in

⁷⁷ Minutes, February 1, 1753, June 25, 1753.

⁷⁸ Ibid., April 9, 1754, June 24, 1754, January 3, 1755, 5-3-2, 1770.

⁷⁸ Ibid.

1740, he gave the borough an engraved silver seal to be used on all public documents; the council ordered that 7s. be charged for every use of the official seal, 5s. going to the borough and 2s. to the clerk. Four years later the borough received 10s. and the clerk 3s. 9d. for the use of the seal.⁷⁹ All persons retailing rum in the borough, except those licensed by the county court, were required in 1746 to secure a license from the mayor at a cost of 5s. 6d. By June of 1747, nine months later, the issuing of licenses and the use of the official seal for the year past had brought the borough over £35. To pay for clearing the common in 1753 an assessment of 1s. 3d. was made on all horses and cows.⁸⁰

These various special devices for raising money proved unsuccessful, and during the 1760's and 1770's the borough resorted to taxing the tithables, either at the rate of 1s. 3d. or at some rate based on the rent of the town's houses and stores. In 1773 a committee was appointed "to fall upon ways and means...for raising money to defray the contingent Charges of this Corporation." It decided to petition the Assembly for the right to tax "retailers of spiritous Liquors, ordinary keepers, and

⁷⁹ *Ibid.*, November 18, 1736, June 24, 1740, June 24, 1744.

⁸⁰ *Ibid.*, September 22, 1746, September 29, 1746, June 24, 1747, June 25, 1753.

Vendue masters."⁸¹

The financial situation in Williamsburg cannot have been much better than that in Norfolk. The following council order of 1768 may serve as an example:

It is ordained...that the inhabitants of this city, shall...deliver to the Clerk...a true and exact list of their tithables residing in this city, under the penalty of forty shillings for every tithable concealed.⁸²

The problem of finances does not seem to have been solved in either town during the colonial period.

The legislative and major executive powers of government in the municipal corporations of colonial Virginia were in the hands of the Williamsburg and Norfolk common councils. Their authority extended to a great many aspects of colonial town life. As these towns grew, their officials faced an increasing number of problems. Some they solved; others seemed incapable of solution. Although some of the councils' actions seem unimportant in themselves, they serve to illustrate the sort of things with which these municipal officials became concerned. They serve, too, to show something of early town life in eighteenth-century Virginia.

⁸¹ *Ibid.*, September 11, 1761, April 5, 1765, April 1, 1775, April 10, 1773.

⁸² *Virginia Gazette* (Purdie & Dixon), January 28, 1768.

IV. THE HUSTINGS COURT

Judicial authority in the municipal corporations of Norfolk and Williamsburg rested in the hands of the hustings court, composed of mayor, recorder, and aldermen. According to the charters these men were designated as justices of the peace within the limits of each town and were given the power to appoint lesser officials, enforce all laws, ordinances, and statutes governing the towns, and hold a monthly hustings court. The court had jurisdiction over pleas of trespass and ejectment, writs of dower, and other personal and mixed actions arising within the limits of the corporations and not exceeding the value of £20 current money or 4000 pounds of tobacco. As a court of record the magistrates were to give judgment and award execution according to the laws of England and the colony.

In 1723 the Williamsburg hustings court was allowed to hear and pass judgment on all complaints of masters, servants, and apprentices and to hold special courts to examine persons suspected of committing capital crimes or offenses triable before the General Court or courts of oyer and terminer.¹ The county courts do not seem to

¹ Henning, IV, 158-141. The General Court, composed of the Governor and his Council, was the highest court of law in the colony and together with the courts of oyer and terminer, special courts called when the General Court was not in session, had original jurisdiction in the trial of capital offenses.

have received the privilege of holding such courts of examination until 1748; in the meantime, the justices of James City County and York County paid the expenses of the Williamsburg court of examination out of the county levies.²

Williamsburg's hustings court gained the right in 1734 to exercise judgment on suits brought before it for the recovery of small debts "without the solemnity of a jury." Two years later it received jurisdiction equal to that of any county court, thus permitting suits to be brought for the recovery of debts regardless of whether or not they were contracted within the city's limits. By conducting its business "with the greatest Dispatch," the hustings court became the most convenient in the colony, and suits brought there "seldom remained undetermined longer than 3 or 4 Months," rather than requiring "as many Years in most of the other Courts."³ In 1744 the magistrates were empowered to arrest and commit to hard labor vagrant and idle persons resorting to the city.⁴

Although Norfolk officials petitioned the Assembly

² Ibid., IV, 447; V, 541-542.

³ Ibid., IV, 426, 542; Letter of John Tazewell to John Norton (Norton Papers, Colonial Williamsburg, Inc.), July 12, 1770.

⁴ Journals of the House of Burgesses, VII, 105, 148.

in 1742 and again in 1749 to enlarge the jurisdiction of their hustings court, both petitions were rejected. Many people were carrying their suits to the county court, rendering their determination "very tedious and inconvenient, as well to the justices of the said court, as the parties concerned." It was not until 1765 that the privileges of Norfolk's court were enlarged and made equal to those of the court in Williamsburg. It was granted the right to hear all chancery and common law suits, breaches of the peace, and complaints of masters, servants, and apprentices.⁵

The very speed and efficiency of the hustings court in Williamsburg were in some measure responsible for its undoing. When part of the Act of 1736 permitting the trial of cases originating outside the city was repealed in 1770, opposition to the Assembly's action mounted. "If this law is not disallowed," wrote John Tazewell, "...Years must elapse before an unjust or unwilling Debtor can be brought to Justice." He also felt that English merchants would be hindered in recovering their colonial debts.⁶ Another gentleman declared that

⁵ Ibid., VII, 19, 373; Hening, VIII, 153-154.

⁶ Hening, VIII, 401-402; John Tazewell to John Norton, July 12, 1770. From 1761 to 1775 there is only one case in the Norfolk court of British merchants seeking to recover debts--"Messieurs Buchanan and Hastie merchants of Great Britain against Robert Mackie." Norfolk Borough Hustings and Corporation Court, Order Book II, 1770-1782 (Microfilm, Virginia State Library), 128b. Buchanan, Hastie & Co. was a Glasgow firm.

this was no Time to shut up those few Courts of Justice where Business was expeditiously transacted...[and] so long as this Court contrived so ably and faithfully to discharge their Duty it should meet with every Encouragement....⁷

Fortunately for all concerned, the legislation of 1770 was disallowed two years later. By the end of the colonial period the Williamsburg and Norfolk courts possessed the same authority, and in most cases it was identical to that of the county courts.⁸

According to the charters the hustings courts were supposed to meet once a month. Although the Norfolk court did not always convene every month, to complete its business it frequently met for two or three days in succession, beginning at nine or ten o'clock in the morning.

The passage of the Stamp Act closed the Norfolk court from October 1765 until May 1766. The only reference to the situation in the court's records is an inscription at the end of the October session:

⁷ John Tazewell to John Norton, June 4, 1771.

⁸ Oliver P. Chitwood, "Justice in Colonial Virginia," Johns Hopkins University Studies in Historical and Political Science, XXIII (1905), 104. The municipal courts never seem to have had authority to try slaves charged with capital crimes as did the county courts.

Liberty, Liberty, sweet Liberty.
Remember the first of Novr: 1765.⁹

When Governor Dunmore suddenly dissolved the House of Burgesses in May 1774, the Burgesses had not had time to renew the bill fixing legal fees. As a result civil proceedings were halted in most courts, the one in Norfolk convening only two more times before the outbreak of war.

Like the common council, the Norfolk hustings court faced the problem of magistrates who often failed to attend its sessions. Out of 173 meetings from 1761 to 1775 the mayor was absent nine times, and the recorder was present only fifty. While the average number of aldermen attending was five, all eight were present only once.¹⁰ When the sergeant and his deputy called on several of the aldermen in February 1774 to find out why they did not attend the court's sessions, they received a variety of answers. "I cannot help it my Business will not be left undone," said Lewis Hansford, while James Taylor replied that he had been sick and thought "it would be dangerous to sit in a cold Courthouse." William Aitchison simply said that he would not attend, Complaining that its business was delayed by the aldermen's

⁹ Norfolk Borough Hustings and Corporation Court, Order Book I, 1761-1769 (Microfilm, Virginia State Library), 104b.

¹⁰ The lack of court records for Williamsburg prevents a similar analysis.

absence, the court instructed the mayor to lay the matter before the common council.¹¹

As justices of the peace for the corporations, hustings court magistrates exercised a certain amount of executive authority, mostly in matters relating to the maintenance of law and order and the appointment of certain lesser officials. Norfolk's surveyors of the streets were appointed throughout the colonial period by the common council, which also chose the sergeants and constables until after 1750 when the court began making these appointments. At one time Norfolk had as many as six constables in addition to the sergeant and his deputy.¹² The town clerk of both towns also served as clerk of the hustings court, and most of the time the Norfolk clerk was clerk of the Norfolk County court as well.

Among the magistrates' duties was that of admitting lawyers to practice in their courts. In 1748 the General Assembly passed an act providing that after an examination by three judges or attorneys of the General Court a lawyer must present his certificate to the local justices, for they alone could grant him permission to practice in their court. This act applied to the hustings courts as

¹¹ Order Book II, 217-217b. See above, p. 22, for Aitchison's replies to the council and its action.

¹² Order Book I, 42, 44.

well as the county courts, but it did not prevent General Court attorneys from practicing in the hustings court at Williamsburg. The Assembly also set lawyer's fees-- 7s. 6d. if the suit was brought by petition, otherwise 15s. or 150 pounds of tobacco.¹³

In order to vote in Norfolk elections a former apprentice must have served at some trade within the borough for at least five years. An act passed in 1752 further required that he obtain a certificate to that effect from the hustings court. In November 1768 sixteen men came before the magistrates and proved that they had served at least five years as apprentices within the borough. Of the sixteen, one had served as a shoemaker and four as carpenters and joiners.¹⁴

The Norfolk magistrates laid out the bounds of the borough prison in 1767

from the West End of the Court house to Capt. Thos. Newton's Corner, from thence to the Prison, and from thence to the North End of the Churchyard Wall, keeping the main Street with Liberty of going into the said Court house, Prison and the Church and walking the Churchyard and public Land up Town where the said Prison stands.

Three years later a tavern kept by Mary Ross was included in the prison bounds.¹⁵

¹³ Hening, V, 345-348, 497, 499; VI, 143. For lists of lawyers that practiced in the Norfolk and Williamsburg courts, see Appendices XIII and XIV.

¹⁴ Hening, VI, 261-262; Order Book I, 204-205b.

¹⁵ Order Book I, 131; Order Book II, 14, 48.

The court issued several orders to kill hogs running loose in the streets. Apparently the court had no more success than the common council, for it fined at least four of the constables 40s. for failing to obey the orders. In 1763 the court directed constables to walk the streets with staffs every Sunday and to arrest "all Rioters and unlawful Assemblys of Negroes in the Streets" and all boys spinning tops and playing with marbles.¹⁶

The Norfolk magistrates informed the masters of the College of William and Mary in 1761 that they would hire William Buckam as the borough's schoolmaster whenever he produced a certificate of his examination. Apparently Buckam never got the job, for the following year the common council appointed a committee to draw up "a scheme for providing a School master for the public School." Two years after the court told its clerk to buy a bookcase to hold the borough's records the Burgesses ordered William Rind, the printer, to send ten copies of the laws passed each session to the clerks of the Williamsburg and Norfolk courts.¹⁷

The tavern was one of the most important social institutions in the colonial town. Ordinaries were

¹⁶ Order Book I, 47b. The boys were probably creating a traffic hazard.

¹⁷ Ibid., 15, 249b; Minutes, June 24, 1762; Journals of the House of Burgesses, XII, 130, 195.

especially important in capital cities like Williamsburg and seaports like Norfolk. According to an act of 1723 the Williamsburg hustings court had authority over all ordinaries and public houses within the city and the right to grant licenses to ordinary keepers. By 1742 it possessed the sole power to grant licenses and the same authority to regulate and suppress ordinaries as did a county court. Ten years later the Norfolk magistrates received the same privileges.¹⁸

During the fifteen years for which there are records, Norfolk magistrates granted 155 ordinary licenses of which about half were renewals. Although the court suppressed John Conn's license in 1761 because he "did entertain and sell drink" to an apprentice, it granted him a new license the following month. John McNeil lost his license in 1770 for "keeping a disorderly house, and dealing with Gent slaves."¹⁹

According to law,²⁰ the court determined the prices that a tavern keeper might charge for food and lodging. Law also required a list of these prices to be displayed in every tavern. Raising the price of meals slightly was the only change in rates made by the Norfolk court

¹⁸ Hening, IV, 138; V, 207; VI, 263-264

¹⁹ Order Book I, 5, 8b; Order Book II, 14b-15.

²⁰ Richard Starke, The Office and Authority of a Justice of Peace... (Williamsburg, 1774), 271.

between 1761 and 1770.²¹ Although most of the regulations governing Norfolk's food prices were made by the common council, the court set the price of flour. From 1763 to 1774 the price frequently varied from 12s. 6d. per hundredweight to 16s. 8d.²²

The most important task of the corporation magistrates was to preside over sessions of the hustings courts. Much of the business before these courts consisted of civil suits involving a wide variety of legal actions. The magistrates who heard the case, pronounced judgment, and awarded execution to the rightful party were usually assisted by a jury except in suits for small debts.

In the majority of suits brought before the Norfolk court, plaintiffs and defendants were represented by their attorneys rather than appearing in person. Most defendants pleaded not guilty to the charges, and their cases were put on the docket for trial at the next session of court. Although defendants were occasionally placed

²¹ For the 1770 price list, see Appendix XV.

²² The Norfolk hustings court set the following rates (in shillings per hundredweight) on flour from 1763 to 1774:

October 1763	16/8	May 1770	12/6
June 1764	15/	June 1770	12/6
May 1765	12/6	July 1770	12/6
June 1767	16/8	September 1771	14/
April 1768	16/8	January 1772	15/
May 1768	15/	April 1772	16/8
September 1769	12/6	November 1774	15/6

in the sergeant's custody, most of the time they were freed on bail or not detained at all. When a case came to trial the court frequently granted the parties an adjournment, a continuation of the suit to a later session of court. Such cases were later dismissed if a settlement had been reached out of court. Whenever a jury was needed, it usually consisted of spectators and bystanders and frequently included constables who were in court and tavern keepers whose establishments were located nearby.

According to law, anyone serving as a witness in court was entitled to 25 pounds of tobacco a day for his services, plus travel expenses and ferriage if he had to come from another county. In the records of the Norfolk hustings court there are frequent court orders granting witnesses their allowances, to be paid by the person in whose behalf they appeared. The court awarded Henry Knight 290 pounds of tobacco and 1³/₄s. 6d. for serving two days and for "coming 80 miles and returning." When Bartholomew Pettit failed to appear as a witness, the court directed him to appear at the next session with an acceptable excuse or pay the plaintiff, John Conn, 350 pounds of tobacco.²⁵

A number of suits were dismissed at every session

²⁵ Hening, V, 505; Order Book II, 155b; Order Book I, 37.

with either one or both of the parties paying the court costs. A few cases ended when a plaintiff died or failed to appear, and one was broken off by the marriage of a female plaintiff.²⁴

Arbitration was sometimes used to settle matters in the colonial courts. In a Norfolk case, Meredith and his wife against Richard Bickerdick, the parties agreed to submit their differences to the decision of George Abyvon and Maximilian Calvert, two of the aldermen. Smith and Christolm, parties to a suit in chancery, promised to let two or three of the magistrates settle their case and agreed "that their award...be the decree of this court." A few months later the suit was dismissed. In Williamsburg the court appointed four men to settle the demands of the parties involved in a chancery case.²⁵

The variety of legal actions brought in the hustings courts was hardly greater than the variety of awards and executions granted by the courts. In Norfolk slander cases, juries awarded sums ranging from 15¹/₂d. to £10 and costs, while a Williamsburg jury awarded Bartholomew and Mary Dandridge £2000 damages against Richard Johnson, Jr.,

²⁴ Order Book II, 19. In most eighteenth-century common law suits the husband and wife had to sue jointly for acts committed against the wife or debts owed to her, either before or after the marriage. There were, of course, exceptions--usually of women in business for themselves--and this seems to have been one of them.

²⁵ Order Book I, 162; Order Book II, 38b, 60b; Virginia Gazette (Furdie & Dixon), June 15, 1769.

"for writing and publishing a false and scandalous libel on Mrs. Dandridge," When Johnson brought a £5000 damage suit against Dandridge for assault and battery, the same jury again ruled for Dandridge.²⁶ Plaintiffs in Norfolk assault and battery and trespass cases usually received £2 damages and costs. The Norfolk court also heard suits for breach of promise and in one of them awarded the plaintiff only 1d. damages and 1d. costs.²⁷

Several suits for the recovery of property were brought in the Norfolk court--ejectment to recover real property and detinue to regain personal property or its value. Detinue suits were used mainly to recover livestock, in one instance a cow and calf worth £3.17.6, or slaves, such as two women valued at £30 and £8.11.6 or a man worth £100.²⁸

Norfolk servants and apprentices lodged complaints against their masters on several occasions. For mistreating his apprentice the court ordered Nicholas Gantier to discharge Godhart DeBruhl from his term of apprenticeship and to pay the cost of the complaint. When James Haldrane, a local coppersmith, was convicted of mistreating a servant named Elizabeth Cassarine, the

²⁶ Virginia Gazette (Rind), August 24, 1769.

²⁷ Order Book II, (Roberts vs. Guy) 78.

²⁸ Order Book I, (Oswald vs. Cooper) 122-122b; Order Book II, (Archer vs. Maxwell) 19b-20, (Voss vs. Long) 55b.

court directed that the remainder of her time be sold and the money given to Haldrane after deducting the costs of the prosecution. Emanuel Antonio, a Negro and "a free born subject of his Catholic Majesty [the King of Spain]," petitioned that he was "detained in Slavery by James Campbell and Company."²⁹ The court allowed Antonio to sue for his freedom, assigned William Curle as his counsel, and ordered Campbell not to take him out of Norfolk County and to "treat him humanely during the pending of the Suit." When Joseph Tyson complained that John Richardson kept him in servitude, Richardson proved that Tyson was a convict whose term of service he had bought, and the court ordered Tyson to return to his master's service.³⁰

Of all the civil actions in the Norfolk hustings court, suits for the recovery of debts were the most numerous. Some of these cases involved ordinary keepers suing customers for debts or being sued, and others concerned persons suing for back rent. In several cases the defendant had left town, had failed to appear in court, or was unable to pay his debts, and the sergeant

²⁹ This company operated a rope walk and tan yard, reputed to be the largest of its kind in America. Worth £16,000 in 1774, the company owned fourteen buildings and fifty slaves for use in the manufacture of rope and leather. James H. Soltow, *The Economic Role of Williamsburg* (MS Report, 1956, Research Department, Colonial Williamsburg, Inc.), 146-147.

³⁰ Order Book I, 137b; Order Book II, 64, 71b, 139, 221b.

attached his goods and sold them to pay the debts and court costs. The Virginia Gazette sometimes ran announcements of court orders for the sale of property. In Norfolk the court ordered the sale of two Negro men "for ready money," a newly erected two-story brick house, and four lots of land.³¹ The Williamsburg court directed that a tract of land, two Negroes, and a bay horse belonging to Robert Harrison be sold as well as the "Lots and Houses of the late Dr. Peter Hay" and the estate of William Kennon.³²

The plaintiff in a suit for debt did not always recover the full amount for which he sued. In Archer vs. Cooke the debt claimed was £38.16.4, but Archer received only half that amount and 5 per cent interest for a year and a half.³³

Executors for the estates of deceased persons frequently became involved in suits for debt. While Thomas Newton, Sr., and John Taylor were acting as executors for the estate of Robert Tuckey Sr., they were plaintiffs in four suits for debt and defendants in fifty. They were sued by the seventeen trustees of the Town Point Company (one of whom was Newton himself) and

³¹ Virginia Gazette (Purdie & Dixon), March 8, 1770; October 8, 1772; October 14, 1773.

³² Ibid. (Rind), July 18, 1766; June 15, 1769; Ibid. (Purdie & Dixon), November 1, 1770.

³³ Order Book II, 3b.

such men as Edward Ambler, Thomas Mann Randolph, and Robert Carter Nicholas. Nicholas recovered £229.15.7½ current money and costs. When Newton and Taylor sued Lewis Mansford, one of the magistrates, the court ordered him to sell a house and lot to satisfy a £500 mortgage held by the deceased Tucker.³⁴

James Marsden and Jonathan Elbeck served as the executors for Eldred Fisher's estate and became involved in twenty-six lawsuits. In twelve cases they sued persons supposedly in debt to Fisher, thereby recovering £9.11.9; in the other fourteen cases they were sued by Fisher's creditors who were awarded a total of £121.12.2. In several instances the magistrates directed that Fisher's debts be paid "after paying preceeding Judgments debts of greater dignity and the defendants own claims of equal dignity...."³⁵

Both courts had authority to try cases in chancery, but such suits formed a relatively small part of the court's activity. When Mary Smith sued Cornelius Calvert for her dower, the Norfolk court awarded her one-third of her late husband's freehold property. The sergeant and a jury later discovered that it would inconvenience

³⁴ Order Book I, 155b, 190, 212, 218; Virginia Gazette (Rind), September 14, 1769. It was a two-story brick house built on a lot next to the Town Point Company's wharf.

³⁵ Order Book II, 171-171b.

both parties to divide the property; therefore, the award was changed to a yearly sum of £5 current Virginia money, one-third the yearly rental value of the property. In another case the court directed the defendant to convey land to the plaintiff "by a good and sufficient deed...in fee simple..." The court also declared the sale of a "Negro wench" null and void and ordered the plaintiff to pay £9.18.10. Should he fail to do so, the defendant was to sell the slave, keep the sum awarded, and pay the rest to the plaintiff. In this and the previous case the plaintiffs were allowed appeal to the next session of the General Court.³⁶

The most interesting of the chancery cases was one that lasted for nearly six years, from November 1767 to May 1773. After trying to poison her husband, leaving home, and running up large bills in various Portsmouth stores, Margaret Bannerman sued her husband, Benjamin Bannerman, for separate maintenance. Unfortunately for the defendant the case came up during the course of a feud among various members of the bench,³⁷ and the ensuing trial was anything but a fair one. The woman's evil character and Bannerman's efforts to pay her debts were well known, yet the court ordered him to pay his

³⁶ Order Book I, 37b, 38b, 39; Order Book II, (Hansford vs. Smith) 20b, (Langley vs. Moore et al.) 175b.

³⁷ See pp. 43 and 81.

wife £36 for her board since she had left home, £20 for clothes, and £65 a year maintenance for life, plus a security bond of £1300 and court costs. Bannerman's entire yearly income amounted to only £91, and several months later the court ordered his estate seized and sold with the proceeds and rents going to his wife. His repeated petitions for a more equitable settlement were consistently rejected by the court.³⁸

In addition to trying common law and chancery cases the hustings court magistrates sat in judgment on persons brought before the court for breaking the law or disturbing the peace. If the offense committed was a felony or capital crime involving loss of life or limb, the magistrates conducted a court of examination and usually bound the suspect over for trial in the General Court.

A number of people were brought into court in Norfolk as being persons "of lewd Life and Conversation and Common disturbers of the peace." The magistrates usually ordered the offender to pay the court costs and to post three bonds as security for keeping the peace for a certain length of time. The most common requirements were bonds of £100, £50, and £50 for a

³⁸ Virginia Gazette (Furdie & Dixon), April 20, 1769; Order Book I, 204-204b; Order Book II, 2b.

year or £50, £25, and £25 for six months. The court sentenced James, a slave belonging to the three Norfolk parishes, to twenty-five lashes and six months in jail unless John Smith, who sometimes hired him, was willing to post a £10 bond for his good behavior. Specific violations of the peace included such things as keeping a bawdy house, threatening to burn down or destroy another man's house, striking the sergeant, and publicly denouncing the court's authority. The magistrates fined Jennit Long 5s. or 50 pounds of tobacco for swearing in court and directed her to pay immediately or receive ten lashes.³⁹

The Norfolk court usually punished minor infractions of the law, such as selling liquor without a license, by fining the offenders. Dealing with slaves in any way was also illegal, and violations cost several men an immediate payment of £5 to the slave's master or thirty-nine lashes on the bare back at the public whipping post. Walter Bruce and Susannah, a free Negro, charged with disturbing the peace "by keeping a disorderly House and Entertaining Gent slaves," had to post £100 apiece as security for future good behavior. When Robert Beard ran away from his master for two weeks, the hustings court in Williamsburg added sixty days to his term of

³⁹ Order Book I, 68-68b, 156b, 164, 188, 234b; Order Book II, 53, 202.

service.⁴⁰

Many persons accused of breaking the law were brought into court on the information of another person. Such cases were known as "suits at information" and were instigated on behalf of the king ("The King against _____") or the king and the informer ("The King by _____ against _____"). There was an alternative to this type of suit, for some statutes allowed an informer to sue for a specified sum in a civil suit for debt. In this case, the "debt" was a fine.⁴¹ A number of suits of both types were brought in the Norfolk court, and in nearly every instance the fine imposed upon the defendant was equally divided between the informer and the king, the latter half for the use of the Elizabeth River Parish or the borough. In one suit the plaintiff recovered the entire fine of £2.10.0 and costs from a defendant convicted of entertaining seamen.⁴²

When the General Assembly decided in 1723 that militia officers in every county should meet annually at the county courthouse to fine defaulters, it also made the City of Williamsburg a separate militia district

⁴⁰ Order Book II, 8; Virginia Gazette (Parks), September 7, 1739.

⁴¹ Scott, Criminal Law, 65, 72-74.

⁴² Order Book II, (Wilson vs. Stevenson) 211b.

and assigned to the hustings court the task of fining its defaulters. In 1738 the inhabitants of Norfolk were ordered to train for a borough militia rather than that of Norfolk County, and the hustings court was to act as a court martial to fine those not attending militia musters. The Militia Acts of 1757 provided that Williamsburg and Norfolk inhabitants did not have to serve outside the city or borough. To select men for service in the militia, magistrates and militia officers were to meet as a court to examine the occupations of town inhabitants, and any man who refused to obey, if convicted "without the formality of a jury," would be fined £5. The hustings courts were also ordered to determine whether or not fines should be repaid to masters whose servants had neglected to perform their muster duty.⁴³

As justices of the peace and magistrates of the hustings courts the mayor, recorder, and aldermen of Williamsburg and Norfolk possessed the judicial authority in these municipal corporations. They had civil jurisdiction over common law and chancery suits and criminal jurisdiction over all minor offenses against law and order. As a court of examination their function

⁴³ Hening, IV, 140-141; V, 81-82; VII, 69-73, 101, 103-105.

was similar to that of a grand jury in indicting persons for more serious crimes. These magistrates appointed lesser officials, regulated ordinaries, and exercised certain other executive powers in addition to acting as a court martial for the corporation militia. Their tasks varied, but their primary duty lay in settling disputes and preserving the peace.

V. THE CORPORATION

The municipal authorities of Williamsburg and Norfolk acted as the official representatives for the two corporations in addition to serving as legislators and judges. When the governors and their families arrived in the colony, they were always greeted with addresses of welcome from the two corporations, and when Governor Dinwiddie departed for England in 1757, Norfolk thanked him for his many favors and wished him "a safe and pleasant passage" and a "happy Recess from the Toils & fatigues of Government." Both towns hastened in 1774 to send Governor Dunmore congratulations on his safe return from a successful Indian campaign and on the birth of his daughter.¹

Public celebrations were also the responsibility of town officials. When Governor Fauquier planned to visit Norfolk in 1761, the common council ordered Mayor Perkins to give him "a public Entertainment" and appointed two aldermen to manage the affair. News of the Stamp Act's repeal reached Norfolk on May 13, 1766, and the officials set aside May 22 as a day of rejoicing. On that day "the Mayor and Aldermen, accompanied by the Gentlemen of the town...walked in great order to Church"

¹ Minutes, December 22, 1757, December 26, 1774; Virginia Gazette (Furdie & Dixon), December 8, 1774 supplement.

to attend special services, after which they returned to the courthouse "under a general discharge of cannon from the ships." There the mayor offered several toasts befitting the occasion.² As the colony's capital, Williamsburg was the scene of many official ceremonies, and the city's officers often joined the Governor and Council on these public occasions. When the declaration of war against France was proclaimed throughout the city in 1756, the Governor and Council were followed by the "Mayor, Recorder, and Aldermen of the City with the Mace...."³

Upholding the rights and dignity of the corporation was another task that fell to its officials. In 1755 a group of Norfolk citizens, including two of the common councilmen, held a mock election and chose a slave as mayor of the borough. They were brought before the council and made to apologize for their insult to the borough government.⁴ When George Newton, an alderman for many years, claimed and refused to give up what the Norfolk corporation considered to be a piece of public land, the council appointed James Holt as the borough's attorney to prosecute the public claim in the General

² Minutes, July 8, 1761; Virginia Gazette (Purdie & Dixon), June 6, 1766.

³ Maryland Gazette, September 9, 1756.

⁴ Minutes, June 26, 1755.

Court. A year later George Wythe was employed to assist Peyton Randolph, the borough recorder, in a suit against Thomas Newton. The Virginia judicial process must have functioned quite slowly in this case, for in 1766, six years after the suit began, Thomas Newton agreed to leave the matter to the decision of three aldermen.⁵

In their charters Williamsburg and Norfolk each received the privilege of sending one representative to the House of Burgesses. The charters also provided that certain inhabitants in each town were entitled to vote for that representative--all freeholders owning a house and lot (half a lot in Norfolk), residents with a visible estate of £50 current money, and former apprentices serving at a trade in the town for five years and afterward becoming residents. In 1742 and 1752 the Assembly passed laws further requiring voters to live in their respective towns for at least twelve months prior to the election.⁶ The men who served as burgesses for the corporations were always leading citizens of the towns, such as George Wythe and Peyton Randolph, two of the men who sat for Williamsburg. The Norfolk corporation was represented throughout most of the colonial period by three men, John Hutchings, Sr., and his sons, John

⁵ *Ibid.*, November 21, 1757, July 3, 1759, June 24, 1760, July 7, 1766.

⁶ Hening, V, 204-207; VI, 261-263.

and Joseph,⁷

Although the residents of each town had the right to elect their representative to the House of Burgesses, they possessed no such privilege in selecting corporation officials. Norfolk and Williamsburg were among the eight closed municipal corporation governments in the American colonies,⁸ and their charters granted officials the power of self-perpetuation. The government of each town soon was controlled by a small group of citizens.

Many of the men who served as Norfolk's officials belonged to the wealthy merchant class. Their affluence was probably equal to that of many Virginia planters, but their ideas and interests were more like those of merchants in other port towns. When Norfolk citizens

⁷ Although the same men were repeatedly chosen to sit for the borough, Norfolk's elections provided the residents with an excuse to celebrate. At election times social distinctions gave way to a rivalry between the English and Scottish elements of the population. "Hogsheads of punch and grog, with the heads out, and abundant supplies of ginger cakes, were set out in Market square, by the head men of each party, for the refreshment of their followers, who, in their turn, did not fail to testify their sense of the favor by the constancy of their devotion to these 'creature comforts,' and by making the welkin ring with their stentorian cheers. All bets were decided at the tavern over an infant [a large China bowl holding two gallons] of hot arrack punch and jelly." Broughton, "Old Times," Herald, January 7, 1835.

⁸ The eight closed municipal corporations were: Germantown, Philadelphia, Williamsburg, Norfolk, St. Mary's, Charleston, Annapolis, and Newcastle. Ernest S. Griffith, History of American City Government: The Colonial Period (New York, 1938), 194n.

organized "The Sons of Liberty" in 1766 as a protest against the Stamp Act, twenty-five of the fifty-seven men who signed the resolutions were borough officials.⁹

The men who governed Norfolk made every effort to keep control of the borough's government and courts in their own hands or in those of their relatives and friends. As members of the town's leading families-- Boush, Hutchings, Newton, Tucker, Calvert--continued to intermarry, family relationships became increasingly complex.¹⁰ John Hutchings, Sr., was Norfolk's third mayor, and four of his daughters married men who later became mayors. Three of Hutchings' sons were councilmen, and one of them married the daughter of another mayor. Cornelius Calvert, Sr., was a member of the common council, two of his sons were later mayors,¹¹ and one daughter was the wife of a deputy recorder. The second mayor of Norfolk was George Newton; two of his sons and a son-in-law became mayors.

⁹ William S. Forrest, Historical and Descriptive Sketches of Norfolk and Vicinity... (Philadelphia, 1853), 68-70.

¹⁰ See Appendix XVI.

¹¹ Maximilian Calvert and Cornelius Calvert, Jr., were aldermen; their brother, Joseph, was Norfolk's sergeant. A running feud developed that involved the whole Calvert family and Lewis Hansford, another alderman. See the Virginia Gazette (Rind), April 6, 1769, April 20, 1769. A series of suits and counter-suits were brought in the Norfolk hustings court from July 1768 to January 1770. It was during this feud that the Bannerman case came to trial. See above, pp. 43 and 71.

Another characteristic of this closed corporation government was that aldermen frequently served several terms as mayor, though never two in succession. George Abyvon was mayor of Norfolk four different times, four men were elected to three terms apiece, and a number of others held office the second time.¹²

Williamsburg was also a closed corporation controlled by a small group of the city's most important and influential men. Many were among the colony's leading lawyers, and some held high offices in the government of the colony--attorney general, Council member, treasurer, clerk of the General Court. Although existing records for Williamsburg are incomplete, the same characteristics appear there as in Norfolk. A few men served at least two terms as mayor, and the Blair, Randolph, Prentis, and Dixon families were well represented among the city's officials.

There was a surprising degree of plural office-holding in both Williamsburg and Norfolk, for throughout the colonial period many town officials also served as justices of the peace for the neighboring counties and vestrymen of the local parishes.¹³ In addition, some of these same men held colonial offices or sat in the House of Burgesses. This duplication of official

¹² See Appendix I.

¹³ See Appendices IX-XII.

personnel tended to concentrate authority in the hands of a relatively small group of merchants, planters, and lawyers, but it undoubtedly facilitated the transition of business from one branch of the colonial government to another, particularly where questions of jurisdiction arose between town and county.

VI. CONCLUSION

The established pattern of local government and justice in colonial Virginia was a system of counties, each with its justices of the peace and county courts. Individual towns and communities possessed no separate jurisdiction from that of the county in which they were situated. When the City of Williamsburg and the Borough of Norfolk received royal charters of incorporation, they were granted the right to have their own systems of government and courts. These two municipal corporations were, therefore, the only towns in colonial Virginia ever to attain the status of a separate unit of government. The municipal borough corporation was the common form of town government in eighteenth-century England, reaching its highest point of development in the City of London. The system of government and justice in the colonial Virginia corporations was modeled after that found in the English municipal borough.

Williamsburg was chartered in 1722 and Norfolk in 1736. Thriving communities at the time of their incorporation, both towns continued to grow and to prosper. During the colonial period the General Assembly passed several acts adding sections of land to each of these towns.¹

¹ Journals of the House of Burgesses, VII, 387-388; Hening, VII, 54, 316, 433-434, 452-454.

While no accurate population statistics exist for colonial Virginia, there are some estimates of the number of inhabitants in each town during the period. In July 1759 a visitor to Williamsburg estimated that the town contained some 1000 persons, both black and white, and 200 houses. A few years later the number of residents had risen to 1500; there may have been as many as 1800 but probably no more than that. Twice a year during the "Publick Times" festivities Williamsburg's population increased to around 5000 or 6000.² In 1740 the population of Norfolk was estimated at 1000, but by 1775 the number had grown to about 6250, three or four times the size of the normal Williamsburg population. By the end of the colonial period Norfolk was the eighth largest town in the colonies.³

As Norfolk and Williamsburg grew, they faced an increasing number of problems. Some they could solve, and some they could not. The initial powers granted by their charters soon proved insufficient. New laws and ordinances were frequently needed to insure the proper regulation of commerce and good government and to

² Goodwin, Williamsburg, 33, 35, 200, 201, 275; Bridenbaugh, Cities in Revolt, 416.

³ Griffith, American City Government, 449; Bridenbaugh, Cities in Revolt, 216-217. The seven largest towns were: Philadelphia (40,000), New York (25,000), Boston (16,000), Charleston (12,000), Newport (11,000), New Haven (8295), and Norwich (7032).

preserve the peace and good order of the communities. Despite their apparent autonomy, these units of local government often were unable to take action because of their limited jurisdiction. It was necessary on such occasions for them to petition the General Assembly to pass an act extending their privileges and authority. Aside from these acts the Assembly did not interfere to any great extent in Norfolk's local affairs. To what extent Williamsburg was governed by the Assembly the meager records do not say, but it is quite possible that local affairs in the capital city were often influenced by the activities of the colonial Assembly.

The duplication of personnel among colonial officeholders and the closed corporate nature of Norfolk and Williamsburg tended to concentrate authority in the hands of a small group of wealthy and influential men. It was, in a sense, a governmental aristocracy. Through the common councils and the hustings courts these municipal officials exercised executive, legislative, and judicial authority over the local residents. This authority extended to many phases of urban life, and the varied activities of the councils and courts show the wide range of affairs with which they became concerned. They also illustrate something of eighteenth-century town life and the way in which the institutions of municipal government and justice functioned in colonial Virginia.

APPENDICES

I. NORFOLK MAYORS

<u>Name</u>	<u>Elected</u>
Samuel Boush, Sr.	Sept. 15, 1736 ¹
George Newton	Nov. 18, 1736
John Hutchings, Sr.	June 24, 1737
Robert Tucker, Sr.	June 24, 1738
John Taylor	June 25, 1739
Samuel Smith, Jr.	June 24, 1740
Josiah Smith	June 21, 1741
George Newton	June 24, 1742
John Hutchings, Sr.	June 24, 1743
John Taylor	June 25, 1744
John Fhripp	Nov. 14, 1744
Edward Pugh	June 24, 1746
Thomas Newton, Sr.	June 24, 1747
John Tucker, Sr.	June 24, 1748
Robert Tucker, Sr.	June 24, 1749
Durham Hall	June 25, 1750
Wilson Newton	Jan. 24, 1751
Christopher Perkins	June 24, 1752
Josiah Smith	Mar. 19, 1753
George Abyvon	June 24, 1754
John Hutchings, Sr.	Feb. 17, 1755
Richard Kelsick	June 24, 1755
Josiah Smith	June 24, 1756
John Fhripp	June 24, 1757
John Tucker, Sr.	June 24, 1758
Robert Tucker, Sr.	June 24, 1759
Wilson Newton	June 24, 1760
Christopher Perkins	June 24, 1761
Paul Loyall	June 24, 1762
Archibald Campbell	June 24, 1763
Lewis Hansford	June 24, 1764
Maximilian Calvert	June 24, 1765
James Taylor	June 24, 1766
George Abyvon	June 24, 1767
Cornelius Calvert, Jr.	June 24, 1768
Maximilian Calvert	June 24, 1769
Charles Thomas	June 24, 1770
George Abyvon	June 24, 1771
Paul Loyall	June 24, 1772
Charles Thomas	June 24, 1773
George Abyvon	June 24, 1774
Paul Loyall	June 24, 1775

Source: Minutes.

¹ Appointed by the charter, he died shortly after.

II. NORFOLK ALDERMEN

<u>Name</u>	<u>Elected</u>	<u>In Place Of</u>
George Newton	Sept. 1736	
Samuel Boush, Jr.	Sept. 1736	
John Hutchings, Sr.	Sept. 1736	
Robert Tucker, Sr.	Sept. 1736	
John Taylor	Sept. 1736	
Samuel Smith, Jr.	Sept. 1736	
James Ivy	Sept. 1736 ¹	
Alexander Campbell	Sept. 1736 ¹	
John Elligood	Nov. 1736	George Newton ²
John Phripp	Nov. 1736	Sam. Boush, Jr. [R] ³
Josiah Smith	June 1739	James Ivy [M]
Edward Fugh	June 1741	John Elligood [D]
Thomas Newton, Sr.	June 1742	Sam. Smith, Jr. [R]
John Tucker	June 1742	Alex. Campbell [R]
John Tucker, Jr.	Nov. 1744	John Taylor [D]
Wilson Newton	June 1746	John Tucker, Jr. [M]
Durham Hall	June 1749	Thos. Newton, Sr. [R]
Christopher Perkins	June 1750	Edward Fugh [R]
George Abyvon	Jan. 1751	Durham Hall [D]
Richard Kelsick	June 1751	George Newton [R]
Archibald Campbell	June 1760	Richard Kelsick [D]
Paul Loyall	Jan. 1761	Josiah Smith [D]
Charles Thomas	Jan. 1761	John Phripp [R]
Lewis Hansford	Nov. 1762	Wilson Newton [D]
Maximilian Calvert	Dec. 1762	John Tucker [D]
James Taylor	Mar. 1764	Chris. Perkins [M]
Cornelius Calvert, Jr.	July 1767	Robt. Tucker, Sr. [D]
William Aitchison	Apr. 1768	J. Hutchings, Sr. [D]
Thomas Newton, Jr.	Sept. 1775	Max. Calvert [R]

Source: Minutes.

¹ These eight men were named in the charter.

² He became mayor on the death of Samuel Boush, Sr.

³ Resigned [R]; moved away [M]; deceased [D].

III. NORFOLK COMMON COUNCILMEN

<u>Name</u>	<u>Elected</u>	<u>In Place Of</u>
John Elligood	Nov. 18, 1736*	
John Fhripp	Nov. 18, 1736*	
Paul Portlock	Nov. 18, 1736*	
John Tucker, Sr.	Nov. 18, 1736*	
Josiah Smith	Nov. 18, 1736*	
Alexander McPherson	Nov. 18, 1736*	
Edward Portlock	Dec. 20, 1736*	
John Watkins		
Peter Dale	June 24, 1737	Watkins [D] ¹
Abel Lenolling	Aug. 22, 1737*	
Peter Malbone	Aug. 22, 1737*	
Samuel Boush, Jr.	June 19, 1738	Malbone [D]
Robert Cooke	June 19, 1738	McPherson [R]
Simon Hancock	June 25, 1739*	
Thomas Walker	June 25, 1739	Josiah Smith [A] ²
Henry Gristock	June 25, 1739	Ed. Portlock [R]
Archibald Williamson	June 25, 1739	Hancock [R]
Samuel Power	Oct. 15, 1739	Ed. Portlock [?]
Edward Pugh	June 21, 1741*	
Thomas Newton, Sr.	June 24, 1741	Pugh [A]
Samuel Rogers	June 24, 1741	Hancock [?]
John Dupree	June 24, 1741	Thos. Walker
Cornelius Calvert, Sr.	July 7, 1741*	
William Happer	June 24, 1742*	
John Cook	June 24, 1742	Happer [R]
James Moore	June 24, 1742	Th. Newton, Sr. [A]
Richard Davis	June 24, 1742	John Tucker, Sr. [A]
Durham Hall	June 25, 1744	Paul Portlock [D]
Christopher Gardner	June 25, 1744	John Cook [M]
Thomas Snail	June 25, 1744*	
John Tucker, Jr.	Nov. 14, 1744	
John Blackburn	Nov. 14, 1744	
John Porter	Nov. 14, 1744	
James Pasteur	Nov. 14, 1744	S. Boush, Jr. [R]
Wilson Newton	July 26, 1745	Gristock [D]
John Willoughby	July 26, 1745	Porter [D]
John Yaxley	June 24, 1746	Blackburn [D]
Alexander Ross	June 24, 1746	W. Newton [A]

Source: Minutes.

* These names first appear in the Minutes for this date.

¹ Resigned [R]; moved away [M]; deceased [D].

² Became an alderman [A].

<u>Name</u>	<u>Elected</u>	<u>In Place Of</u>
George Abyvon	June 24, 1747	G. Calvert, Sr. [D] ¹
Nathaniel Portlock	June 24, 1747	Dale [R]
Charles Sweny	June 24, 1748	
Richard Kelsick	June 24, 1748	
Christopher Perkins	Aug. 22, 1748	Ross [R ?]
Ashbury Sutton	Mar. 25, 1749	J. Willoughby [M]
Richard Inkson	Mar. 25, 1749	Yasley [D]
Alexander Ross	June 24, 1749	Durham Hall [A] ²
Charles Thomas	June 24, 1749	Dupree [R]
John Cook	June 25, 1750	Lenolling [D]
William Orange	June 25, 1750	Sutton [M]
Maximilian Calvert	June 25, 1750	James Moore [R]
Nicholas Wonycott	June 25, 1750	Snail [R]
Thomas Wilson	June 28, 1750	Perkins [A]
Richard Scott	Jan. 24, 1751	Sweny [R]
William Freeman	Jan. 24, 1751	Abyvon [A]
John Willoughby	June 24, 1751	Kelsick [A]
Archibald Campbell	June 25, 1753	
Lemuel Willoughby	June 25, 1753	
Edward Archer, Sr.	June 25, 1753	
William Young	June 24, 1754	Pasteur [R]
James Holt	June 24, 1754	
Thomas Thompson	June 24, 1757	Gardner [D]
Lewis Hansford	June 24, 1757	Thos. Wilson [D]
Paul Loyall	June 24, 1757	John Cook [M]
Daniel Rothery	June 24, 1758	Ross [R]
William Aitchison	June 24, 1760	M. Calvert [R]
Robert Waller	June 24, 1760	Holt [R]
James Taylor	June 24, 1761	Campbell [A]
John Hunter	June 24, 1761	Loyall [A]
Joseph Hutchings	June 24, 1761	Ch. Thomas [A]
Maximilian Calvert	June 24, 1761	Wonycott [R]
Goodrich Boush	July 8, 1761	[Scott ?] [R ?]
Cornelius Calvert, Jr.	July 8, 1761	
William Bradley	June 24, 1763	Hansford [A]
James Parker	June 24, 1763	M. Calvert [A]
Matthew Fhripp	June 24, 1763	
John Hutchings, Jr.	Sept. 2, 1763	
Thomas Newton, Jr.	June 25, 1764	James Taylor [A]
Robert Tucker, Jr.	Oct. 22, 1764	
John Taylor [Jr. ?]	June 24, 1768	John Hunter ³
John Gilchrist	June 24, 1768	G. Calvert, Jr. [A]
Daniel Hutchings	June 24, 1768	Orange [R]

¹ Resigned [R]; moved away [M]; deceased [D].

² Became an alderman [A].

³ Removed from office.

<u>Name</u>	<u>Elected</u>	<u>In Place Of</u>
Richard Knight	June 24, 1768	Aitchison [A] ¹
Bassett Moseley	Mar. 21, 1770	Bradley ²
Stephen Wright	Apr. 2, 1771	Knight [D] ³
William Curle	June 24, 1772	
John Ramsay	June 24, 1772	Ed. Archer, Sr. [D]
Thomas Claiborne	June 24, 1773	G. Boush [M]
Edward Archer, Jr.	June 24, 1773	
James Marsden	Jan. 31, 1774	J. Taylor [Jr. ?] [D]
Robert Taylor	June 24, 1774	[G. Boush ?]
Samuel Ingles [?]	Oct. 3, 1775	Th. Newton, Jr. [A]

-
- ¹ Became an alderman.
- ² Removed from office.
- ³ Deceased [D]; moved away [M].

IV. NORFOLK RECORDERS

<u>Name</u>	<u>Office</u>	<u>Date</u>
Sir John Randolph	Recorder	Sept. 15, 1736 ¹
David O'Sheal	Deputy Recorder	Nov. 20, 1736
David O'Sheal	Recorder	March 19, 1737
William Nimmo	Recorder	Aug. 15, 1742
Peyton Randolph	Recorder	Aug. 29, 1749
Anthony Lawson	Deputy Recorder	July 7, 1766

Source: Minutes.

- ¹ He was named in the charter.

V. WILLIAMSBURG MAYORS

<u>Name</u>	<u>Date Elected</u>
John Holloway	July 28, 1722 ¹
Abraham Nicholas	[November] 1735 ²
Edward Barradall	November 30, 1736
John Harmer	November 30, 1737 ³
Robert Davidson	[November] 1738 ³
John Harmer	[November] 1745 ⁴
George Gilmer	[November] 1746 ⁵
John Amson	[November] 1750 ⁶
John Blair, Jr.	November 30, 1751
John Holt	November 30, 1752
John Randolph	November 30, 1755
John Prentis	November 30, 1759
Thomas Everard	November 30, 1766
James Cooke	November 30, 1767
George Wythe	November 30, 1768
John Blair, Jr.	November 30, 1769
John Randolph	November 30, 1770
Thomas Everard	November 30, 1771
James Cooke	November 30, 1772
John Blair, Jr.	November 30, 1773
John Dixon	November 30, 1774
William Pasteur	November 30, 1774

Sources: Virginia Gazette; Robert Rose Diary (Typescript, Research Dept., Colonial Williamsburg, Inc.), December 10, 1750 and note; George Chumbley, "Officials and Officers of Williamsburg" (Typescript, 1938, Research Dept., Colonial Williamsburg, Inc.).

- ¹ He was appointed by the charter.
- ² He preceded Barradall.
- ³ He died on January 29, 1739.
- ⁴ He was mayor on December 4, 1745.
- ⁵ He was mayor on December 12, 1746.
- ⁶ He was mayor on December 10, 1750.

VI. WILLIAMSBURG ALDERMEN

<u>Name</u>	<u>Elected</u>
Sir John Randolph	July 28, 1722
John Custis	July 28, 1722
James Bray	July 28, 1722
Archibald Blair	July 28, 1722
William Robertson	July 28, 1722
Thomas Jones	July 28, 1722 ¹
Abraham Nicholas	
Edward Barradall	
John Harmer	
Robert Davidson	
Matthew Kemp ²	
George Gilmer	
Walter King	
John Amson	1746 ³
William Parks	Dec. 12, 1746 ⁴
William Prentis	Dec. 12, 1746 ⁴
Peyton Randolph	Dec. 12, 1746 ⁴
John Blair, Jr.	
John Holt	
John Randolph	
John Prentis	
Thomas Everard	
James Cocke	
George Wythe	
James Blair	Nov. 30, 1772 ⁵
William Pasteur	Nov. 30, 1773
John Dixon	

Sources: Charter; Virginia Gazette;
Robert Rose Diary; Chumbley, "Officials."

¹ These six men were named in the charter.

² He died in December 1739.

³ Robert Rose Diary, December 10, 1750 and note. He died prior to July 29, 1765.

⁴ Their names appear as aldermen on this date.

⁵ He replaced Wythe who had resigned.

VII. WILLIAMSBURG COMMON COUNCILMEN

<u>Name</u>	<u>Elected</u>
Abraham Nicholas	
Edward Barradall	
John Harmer	
Robert Davidson	
Matthew Kemp	
George Gilmer	
Walter King	
John Amson	
William Parks	
William Prentis	
Peyton Randolph	
John Blair, Jr.	
John Holt	
John Randolph	Nov. 30, 1751
John Prentis	
Thomas Everard	
James Cocke	
George Gilmer, Jr.	Nov. 30, 1767
John Tazewell	Nov. 30, 1767
Alexander Craig	Nov. 30, 1767
Benjamin Powell	Nov. 30, 1767
James Geddy	Nov. 30, 1767
George Wythe	
James Carter [?]	
John Carter [?]	
Haldenby Dixon	Nov. 30, 1770
William Pasteur	
John Dixon	Nov. 30, 1772
Robert Miller	Nov. 30, 1773

Source: Virginia Gazette.

VIII. WILLIAMSBURG RECORDERS

<u>Name</u>	<u>Date</u>
John Clayton	July 28, 1722 ¹
Edward Barradall	November 1737
Benjamin Waller	June 1746
Feyton Randolph	[1775 ?]

Sources: Virginia Gazette;
Chumbley, "Officials"; Luther Gulick,
Modern Government in a Colonial City
 (New York, 1932), 35.

¹ He was appointed by the
 charter.

IX. VESTRYMEN: ELIZABETH RIVER PARISH (NORFOLK)
1749-1761

*George Newton	George Veale
William Craford	*Robert Tucker, Jr.
*Samuel Boush, Jr.	*John Cook
William Hodges	*Maximilian Calvert
Willia Wilson, Jr.	William Nash
*Charles Sweny	William Ashley
*James Ivy	Trimagan Tatum
John Scott	*John Hutchings, Sr.
Samuel Langley	Joshua Nicholson
*John Phripp	*George Abyvon
Samuel Boush III	*William Orange
William Ivy	Saunders Calvert
Matthew Godfrey	*Lewis Hanford
James Webb	*Christopher Perkins
*Robert Tucker, Sr.	*John Tucker, Jr.
*Thomas Newton, Sr.	

Sources: William Lamb, Norfolk Long Ago and
Its Old Mother Church (Norfolk, 1879), 10-12;
Lower Norfolk County Virginia Antiquary, I (1897),
 18.

* Mayors, aldermen, or common councilmen of
 Norfolk.

X. VESTRYMEN: BRUTON PARISH (WILLIAMSBURG)
1721-1769

Mathew Pierce	Baldwin Mathews
Michael Archer	David Bray, Jr.
Robert Cobbs, Jr.	Samuel Timson
Henry Carey	George Nicholas
*Archibald Blair	*John Clayton
*John Holloway	*Thomas Jones
*John Custis	*William Robertson
Lewis Burwell	Thomas Cobbs
*Sir John Randolph	Ralph Graves
*James Bray	James Barber
John Blair, Sr.	Daniel Needler
*John Harmer	James Bray, Jr.
*Benjamin Waller	Henry Tyler, Jr.
*Peyton Randolph	Edward Barradall, Jr.
*John Blair, Jr.	*William Farks
*John Holt	*William Prentis
Robert Carter Nicholas	William Timson, Jr.
*Edward Barradall	Armistead Burwell
*George Wythe	John Palmer
Frederick Bryan	Finkethman Eaton
*Thomas Everard	Nathaniel Shields
John Pierce	John Power
William Eaton	William Graves
*John Prentis	

Source: W. A. R. Goodwin, The Record of Bruton Parish Church (Richmond, 1941), 138-143.

* Mayors, recorders, aldermen, or common councilmen of Williamsburg.

XI. NORFOLK COUNTY JUSTICES OF THE PEACE
1734-1775

William Craford	*Wilson Newton
*John Hutchings, Sr.	*John Willoughby
*Samuel Smith, Jr.	*Richard Kelsick
Thomas Wright	*Archibald Campbell
Nathaniel Tatem	William Conner
Willis Wilson	Lemuel Wilson
*Samuel Boush, Sr.	George Veale
*Samuel Boush, Jr.	Markom Herbert
*Robert Tucker, Sr.	Joseph Stewart
*John Taylor, Sr.	Joshua Corprew
*James Ivy	*Robert Tucker, Jr.
William Fortlock	*William Aitchison
Caleb Wilson	*Lemuel Willoughby
Solomon Wilson, Sr.	*Joseph Hutchings
Richard Church	*Maximilian Calvert
*Josiah Smith	John Tatem
*John Phripp	Matthew Godfrey
*Thomas Newton, Sr.	*John Hutchings, Jr.
*Charles Sweny	Thomas Veale
*John Tucker (Jr. ?)	John Fortlock
Robert Todd	*Cornelius Calvert, Jr.
William Ivy	Samuel Happer
*Christopher Perkins	*Goodrich Boush
William Nash	*Matthew Phripp
*Durham Hall	Melioni Wilson, Jr.
*James Moore	David Forter
*William Bradley	*Thomas Newton, Jr.
James Webb	John Brickell
James Wilson	*Robert Taylor
Arthur Boush	William Smith
*Eassett Moseley	

Sources: Norfolk County Minute Books, 1750-1754, and Norfolk County Order Books, 1754-1768, 1769-1774 (Norfolk County Courthouse, Portsmouth, Virginia); H. R. McIlwaine, ed., "Justices of the Peace of Colonial Virginia, 1757-1775," Bulletin of the Virginia State Library, XIV (1921), 41-149; W. H. Stewart, History of Norfolk County, Virginia... (Chicago, 1902), 281-282; Executive Journals.

* Mayors, aldermen, or common councilmen of Norfolk

XII. JAMES CITY COUNTY JUSTICES OF THE PEACE
1722-1772

John Netherland	Edmund Walker
Thomas Ravenscroft	Leonard Henley
Benjamin Welden	John Graeme
Robert Goodrich	Benjamin Eggleston
Henry Fower	Armistead Burwell
William Brown	*John Blair, Jr.
Richard Hooker	Edward Champion Travis
William Narrable	Julius King Burbidge
William Broadnax	Richard Taliaferro, Jr.
Willis Wilson	William Barrett
Michael Sherman	John Warburton
Lancelot Woodward	William Hooker
Joseph Marston	Frederick Bryan
*Abraham Nicholas	*John Randolph
*Edward Barradall	Philip Johnson
Hudson Allen	Thurston James
Richard Taliaferro	Robert Carter Nicholas
Edward Jaquelin	John Tyler
Lewis Burwell	Edward Ambler
Thomas Bray	Dudley Richardson
Philip Ludwell	William Richardson
John Eaton	William Norvell
Carter Burwell	William Spratley
*James Bray	Edward Fower
*William Parks	John Cooper
*Haldenby Dixon	Charles Barham
Turner Henley	Richardson Henley
Joseph Eggleston	William Holt
Lewis Burwell, Jr.	*Matthew Kemp
Nathaniel Burwell	*William Prentis

Sources: Virginia Gazette; Executive Journals; McIlwaine, "Justices of the Peace."

* Mayors, recorders, aldermen, or common councilmen of Williamsburg.

XIII. NORFOLK LAWYERS

William Robinson	Andrew Ronald
Thomas Claiborne	William Young
Benjamin Crocker	William Davis
James Holt	John Brickell
Thomas Burke	John McLean
Edward Hack Moseley	Walter Lyon
William Roscoe Wilson Curle	

Sources: Order Book I; Order Book II.

XIV. WILLIAMSBURG LAWYERS

John Clayton	Benjamin Waller
William Robertson	Thomas Everard
William Hopkins	George Wythe
John Holloway	John Tanewell
John Palmer	James Hubbard
Sir John Randolph	James Nimmo
Edmund Randolph	William Nimmo
Peyton Randolph	William Bowden
John Randolph	John Beekley
Edward Barradall	Thomas Mason
George Davenport	Peter Lyons
John Blair, Jr.	Joseph Prentis
Robert Carter Nicholas	Sussex Dare

Sources: Virginia Gazette; William and Mary Quarterly, First Series, XVI (1907), 14; Lyon G. Tyler, Williamsburg: The Old Colonial Capital (Richmond, 1907), 57; Helen Bullock, Notes on Courts, Courthouses and the Administration of Justice in the City of Williamsburg (MS Report, 1931, Research Department, Colonial-Williamsburg, Inc.).

XV. RATES FOR NORFOLK ORDINARY KEEPERS

March 19, 1770. "It is Ordered that the rates of Liquors, diet, and Lodging for Man, and Corn, Oats &c. for Horses be at the following prices, and that no Ordinary Keeper in this Borough take greater prices for the same under the penalty of the Law."

Rum Punch made with double refined Sugar by Quart	£	1	4
Ditto made with Muscavado Sugar by ditto		2	8
Rum by Quart		2	6
Arrack by Gallon	2	-	-
Virginia Brandy by the Quart		2	6
French Brandy by the Quart		5	-
Maderia Wine by the Quart		5	-
Teneriffe Wine by the Quart		2	-
Claret by the Bottle		4	-
Port Wine by the Bottle		3	-
Bristol Beer or London Stout by the Bottle or Quart		1	6
English Cyder by the Bottle		1	4
Virginia d[istilled] Hughs Crab by the Bottle or Quart			7½
Ditto Common Cyder by the Bottle or Quart			4
A meal of Hot Victuals		1	3
A meal of Cold Victuals		1	-
Lodging for the Night			6
Pasturage or Fodder for a horse the Night			6
Corn and Oats by the Gallon			4

Source: Order Book II, 11b.

XVI. NORFOLK FAMILIES¹Boush

Samuel Boush, Sr. m. Alice Mason
 Samuel, Jr.
 Samuel III
 Goodrich m. Mary Wilson
 John
 Peggy m. Christopher Calvert
 Arthur m. Anne Sweny
 Nathaniel
 Molly

Calvert

Cornelius Calvert, Sr. m. Mary Saunders
 Jonathan m. Ann Newton
 Maximilien
 Mary m. James Marsden
 Cornelius, Jr.
 Thomas
 Saunders m. Frances Tucker
 Joseph
 William
 Christopher m. Peggy Boush
 John
 Mary m. Anthony Lawson
 Samuel
 Elizabeth

Sources: Robert A. Stewart, The Researcher (Richmond, 1926-1928), I, 118-124; Virginia Magazine of History and Biography, VI (1899), 436-439; XV (1908), 379-380; XIX (1921), 516-519; XXX (1922), 85-88, 307-309; William and Mary Quarterly, First Series, XVI (1908), 238-239.

¹ The families listed here were, of course, not the only prominent families in colonial Norfolk. This genealogical information is intended merely to illustrate the close ties formed by frequent intermarriages. Most of the judicial and governmental power in the colonial borough was concentrated in the hands of this small group of men.

Hutchings

John Hutchings, Sr. m. Amy Godfrey
 John, Jr.
 Joseph m. Sarah Smith¹
 Elizabeth m. Richard Kelsiek
 Mary m. John Ramsay
 Amy m. Thomas Newton, Sr.
 Frances m. Charles Thomas
 Susanna m. Edward Champion Travis
 Daniel

Newton

George Newton m. _____ Wilson²
 Thomas, Sr. m. Amy Hutchings
 Thomas, Jr. m. Martha Tucker³
 Wilson m. Rebecca Elligood
 Rebecca m. Bassett Moseley
 Ann m. Jonathan Calvert
 Frances m. Paul Loyall

Sweny

Charles Sweny m. Margaret Wythe⁴
 Martha m. Lemuel Willoughby
 Euphan m. Thomas Claiborne
 Anne m. Arthur Eoush

-
- 1 She was the daughter of Josiah Smith.
 2 She was the daughter of James Wilson.
 3 She was the daughter of Robert Tucker, Sr. He
 had another daughter who married John Taylor, Jr.
 4 She was the sister of George Wythe.

XVII. COLONIAL VIRGINIA CURRENCY

Commercial transactions in colonial Virginia, particularly in the eighteenth century, were carried on in "current money of Virginia." These pounds, shillings, and pence had different values from those used in England or in each of the other American colonies.

There were no actual Virginia coins or Virginia paper currency with which to make payments in current money of Virginia. In order to settle an amount due, current money had to be converted by calculation into an equivalent in tobacco...into credits in English or other foreign exchange or into Spanish or other foreign coin. After Virginia paper money was issued in denominations of Virginia pounds and shillings, an obligation in current money of Virginia could always be settled by payment of Virginia paper currency.¹

Although Virginia's current money was often thought to be the most valuable in the American colonies, its rate of exchange varied widely during the colonial period.² The usual rate for the early 1730's was 25 per cent.³ This meant that it required £125 in current

¹ Eric F. Newman, Coinage for Colonial Virginia (New York, 1956), 8.

² William Douglass, A Discourse Concerning the Currencies of the British Plantations in America (London, n. d.), 18, 46; Newman, Coinage, 9-10.

³ John M. Hemphill, "The Rate of Exchange Between Virginia and Great Britain" (Typescript, Research Department, Colonial Williamsburg, Inc.), 9.

money of Virginia to equal or to purchase £100 sterling. The following chart shows the rates of exchange averaged annually for the period 1740 to 1775:

1740 - 22½	1752 - 30	1764 - 60
1741 - 20	1753 - 30	1765 - 60
1742 - 20	1754 - 27½	1766 - 25
1743 - 20	1755 - 30	1767 - 25
1744 - 20	1756 - 35	1768 - 25
1745 - 30	1757 - 40	1769 - 20
1746 - 33½	1758 - 37½	1770 - 19½
1747 - 40	1759 - 40	1771 - 20
1748 - 33½	1760 - 40	1772 - 25
1749 - 22½	1761 - 45	1773 - 30
1750 - 27½	1762 - 60	1774 - 30
1751 - 30	1763 - 62½	1775 - 25 ¹

In contrast to these exchange rates, other studies contend that Virginia was able to maintain the 25 per cent rate with "remarkable constancy" during much of the colonial period. In 1761, for example, Hemphill gives the rate as 45 per cent, while others (including Wright, who drew up his tables of exchange rates and values in 1761) maintain that the rate was 25 per cent. ²

While 6s. in colonial Virginia currency was generally

¹ This chart was prepared by John M. Hemphill and is given as Table XVI in Soltow, *The Economic Role of Williamsburg*.

² Newman, *Coinage*, 9; William Z. Ripley, *The Financial History of Virginia, 1607-1776* (New York, 1893), 139-140; John Wright, *The American Negotiator, or the Various Currencies of the British Colonies in America*, Third Edition (London, 1765), v.

equivalent to one Spanish dollar,¹ the value of either in sterling depended upon the prevailing rate of exchange. Equivalent to 4s. 6 $\frac{1}{2}$ d. at a rate of 32 $\frac{1}{2}$, 6s. Virginia currency was equal to 4s. 8 $\frac{1}{2}$ d. at a rate of 27 $\frac{1}{2}$ and worth 4s. 9 $\frac{1}{2}$ d. at 25.²

A brief word should be said about the value of Virginia currency in relation to tobacco. According to the Williamsburg and Norfolk charters, acts of the General Assembly, and Norfolk hustings court records, 1s. current money of Virginia was equivalent to 10 pounds of tobacco.

¹ Ripley, Financial History, 139; Newman, Coinage, 8-9.

² For these and other rates and values, see the tables in Wright, The American Negotiator.

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