

Spring 1997

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Goldberger, Sarah M.. "Orphans and Guardians in Eighteenth-Century Virginia" (1997). Master of Arts (MA), Thesis, History, Old Dominion University, DOI: 10.25777/4mn0-5125
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ORPHANS AND GUARDIANS IN EIGHTEENTH-CENTURY VIRGINIA

by

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B.A. May 1993, University of Iowa

A Thesis submitted to the Faculty of
Old Dominion University
in Partial Fulfillment of the Requirement for the Degree of

MASTER OF ARTS

HISTORY

OLD DOMINION UNIVERSITY
May 1997

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ABSTRACT

ORPHANS AND GUARDIANS IN EIGHTEENTH-CENTURY VIRGINIA.

Sarah M. Goldberger
Old Dominion University, 1997
Director: Dr. Jane T. Merritt

This study will demonstrate that changes in the early American family can often indicate significant changes in early American culture. These changes are especially apparent in the ways in which eighteenth-century Tidewater Virginians provided for poor and wealthy orphans in Middlesex and Henrico counties. Employing a patriarchal system of patronage, colonial Virginians relied upon both the local community and individual households to care for the colony's orphans. As the early American household became more nuclear and sentimental in the late eighteenth century, such relationships of patronage between the household and community began to erode. By evaluating colonial court orders, deeds, legislation, and rhetoric pertaining to Virginia orphans, this study will assess the impact that the American Revolution and revolutionary thought had on relationships between the family and community and how the two structures diverged.

Co-Directors of Advisory Committee: Dr. Carolyn J. Lawes
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INTRODUCTION TO
PATRIARCHY AND COMMUNITY

Early American historians have recently underscored the importance of the early American household. They have defined the American household as a microcosm, a small, intimate reflection of early American society. Using a deconstructive approach, they have found that many of the changes in American culture corresponded to changes in the American family. Historians of early American history have tried to understand that the patterns and shifts in the early American household not only reveal much about early American society, but can help trace the origin of our own distinctive child-centered American culture.

The historiography of the early American household has undergone constant revision, subjected to various interpretations and methodologies. Throughout the years, these interpretations have revealed more about the historian's own culture than the colonists'. For example, in the 1950s and 1960s, colonial historians applied their understanding of republican ideology and the Revolutionary War to the colonial household. Historians, such as Edmund S. Morgan and Daniel Boorstin, portrayed the colonial yeoman

The journal model used is Kate L. Turabian, A Manual for Writers of Term Papers, Theses, and Dissertations, 5th ed.

household as a nuclear family unit, well-versed in the tenets of American democracy and economic independence.¹

Edmund Morgan idealized the yeoman family of the Virginia backcountry in Virginians at Home: Family Life in the Eighteenth Century. He portrayed the backcountry family as a rough-hewn, but honest colonial family living on the edge of the American frontier. He described what life would have been like for a boy growing up in the backcountry: "If, on the other hand, he had free parents who lived in a cabin on the frontier, he would grow up to the tune of hard work, but he would see his work bring rewards."² Like many other historians, Morgan tried to tie a colonial value system to the modern American work ethic, which prizes individualism, freedom, and hard work.

Colonial studies were part of the wave of post-World War II American patriotism. By creating an American mythology that featured the colonists, the American Revolution, democracy, and George Washington, historians were able to reaffirm a national American identity and a democratic ideology. Colonial Williamsburg, for example, a colonial, living history museum, blatantly stated in its 1951 Official Guidebook and Map of Colonial Williamsburg

¹Edmund S. Morgan, Virginians at Home: Family Life in the Eighteenth Century (Williamsburg, VA: Colonial Williamsburg Foundation, 1952); Daniel J. Boorstin, The Americans: The Colonial Experience (New York: Random House, 1958).

²Morgan, Virginians at Home, 6.

that "there is also the opportunity to see Williamsburg as an affirmation of the spiritual vigor which must underlie any strong democratic society."³

Cold War communism was not only perceived as a threat to national security, but as a contradiction to American ideology and the foundation of the United States. As a result, many of the studies conducted in the fifties and sixties focused on the patriotic and democratic roles that the colonists and colonial families played in the Revolutionary War. In actuality, the colonists and their families more often played an ambivalent role than a patriotic one during the American Revolution. Ruth Bloch and Charles Royster argue in Visionary Republic and A Revolutionary People at War, respectively, that few of the colonists, who supported and fought for the patriotic cause, were truly motivated by American patriotism and republican ideology. Instead, Block and Royster suggest that the patriots were motivated by evangelical, millennial beliefs.⁴

³Colonial Williamsburg, The Official Guidebook and Map of Colonial Williamsburg (Williamsburg, VA: Dietz Printing, 1951), 9.

⁴See Ruth Bloch, Visionary Republic: Millennial Themes in American Thought, 1756-1800 (New York: Cambridge University Press, 1985); Charles Royster, A Revolutionary People at War: The Continental Army and American Character, 1775-1783 (New York: W.W. Norton & Co., 1979). Both Royster and Bloch have argued that many of the patriots perceived the American Revolution as a Battle of Armageddon, described in the Book of Revelation. Occurring just thirty years after the Great Awakening, religious patriots thought that the American Revolution would bring on the millennium.

In recent years, early American historians have expressed a reluctance to draw parallels between colonial culture and late twentieth-century American culture. This distance between the subject matter and the historian has allowed for fewer interpretations based on alleged commonalities between the colonists and present-day Americans, and more monographs that consciously attempt to illustrate the many differences between the two. As a result, recent research has highlighted more differences than similarities between eighteenth and twentieth-century families and family values.

Many recent colonial historians have taken a structural approach, instead of a comparative approach, to studying the early American household. Such a structural approach has led them to the study of household patriarchy in early America.⁵ In the 1970s, women's historians focused upon the early American household as a battleground for domestic power. Many women's historians argued that men reinforced their dominance through household patriarchy, and women served as their oppressed dependents. While these studies were revolutionary, associating power along gender lines, they also tended to use using twentieth-century terms and

⁵Household patriarchy is a contemporary "trickle up theory." Historians have argued that the colonial household served as a means of maintaining social order. Early Modern Europeans and Americans believed that if household patriarchs maintained order within their own homes, order would then transcend into the larger community. Social order, thus, ultimately depended upon the dominance and control of the father, the patriarch.

gender norms to describe the experiences of early Americans. Early American women may have not perceived their relationships with their husbands as necessarily oppressed or even dependent. Consequently, early American historians have come to focus less on the tyrannies of household patriarchy, and more on household patriarchy's role in the community and impact on early American culture.

Household patriarchy was central to the customs, functions, and laws in early America. In eighteenth-century Virginia, the local vestry and county court system depended on patriarchal laws and customs to care for the local orphan population. Local court justices and vestrymen assigned legal patriarchs, whether step-fathers, uncles, or strangers, to administer orphan estates and care for the orphans. Poorer orphans were bound to serve masters as apprentices and servants until they reached their majority. Household patriarchy was at the heart of such arrangements, blurring the lines among community, family, economy, and government in Tidewater Virginia.

By assessing the customs and laws pertaining to Virginia's orphans, this study will demonstrate how household patriarchy influenced community and culture in eighteenth-century Tidewater Virginia. Furthermore, it will show that as Virginia's governing bodies gradually relied less on the local community to enforce local customs and laws, such as caring for orphans, these functions became more institutional than communal. The transition from

communal functions to institutional ones is connected to a shift in family values and the American Revolution which eroded many communal patterns of life in early America. This introduction will describe how historians have recently accounted for the shift in early American family values, the erosion of communal culture, and the development of the sentimental American family.

Some early American historians have concluded that household patriarchy was a means for maintaining social order in a fragmented and fragile society. In Cradle of the Middle Class, Mary Ryan argues that patriarchal households existed in Oneida County, New York well into the nineteenth century.⁶ She places household patriarchy in a frontier culture. As New Englanders increasingly experienced a land shortage, individuals and entire communities began to move into Oneida and other upstate New York counties.⁷ Household patriarchy helped maintain order on the New York frontier. According to Ryan, with the development of evangelical institutions, industry, and the influence of government, Oneida County ceased to be a frontier by the end of the Second Great Awakening, making household patriarchy an unnecessary model of governance.⁸

Most recent studies, like Ryan's Cradle of the Middle

⁶Mary P. Ryan, Cradle of the Middle Class: The Family in Oneida County, New York, 1790-1865 (New York: Cambridge University Press, 1981), 51.

⁷Ibid., 18-21.

⁸Ibid., 104.

Class, stress the important role that household patriarchy played in specific northeastern American colonies, regions, or counties. A few early American historians, however, have focused on previously untapped resources of the southern colonies. Kenneth Lockridge's On the Sources of Patriarchal Rage evaluates the Virginia colony's three "ps": the planter elite, patriarchy, and the plantation system. Lockridge examines household patriarchy and how it promoted misogyny among Virginia's planter elite.

Lockridge evaluates patriarchy through the commonplace books of William Byrd and Thomas Jefferson, two well-known Virginia patriarchs.⁹ According to Lockridge, Thomas Jefferson's and William Byrd's commonplace books demonstrate an outpouring of household patriarchy and misogynistic rage. Lockridge assesses a line taken from Nicholas Rowe's play The Fair Penitent in Jefferson's commonplace book. It reads, "Hate you like Age, like Ugliness & Impotence; Rather than make you bless'd they would die Virgi[ns,]." ¹⁰ The words are powerful, referring to a blinding hatred for the age and sexuality of older women. Commonplace books typically reflected the compiler's own personal thoughts and frustrations. According to Lockridge, Jefferson's inclusion

⁹Commonplace books were homemade anthologies containing specific passages and lines copied from pre-existing literature. People compiled their commonplace books according to subject matter. For instance, one might copy a Shakespearean sonnet and then a passage from Homer's Odyssey in a commonplace book if they both pertained to journeys.

¹⁰ Kenneth Lockridge, On the Sources of Patriarchal Rage (New York: New York University Press, 1992), 61.

of the line reveals much about his misogynistic views on women.¹¹

Lockridge's study seeks to demonstrate how volatile patriarchy could be in early America. Jefferson began compiling his commonplace book when he was fourteen years old, shortly after his father's death. His father's will stipulated that the estate remain in his mother's custody until Jefferson reached legal maturity.¹² According to Lockridge, this was the source of Jefferson's feeling of helplessness and patriarchal rage.¹³ One could argue that the line taken from The Fair Penitent may have been a reference to Jefferson's impotent, household status as well as an adolescent ranting against his mother and the female sex. However, while some men did feel that older women had little right to maintain property, hoarding a precious resource in a patriarchal, agrarian society, they were frequently able to subvert female power by marrying them. Propertied widows, unlike men of property, were unable to vote and participate in local government. Thus, historians must question how much power these propertied widows

¹¹One could argue that eighteenth century diaries were more formal than the stanzas and lines compiled in commonplace books. Diaries, on the other hand, had a specific format. The diarist primarily described his or her observances on local flora, fauna, the daily regime, and recently attended social engagements. The commonplace book compiler, however, could safely unveil his or her passions through the words and works of known authors.

¹²Lockridge, Patriarchal Rage, 70-1.

¹³Ibid.

actually had, and why early American men would then need to resort to misogynistic rage. Furthermore, colonial Virginians, like other colonists, lived in interdependent households, relying upon their spouses' contributing labor and companionship. Thus, one must question Lockridge's assumption that planter marriages were frequently fraught with patriarchal fear and rage.

Carol Karlsen's Devil in the Shape of a Woman similarly illustrates how New Englanders perceived older, propertied women as threatening to the community and to the system of household patriarchy in the late seventeenth century. After years of instability, New England's population began to stabilize; birth rates increased and mortality rates substantially decreased.¹⁴ New Englanders, however, understood their situation in the familiar terms of a land crisis. New England men had to wait well into adulthood in order to inherit their fathers' estates. Sons either rented lands, working as tenant farmers, or delayed marriage and personal independence by continuing to work for their fathers. During this land crisis, propertied widows were most vulnerable to being accused, tried, and even executed as witches.¹⁵ Like Lockridge, Karlsen illustrates how patriarchy and economic instability could lead to misogynist rage in early America. However, by arguing that the Salem

¹⁴Carol F. Karlsen, The Devil in the Shape of a Woman: Witchcraft in Colonial New England (New York: Vintage Books, 1989), 206-8.

¹⁵Ibid., 212-13.

witch trials were the byproduct of economic struggle, Karlson ignores some of the religious and supernatural beliefs that colonial Americans actively embraced.¹⁶

Consequently, many historians have used a cultural approach to understanding the dynamics of household patriarchy.¹⁷ Historians, such as Helena Wall, argue that household patriarchy and communal culture were both important aspects of early modern European culture. In Fierce Communion, Wall maintains that domestic and public life were blurred in early modern Europe and early America. The community played a role in the household and the household had a direct impact upon the community:

...one of the many ironies of early American society is that the European colonists sought to reproduce, even to freeze in time, patterns of family and community life that were already beginning to erode in Europe.¹⁸

According to this argument, household patriarchy was not just a method of enforcing law and order in the community, but was closely tied to a communal culture that the colonists sought to perpetuate in North America. Communal

¹⁶See David Hall, Worlds of Wonder, Days of Judgement: Popular Religious Belief in Early New England (New York: Alfred A. Knopf, 1989).

¹⁷Anthropologists have long understood that the household and the community are crucial indicators of culture; specific to a place and time. Similarly, cultural historians try to document when and why these roles eventually change and how they relate to the culture as a whole.

¹⁸Helena Wall, Fierce Communion: Family and Community in Early America (Cambridge, MA: Harvard University Press, 1990), 1.

culture could frequently temper, as well as reinforce, the rigid effects of household patriarchy. As early Americans increasingly began to value privacy and the sanctity of family life, both communal culture and household patriarchy became less significant to early American society.

By examining the changing roles of women, Laurel Thatcher Ulrich's Good Wives documents this erosion of communal culture and the gradual development of the sentimental family in early America. In particular, her chapter, "Travail" demonstrates this development. Ulrich discusses the communal role that women played during childbirth in early America. Ulrich writes, "Delivery was characterized by a succession of gender-infused rituals."¹⁹ For example, groaning beer and cakes were served to the sympathetic communion of women who had assembled for the birth. She further describes the importance of having lactating women present at birth and forbidding men from the household. Travail was a communal, mystical activity which fostered bonds among the community's women; however, as the early American household became more private and sentimental, this communal participation became less significant.

The increasing presence and professionalization of medicine also intruded upon the rituals of childbirth and

¹⁹Laurel Thatcher Ulrich, Good Wives: Image and Reality in the Lives of Women in Northern New England, 1650-1750 (New York: Vintage Books, 1980), 129.

women's role in assisting with the deliveries.²⁰ As the market economy undermined communal cohesion, traditional interdependent relationships gave way to more service-oriented relationships. Instead of relying primarily on the assistance of the community's women in cases of childbirth, families hired male doctors to perform obstetric services.²¹ The male doctors were hailed as scientific, knowledgeable, and worth their expensive fees.

Ulrich argues that male and female medicine diverged. Male doctors were associated with rational science, while women and midwives were associated with superstitious mysticism. Ulrich illustrates how these contrary methods of childbirth and medicine corresponded with the evolving family structure. She suggests that by "the nineteenth and twentieth centuries childbirth in America became a private ordeal undergone in the antiseptic sanctity of a hospital."²² The community was longer intricately interwoven through mystical events such as birth and death. Instead, childbirth became a family matter, withdrawing in privacy and behind closed doors.

Cornelia Hughes Dayton also demonstrates the shift from

²⁰See Laurel Thatcher Ulrich, A Midwife's Tale: The Life of Martha Ballard, Based on Her Diary, 1785-1812 (New York: Alfred A. Knopf, 1990). A Midwife's Tale better illustrates the shift from female midwives to male doctors in the early nineteenth century. Ulrich cites several instances in Martha Ballard's diary where medical doctors were employed during childbirth, instead of midwives.

²¹Ulrich, Good Wives, 133-4.

²²Ibid., 127.

communal relationships to more private ones in her essay "Taking the Trade: Abortion and Gender Relations in an Eighteenth-Century New England Village." Dayton describes a generational rift in Pomfret, Connecticut, a small, New England community. The older members of this community, representative of a communal, traditional New England culture, remained ignorant of the botched abortion of Sarah Grosvenor. A professed medical man was paid by Sarah's lover to secretly rid her of the baby.²³ The community was enraged, not by the abortion, but by the secrecy of the decision. The case not only demonstrates a division between the younger and older generations in an eighteenth-century New England town, but shows how the values of privacy and individualism initially had some destructive effects on a culture that was traditionally reliant on interdependent relationships.

It would be incorrect to assume that this early American system of interdependence was egalitarian, or that colonial neighbors lived harmoniously together within the wilds of the American landscape. Clearly, there were many disadvantages associated with early American communal culture and the system of interdependence. Interdependent relationships, for example, caused a certain amount of

²³Cornelia Hughes Dayton, "Taking the Trade: Abortion and Gender Relations in an Eighteenth-Century New England Village," in Colonial America: Essays in Politics and Social Development, ed. Stanley N. Katz, John M. Murrin, and Douglas Greenberg (New York: McGraw-Hill, 1993), 430-31.

stress and social anxiety.²⁴ Helena Wall's chapter, "The Tyranny of Neighbors" discusses the effects of communal pressure on individuals and families.

Wall looks at the role that slander and gossip played in several early American communities. Slander had the potential to destroy a person's sexual reputation, future livelihood, and social standing in the community.²⁵

Neighbors felt compelled to express their disapproval of various disorderly households by spreading slander, gossip, or practicing rough music customs, shaming rituals.²⁶ Rough music customs were coercive methods of maintaining patriarchal conformity.

While rough music customs primarily supported household patriarchy's status quo, they occasionally tempered the abuses often associated with this household structure. If the community women felt that a household patriarch had been overly abusive to his wife, they would use rough music customs to chastise him for his behavior. For example, in 1735, a mob of women from Chester County, Pennsylvania

²⁴Wall, Fierce Communion, 48.

²⁵Ibid., 37-8.

²⁶Rough music customs were humiliating methods of curbing disorder within the community. In particular, community members would subject adulterous husbands and wives to duckings, stonings, and mock parades. The mock parades often featured effigies of the person and a loud banging noise, which was known as rough music.

ducked an abusive husband at a public vendue.²⁷ According to the Pennsylvania Gazette

the Women form'd themselves into a Court, and order'd him to be apprehended by their Officers and brought to Tryal: Being found guilty he was condemn'd to be duck'd 3 times in a neighboring Pond, and to have half cut off, of his Hair and Beard (which it seems he wore at full length) and the Sentence was executed, to the great Diversion of the Spectators.²⁸

Neighbors, however, tempered the effects of patriarchy less frequently than they actually reinforced those patriarchal ideals. If household patriarchs failed to maintain proper domestic order, community men and women chastised them for keeping disorderly households and not properly disciplining their dependents.²⁹

Not only did interdependent relationships strengthen bonds among community members, but they also served some basic, functional purposes. As previously discussed, childbearing rituals strengthened bonds among the community of women. These relationships, however, were also functional, as older women passed down crucial knowledge to

²⁷A vendue was a public market where individuals could purchase slaves, livestock, and imported goods. Many of the goods were damaged or in surplus, and, thus, rejected by local shopkeepers.

²⁸Pennsylvania Gazette, 17 April 1735.

²⁹While Lyndal Roper's study primarily focuses on German Lutheran households, it demonstrates how rough music customs and neighborhood involvement were crucial to maintaining order within European Protestant communities. Roper further argues that household patriarchy and neighborhood involvement were more strident during the Counter-Reformation years. Lyndal Roper, The Holy Household: Women and Morals in Reformation Augsburg (Oxford: Clarendon Press, 1989), 198-99.

the younger mothers. Similarly, in the absence of formal institutions for the poor, the disabled, the orphaned, and the imprisoned, households would board and care for the community's indigent dependents during the seventeenth and eighteenth centuries.³⁰ Such practices of local welfare thus served functional purposes.

The pre-revolutionary welfare system was woven into the fabric of the household and the system of household patriarchy. Wall discusses these local welfare practices in the context of early American communal culture and the ambiguities of colonial family life. As these services were provided on an individual and personal basis, the community's dependents were often incorporated into the household. Households typically consisted of a varied number of servants, step-children, foster-children, step-parents, slaves, and other individuals who were not closely related.³¹ The courts and vestries, comprised of the local landed gentry, routinely placed these orphans in neighboring households.

The pre-revolutionary gentry valued an ordered and controlled patriarchal society. In The Pursuit of Happiness, Jan Lewis characterizes the pre-revolutionary gentry of Virginia as fastidious, despising anything that was possibly messy, chaotic, or disorderly: "Cruelty and disorder were inherent in eighteenth-century Virginia life,

³⁰Wall, Fierce Communion, 14.

³¹Ibid., 86-7.

and Virginia society attempted to control this disorder."³² The landed gentry even tried to control disorder within their own gardens and homes, shaping brambles and bricks into a forced symmetry. As the pre-revolutionary gentry spent much of its time outdoors and in public view, outward appearances mattered greatly to them.

As long as society maintained the external semblance of household and communal order, the gentry was satisfied. Consequently, the courts and vestries did not enforce a strict, moral code in Virginia.³³ Unlike New England's Calvinistic doctrine, most Virginians did not believe that an ordered society was one that also had to be moral. New England Puritans believed that order could not transcend into the community unless society maintained strict standards of morality. Virginians, on the other hand, placed a higher priority on maintaining external order than on their internal morality.³⁴

For example, while most eighteenth-century Virginians generally considered adultery and pre-marital sex to be sinful, Virginia's fornicators and adulterers were excused of such offenses after paying fines to the court.³⁵ Lewis writes that, unlike the Puritan elders, the Virginia gentry

³²Jan Lewis, The Pursuit of Happiness: Family and Values in Jefferson's Virginia (New York: Cambridge University Press, 1983), 17.

³³Ibid., 19.

³⁴Ibid.

³⁵Ibid.

"saw neither duty nor pleasure in regulating the morality of their neighbors."³⁶ If illegitimate children resulted from unsanctified sexual relations, the gentry considered those children the disorderly consequences of these unions. The mothers of the illegitimate children were sometimes publicly flogged, and the court and vestry system immediately placed the children in neighboring households and out of public view.

Throughout most of eighteenth-century America, this local, communal practice of "public welfare" continued, in spite of the increasing complexities of English law. Pre-revolutionary benevolence in Virginia was intertwined with gentrified notions of *noblesse oblige*, as well as public and domestic patriarchy, the old world values that the colonists brought with them to North America.³⁷ It was not until after the American Revolution that local county and vestry methods of taking care of the community's orphans and dependents changed. In addition to placing orphans and other indigents in neighboring households, the communal system of welfare, evangelical benevolent societies and government agencies began to provide more institutional services for these dependents.

This study will examine how the American Revolution

³⁶Ibid.

³⁷*Noblesse oblige* literally means the obligation of the nobility. Those of noble rank or wealth were obligated to give charity to those who were less fortunate; a patronizing philosophy.

eroded communal patterns of life in early America. In particular, the American Revolution altered the patriarchal welfare system of placing orphans in neighboring households. Because pre-revolutionary benevolence was intertwined with household patriarchy, the shift from the patriarchal household to a more sentimental household affected traditional, communal methods of welfare. As a result, this study not only focuses on changes in eighteenth-century welfare, but it follows some significant changes in American family values.

Identifying differences between pre- and post-revolutionary family values is central to this shift. According to Lewis, the pre-revolutionary gentry tried to maintain emotional equilibrium within their households. They believed that families should be bound to each other by a sense of familial duty and restrained affection.³⁸ Following the American Revolution, Virginians began to express their emotions, more often marrying for love and developing closer bonds with their children.

What changed this old order with its antipathy for disorder and its emphasis on duty, community, and patriarchy? A shift in American ideology and family values essentially altered these traditional, communal structures. According to Gordon Wood's The Radicalism of the American Revolution, by the late eighteenth century, upper-class colonists began to reject strict household patriarchy in

³⁸Lewis, Pursuit of Happiness, 37-8.

favor of enlightened paternalism.³⁹ Wood and Wall both attribute these changes in the patriarchal household to the Enlightenment, specifically the ideas of Lockean philosophy. With its emphasis on love, reason, and nurture, Lockean philosophy influenced the upper and middling classes.⁴⁰ Families solidified their relationships through bonds of love and affection, thereby creating a new, middle class family structure.⁴¹

Changes in the economy also affected late eighteenth-century family values. Ulrich contends in Good Wives that Americans increasingly began to emphasize service-oriented relationships, rejecting traditional, interdependent pathways. Ulrich maintains that as families hired doctors to perform obstetric services, travail became a private, family matter. Similarly, Ryan argues in Cradle of the Middle Class that the "complex economic strategies of the industrial era had also transformed the internal dynamics of family life."⁴² Families within industrialized cities no longer viewed the household primarily as an interdependent

³⁹Gordon S. Wood, The Radicalism of the American Revolution (New York: Alfred A. Knopf, 1992), 147-49.

⁴⁰Many upper and middle class English men and women read John Locke's Essay Concerning Human Understanding (1690) and Some Thoughts on Concerning Education (1693) in the mid-late eighteenth century. With an emphasis on nurture and reason, these works radically altered upper and middle class methods of childrearing. Wall, Fierce Communion, 130-1.

⁴¹Ibid.

⁴²Ryan, Middle Class, 231.

household economy, but as a voluntary social group.⁴³ Family members thus agreed to live with each other out of pleasure, and not out of economic necessity. Therefore, as the work place became more stressful and impersonal, families increasingly sought the comfort and haven of their own private households at the end of the long work day.

Evangelical religion and religious pluralism also contributed to the changes in the post-revolutionary household and the early American value system. While itinerant Baptist and Methodist preachers had periodically penetrated Anglican Virginia and many of the other colonies, the new constitutional government, with its mandate for a separation of church and state, awarded these evangelicals the right to assemble. Evangelical groups were no longer considered dissenting religions, but legitimate denominations. With their newfound freedom, Baptists and Methodists were able to attract many new members in both the North and the South.

Evangelical religion had great appeal in New England and Virginia. In New England, evangelical religion rejected the exclusive Calvinist doctrine that only the elect would transcend into the kingdom of heaven. For Virginians, the new religious pluralism offered the opportunity to worship without the constant pressures of class and restraint, inherent stressors in Virginia Colony's official religion,

⁴³Ibid.

Anglicanism.⁴⁴

Lewis warns that the historian should not exclusively attribute the post-revolutionary family structure to evangelical religion. Evangelical households were often characterized as strict, austere, and patriarchal. She argues that it was these evangelical methods of expression and emotion, however, that influenced the development of the loving, emotional, middle class family.⁴⁵

In short, interaction between the community and the household varied in early America, determined by household structure and family values. As the household increasingly relied less on interdependent relationships and emphasized service-oriented relationships and industry, families looked inward for sanctuary. They began to value the peace and repose of household domesticity. Furthermore, as upper class families adopted aspects of Lockean philosophy and expressed a full gamut of emotions inspired by evangelical religion, families consciously rejected traditional ties with the larger community.

Tracing the shift from the patriarchal household to the sentimental middle class family is complex, offering a wide variety of theses and explanations. This introduction

⁴⁴In Virginia, the Anglican church mandated that certain individuals sit in certain parts of the church. In general, Baptists and Methodists did not adhere to such patterns of class deference. Furthermore, unlike the restrained and very proper services of the southern Anglicans, one could express emotion within the dissenting evangelical denominations.

⁴⁵Lewis, Pursuit of Happiness, 221.

demonstrates the difficulties that historians encounter when they try to isolate a single cause facilitating a significant, cultural change. Evangelical religion, Lockean philosophy, and the development of a complex market economy all contributed to the gradual metamorphosis of the modern American family and the development of modern American culture. Such a change in the early American family affected the communal networks and traditions of early American society as well.

The family has played an important role in shaping relationships and patterns of American community life. By understanding that the American family is an inconstant, cultural variable, subject to diverse influences and the continual process of change, historians can begin to understand more about past and present trends in American family and culture. The historiography of the early American household demonstrates that the kind of love, affection, and family life that Americans prize today are not inherent or static givens, but are cultivated values; the seeds have been planted and tended for the last two hundred years.

CHAPTER I

VIRGINIA: AN ORPHAN COLONY

In her poem, "The Author to Her Book," seventeenth-century, New England writer Anne Bradstreet compared the recent publication of her book to the unfortunate circumstances of a poor orphan or illegitimate child. She wrote:

And take thy way where yet thou art not known
If for thy Father askt, say, thou hadst none:
And for thy Mother, she alas is poor,
Which caus'd her thus to send thee out of door.¹

Like a poor orphan, Anne Bradstreet's book was created by a woman and "sent out" for financial reasons.² Though Bradstreet's focus was her book's recent publication and not a destitute orphan, the analogy is useful to early American historians studying the structure of the early American household.

"The Author to Her Book," shows that the early American household was not simply a social group, but a working

¹Anne Bradstreet, "The Author to Her Book," An Anthology of American Verse: From Colonial Days to the Present, ed. Oscar Williams (New York: World Publishing, 1966), 89.

²To *put out*, *bind out*, or *send out* referred to the common practice of placing one's child in another person's household. Putting out ensured that the child would be cared for and perhaps even learn a trade. Widows, who often found themselves in severe fiscal crises, were frequently forced to put out their children.

household economy that operated by a very specific and necessary division of labor. According to Bradstreet's poem, the death of the father, the household patriarch, often caused fiscal insolvency, disrupting the stability and economy of the early American household.

This chapter will detail some of the ways in which eighteenth-century Virginians adapted to deathly household disruptions, such as adult mortality and orphanhood. Relying upon traditional methods of patronage and communal welfare, Tidewater Virginians incorporated the county's middling and poor orphans into their local households. Consequently, Tidewater Virginians redefined the roles of the household and community. As orphans began to take on their own social identity within the household economy, Virginia law makers passed colonial legislation that would help the courts monitor these relationships. In order to examine some of these traditional and legal methods of caring for Tidewater orphans, it is first necessary to understand the environment with which Tidewater Virginians had to contend in their daily lives.

Colonial Americans living in the Chesapeake Bay region fell victim to a variety of fatal, indigenous diseases. Malaria and influenza were the more common ailments of which seventeenth and eighteenth-century Tidewater Virginians complained.³ Carried by mosquitoes, malaria flourished in

³Lois G. Carr and Lorena S. Walsh, "The Planter's Wife: The Experience of White Women in Seventeenth-Century Maryland," in Colonial America: Essays in Politics and

the salt marshes, backwaters, and rivers associated with the Chesapeake Bay.⁴ Though malaria was not a killer disease in itself, it significantly lowered Tidewater Virginians' resistance to other diseases, such as small pox, typhoid, and the measles.⁵

In their diaries and other works, eighteenth-century Tidewater Virginians described these various medical conditions as agues, seasonings, or fevers.⁶ Such afflictions were often associated with severe changes in the weather. Wealthy planter Colonel Landon Carter, for example, frequently wrote about feverous or aguish attacks taking place in August, a hot, humid, and buggy month in Tidewater Virginia.⁷ Similarly, Francis Hargreaves, an English tutor to Middlesex County's Churchill family, wrote that the sudden changes in the weather "is apt to shake a weak Constitution, and indeed both Natives & Strangers are much afflicted with the Ague and fever."⁸

Social Development, eds. Stanley N. Katz, John M. Murrin, and Douglas Greenberg (New York: McGraw-Hill, 1993), 71.

⁴Darrett B. and Anita H. Rutman, "Of Agues and Fevers: Malaria in the Early Chesapeake," William and Mary Quarterly, 3rd Ser., 33 (January 1976), 40-4.

⁵Ibid., 50.

⁶Ibid., 44-6.

⁷Landon Carter, The Diary of Colonel Landon Carter of Sabine Hall, 1752-1778, ed. Jack P. Greene (Charlottesville, VA: University of Virginia Press, 1965) 1: 164-72.

⁸Francis Hargreaves, The Miscellaneous Works of Francis Hargreaves In Prose and Verse, 1777-1778, Library of Virginia, Richmond, Virginia, 7.

The term "seasoning," however, was specifically used to describe the malarial attacks that European immigrants contracted upon their arrival in Tidewater Virginia.⁹ In The Present State of Virginia, Hugh Jones wrote about the lingering effects of the seasoning:

Some for want of timely care, through ignorance or obstinacy, will permit the distemper to lurk about them so long, till at last it has reduced them to an irrecoverable, lingering, ill habit of body; especially if they live meanly.¹⁰

According to Jones, those who did not have the means or opportunity to fully recuperate from the seasoning, especially poor immigrants or indentured servants, could possibly suffer another fatal attack of malaria or contract a different disease altogether. Contradicting himself, Jones further wrote that Virginia was a healthy country and anyone could live well in the colony, "if they avoid heats and colds, intemperance, and all manner of excesses."¹¹ Such a warning obviously excluded indentured servants, slaves, and poor farm families, who were often exposed to extreme fluctuations of hot and cold weather. Though many of these authors claimed that Virginia Colony was the loveliest place in the New World, they inadvertently depicted a darker side of Tidewater Virginia, a side which was thoroughly inhospitable and nearly toxic.

⁹Hugh Jones, The Present State of Virginia, ed. Richard L. Morton (Chapel Hill, NC: University of North Carolina Press, 1956), 85.

¹⁰Ibid.

¹¹Ibid., 93.

Nevertheless, colonial Virginians found ways of acclimating to their unhealthy environment. They reorganized the structure of their households, created new laws, and altered many of their traditional customs. This chapter will detail some of the ways in which Virginians adapted, in both law and custom, to the colony's high rate of orphanhood, an unfortunate result of high mortality in colonial Virginia. The household and the community, two important institutions in early America, were both affected by the measures that county courts and vestries took to ensure the care of the colony's orphans.

As mortality rates were significantly higher in the Virginia tidewater region than in other parts of Virginia, this study will look at orphanhood in two Tidewater counties: Middlesex and Henrico. Middlesex County was a waterlogged peninsula surrounded by the Chesapeake Bay and Rappahannock and Piankatank rivers. Henrico County, on the other hand, was located on the fringe of Tidewater Virginia and encircled the City of Richmond and its surrounding lands. Unlike the swamps and marshes of Middlesex County, Henrico's principal body of water was the James River, which narrowed significantly upon reaching the boundaries of Henrico County.

Orphanhood was a chronic problem in seventeenth and eighteenth-century Middlesex County. In one of their many studies of colonial Virginia, Darrett and Anita Rutman estimated that between 1710 and 1749, forty-five percent of

the children in Middlesex County had lost one or both parents by the age of nine, while fifty-seven percent had lost one parent by the age of thirteen.¹² High orphanhood rates not only account for the number of parentless children in eighteenth-century Middlesex County, but they indicate a high parental death rate as well. These high adult mortality rates had a devastating effect on Middlesex County's population, which averaged between two to three thousand inhabitants a year during the eighteenth century.¹³ Adult mortality impeded the growth of the county and jeopardized the stability of the patriarchal household.

High mortality rates created a fluid and flexible family structure in colonial Tidewater Virginia. In New England, where high mortality rates had stabilized by the eighteenth century, the family was often able to achieve a nuclear family structure, which consisted of a living father, mother, and children. Virginia's Tidewater family structure, on the other hand, often encompassed foster children, step-parents, half sisters and brothers, and some very distant kin.¹⁴ In order for the household and community to flourish in spite of the region's high

¹²Darrett B. and Anita H. Rutman, A Place in Time: Middlesex County, Virginia 1650-1750 (New York: W.W. Norton & Co., 1984), 114.

¹³See APPENDIX A: Estimated Population for Middlesex County, 1730-1767.

¹⁴Carr and Walsh, "The Planter's Wife," 84-5.

mortality rates, Tidewater Virginians were forced to redefine the structure of the family. They frequently remarried, lived with extended families and kin, and cared for the community's orphans and poor within their individual households.¹⁵

It was customary for the community to provide for orphans, the indigent, and the poor in medieval and Early Modern Europe. Such arrangements were frequently made by the local community and without much legal formality.¹⁶ Middling and poor orphans were either cared for by their extended families or placed in apprentice situations until they reached maturity.¹⁷ Wealthier orphans, on the other hand, were assigned legal guardians, who would manage their estates until they reached adulthood.

It was not until the sixteenth century, however, that England's Parliament passed specific laws referring to the maintenance of poor and orphan children. In 1563, the English passed the Statute of Artificers, which gave the government control over the terms of apprenticeship. The statute allowed the government and guilds to place children

¹⁵Ibid., 82-5; Edmund S. Morgan, American Slavery, American Freedom: The Ordeal of Colonial Virginia (New York: W. W. Norton & Co., 1975), 168.

¹⁶Barbara Hanawalt, The Ties That Bound (New York: Oxford University Press, 1986), 250-51.

¹⁷See Barbara Hanawalt, Growing Up in Medieval London: The Experience of Childhood in History (New York: Oxford University Press, 1993); Kristin Elizabeth Gager, Blood Ties and Fictive Ties: Adoption and Family Life in Early Modern Europe (Princeton, NJ: Princeton University Press, 1996).

in apprenticeships according to the child's financial means and social position.¹⁸

The Poor Law of 1572 amended the 1563 statute by mandating that poor and poor orphan children be apprenticed solely in husbandry.¹⁹ In order to be apprenticed in husbandry, however, one had to be in an agrarian setting, and many poor and poor orphan children came from London, where they had little experience or opportunity to dabble in husbandry. Officials auctioned off some of these poor children to agricultural families, who resided in distant towns and counties. In England, this auction, which was held at market fairs, was called a "bullring."²⁰ Placing the young boys in the bullring, farmers could inspect the laboring boys before taking them home with them.²¹ While poor girls were not expected to perform the same tasking chores as the boys, they too worked as unskilled laborers, primarily as spinners and domestics. Thus, within eleven years, England had safeguarded the master guild system from an encroaching underclass. Poor and poor orphan children were no longer allowed to serve master artisans and learn a specialized trade, but were, instead, obliged to work as

¹⁸Kathleen M. Brown, Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia (Chapel Hill, NC: University of North Carolina Press, 1996), 23.

¹⁹Ibid.

²⁰Anita Schorsch, Images of Childhood: An Illustrated Social History (New York: Mayflower Books, 1979), 135.

²¹Ibid.

unskilled agricultural and household laborers.

Both English laws set a legal precedent for poor relief and coerced child labor in the English North American colonies. Due to the high wages set by skilled and unskilled laborers, New Englanders found themselves in a labor crisis in the mid- to late eighteenth century.²² Like the English, they soon discovered that poor and orphan children could serve as inexpensive work force. New England colonists began to auction off some of their destitute orphan children to agricultural, artisan, and wealthy families in Boston and other nearby towns and counties.²³ By using orphan children as skilled and unskilled laborers, New Englanders insured that the orphans would be cared for, no longer pose a disorderly threat to New England townships, and serve as New England's new domestic labor force.

Virginians differed from their New England and English counterparts in that they rarely let such cases leave the parish or county. Court justices kept orphan and poor cases within tight, local boundaries. Certainly, much of this had to do with the vestry and county court systems, which were both local governing bodies. However, planter ideology and Tidewater values and culture may have also been responsible

²²Barry Levy, "Girls and Boys: Poor Children and the Labor Market in Colonial Massachusetts," an unpublished paper presented at "Early America Examined and Distilled, or, Poor Richard's Almanack: A Conference in Honor of Richard S. Dunn," University of Pennsylvania, May 16-18, 1996: 23-4.

²³Ibid.

for the local provenance of the Tidewater welfare system.

Tidewater Virginians often tried to emulate English culture and the property patterns of the English countryside. The Virginia gentry copied English dress, mannerisms, architecture, and gardening, and consumed the same objects to such an extreme that they often seemed more like parodies of Englishmen than shrewd colonists.²⁴ Tidewater Virginians, furthermore, maintained the English tradition or belief that it was important to keep family lands within the family bloodline, even if the properties were the most meager in the county.²⁵

Such a model of English culture and land inheritance patterns affected Virginia's orphan population as well. Lands and titles were held for Virginia's propertied orphans until they reached their majority, twenty-one for boys and eighteen for girls, and could rightfully claim their local estates. Furthermore, those propertied orphans continued to reside within the county lines. Only the wealthiest, male orphans left the county to attend a year or two at the College of William and Mary.²⁶ Orphans without property were apprenticed and kept within the parish and county lines

²⁴Brown, Good Wives, Nasty Wenches, 272.

²⁵Many Chesapeake Virginians viewed the family as a social group, and above all, Virginians wanted to keep family land within the family. See Allan Kulikoff, Tobacco and Slaves: The Development of Southern Cultures in the Chesapeake, 1680-1800 (Chapel Hill, NC: University of North Carolina Press, 1986), 250-51.

²⁶Ibid., 277-78,

as well.

Like other domestic issues, such as marriage or adultery, orphanhood was considered a public as well as domestic problem in Tidewater Virginia. However, unlike New Englanders, eighteenth-century Virginians were less likely to monitor domestic issues out of a moral obligation or a fervent compulsion to uphold a standard religious code.²⁷ The domestic matters with which Tidewater Virginians involved themselves were ones that also affected public issues, such as, title, inheritance, and the local economy. For example, while adultery and pre-marital sex were generally not condoned by eighteenth-century Virginians, such domestic transgressions only affected the larger community if illegitimate children resulted from those unions. Mary Beth Norton writes about sex and the Chesapeake colonists in Founding Mothers & Fathers: Gendered Power and the Forming of American Society, "only that sexual activity which caused illicit pregnancy, thereby raising the question of the financial burden of caring for a bastard child aroused much concern in the court systems of Virginia and Maryland."²⁸ The courts usually then tried to ascertain the paternity of the child, and thereby force the

²⁷Lewis, Pursuit of Happiness, 19.

²⁸Mary Beth Norton, Founding Mothers & Fathers: Gendered Power and the Forming of American Society (New York: Alfred A. Knopf, 1996), 336.

father to financially support it.²⁹ If the paternity were never revealed, the parish would be held responsible for the maintenance of the child.

Illegitimate children not only had the potential to drain the local parish's coffers, but could upset Tidewater land inheritance patterns and even Tidewater culture. The eighteenth-century patriarch feared that his wife could disrupt the family lineage by passing off another man's child as his own. If the child's illegitimacy was never revealed, the child could possibly stand to inherit a substantial estate and, thereby, cheat his full siblings of their share, claiming a position to which he or she was never entitled.³⁰ To prevent an infiltration of illegitimate heirs, the courts and vestries kept detailed accounts of which children were illegitimate.

As in illegitimacy cases, the courts and vestries were intensely involved with administering local orphan cases. Many of these cases involved orphan children who stood to inherit some sort of property, whether it was a featherbed or a substantial landed estate. Local justices and officials may have understood that their wealthy orphan children would inevitably play a central role in the

²⁹In 1681, a Middlesex County servant woman reported the father of her illegitimate child to the courts. The Middlesex County court order described the mother as "whorous Elizabeth Galleard, single woman, servt. to Mr. Jn Clough" and the father as John Tidbury. Middlesex County, Order Book No. 2, 1680-1694, Library of Virginia, Richmond, Virginia, reel 2, 27.

³⁰Brown, Good Wives, Nasty Wenches, 129.

county's local economy. As a result, local justices frequently ruled in favor of the orphan and protected his or her fiscal interests. While orphans were certainly not uncommon in England, they rarely figured so prominently in English laws and legal cases. In contrast, orphans are mentioned so frequently in Tidewater Virginia court records that their social status is of particular interest to historians studying the larger issues of gender, patriarchal power, community, and family.

In early America, orphanhood legally depended upon the death of the father, the household patriarch. Court records typically described orphans in relation to their deceased fathers.³¹ For example, in Middlesex County, Virginia, a typical court order entry on February 2, 1713 described "John Smith, orphan of Lt. John Smith, decd."³² Orphan children were rarely identified by their mothers' names or the names of both parents.³³ In the few cases in which the mother and the father were both mentioned in the court

³¹According to Webster's New Collegiate Dictionary, an orphan is "a child deprived by death of one or usually both parents." Orphan, however, is derived from the Greek word *orphanos*. *Orphanos* comes from the root *orph-patros*, which literally means without father.

³²Middlesex County, Order Book No. 5, 1710-1726, Library of Virginia, Richmond, Virginia, reel 37, 165.

³³Children were only identified by their mothers if they happened to be illegitimate and the father was an unknown. Birth records, however, recorded both mother and father. See The Parish Register of Christ Church, Middlesex County, Virginia, 1653-1812 (Richmond, VA: National Society of the Colonial Dames of America in the State of Virginia, 1897), Library of Virginia, Richmond, Virginia.

records, the orphan's family was of local importance and wealthier circumstance.³⁴

Since an orphan's status was defined by the death of the father, one can find several instances in which orphans had mothers who were alive and well in colonial Virginia. For example, in Middlesex County, John Segar, the orphan of William Segar, requested to have his mother Anne Segar as his legal guardian on May 5, 1741.³⁵ Even though John Segar still had a living mother, he was dubbed an orphan by the court system. Orphanhood, like many other legal matters in early America, was determined upon the demise of the father.

In eighteenth-century Virginia, orphanhood not only depended upon the death of the father, but hinged also upon the free status of the father. A household patriarch was a free man, who no longer owed his service to another master. The household patriarch was patriarch of his family as well of all his servants and slaves, his personal fiefdom. As

³⁴In Middlesex county, John Bushford was referred to as the son of Symon Bushford and Grace Bushford in the court order book. Not only were both parents mentioned, but John is referred to as a son in the text. It is interesting to note that John Bushford chose Robert Carter, Esq. as his legal guardian, but also had Christopher Dameron as his "forever guardian." As wealthier planters rarely bothered administering lands which were of inferior value, his choice of Robert Carter indicates that Bushford was of a higher social status. Furthermore, by choosing Robert Carter, John Bushford placed his interests under the care of a wealthy and powerful man. Middlesex County, Order Book No. 5, reel 37, 125.

³⁵Middlesex County, Orders and Deeds, 1740-1744, Library of Virginia, Richmond, Virginia, reel 4, 162.

slave fathers could neither legally own themselves nor their children, their death did little to alter their children's status. The master was the only legal patriarch living on the plantation, owning all of those who lived therein.³⁶

When parish registers recorded births of slave children, they included just three names: the master, the mother, and the child.³⁷ The birth father's name was omitted.

Therefore, if a slave child's slave father died, the courts and vestries did not consider the child an orphan. This does not mean that orphan children were only of European descent; however, it does indicate that they had to be the children of free fathers.

It is difficult to determine the race of an orphan from early American county court records. Terms such as mulatto and servant were often used to indicate race in early America; however, such adjectives rarely accompanied references to eighteenth-century orphans. Furthermore, these terms were used inconsistently by the courts, vestries, diarists, and other individuals. The term "mulatto" was ambiguous and could indicate that a person was

³⁶In eighteenth century America, slavery followed through the mother's line. This law not only made sure that the masters' would eventually own all the offspring of their female slaves, but it negated the patriarchal rights, inherent in English common law, that slave and free black fathers could possibly have over their own children. In order to maintain their extended household patriarchies, Virginia planters suspended the patriarchal rights of slave men and instilled a matrilineal system. See Brown, Good Wives, Nasty Wenches, 132.

³⁷The Parish Register of Christ Church, 300.

simply of mixed heritage, of any combination of American Indian, African, and European descent.³⁸ "Servant" was equally ambiguous and could refer to a white indentured servant, an African slave, or an Indian servant or slave. Because such terms were rarely used to describe orphans, this study operates on the assumption that the orphans mentioned in Middlesex and Henrico County records were the children of free white colonists.

As Virginia's orphans were the children of free white patriarchs, most of the orphan legislation focuses on protecting primogeniture and other patriarchal patterns of land inheritance.³⁹ The earliest legislation in Virginia pertaining to orphan lands and inheritance was passed in March of 1642. The law stipulated that once the colony's propertied orphans reached legal maturity, they had up to three years to claim their inherited lands and livestock.⁴⁰ It was illegal for other colonists to encroach or sell those vacant orphan lands until three years had passed. Furthermore, the statute stated that the guardians and

³⁸Brown, Good Wives, Nasty Wenches, 215.

³⁹Like their English contemporaries, Virginia's colonists valued primogeniture. However, as Virginians typically owned more land than those in England, they were able to distribute it more evenly among their children. Therefore, younger sons and daughters frequently inherited land in seventeenth and eighteenth century Virginia. Kulikoff, Tobacco and Slaves, 200-1.

⁴⁰William Waller Hening, The Statutes at Large; Being a Collection of all the Laws of Virginia from the First Session of the Legislature in 1619 13 vols. (Charlottesville, VA: University of Virginia Press, 1969), 1:260.

overseers of wealthier orphans, appointed by the courts and vestries, could no longer lease or farm orphan lands once the said orphans reached their legal maturity.⁴¹ Early American law in Virginia protected the land inheritance rights of the colony's future patriarchs.

Such a law only made provision for Virginia Colony's propertied orphans. Poorer colonists and middling artisans, who often died intestate, rarely left their children with any land or property, consequently, assigning their children to a precarious future. Poorer orphans who were under four years of age were cared for by individual members of the community. The parish, the church district, reimbursed the individuals who cared for such orphans with pounds of tobacco.

The parish usually kept a tally of those individuals and their due payment in vestry books. A typical entry from a Tidewater vestry book read

Petso Parrish is D:	Tobacoe
To Mr. Emanuell Jones Minister	16000
To Mr. Larkin Chew for the Remainder Due to him for the Adition of the Church	08000
To Isaac Oliver for Keeping & burying Elizabeth Starks Child	00275
To John Day for James Lewis Orfant	00500
To Doctor Ralph Baker for Eliz: Carter Cuer	01000
To Capt. David Alexander for Rouling 14 hoddts of Toabacoe. ⁴²	00422

Included in this 1701 vestry book entry are payments for

⁴¹Ibid.

⁴²The Vestry Book of Petsworth Parish, Gloucester County, VA, 1677-1793, trans. C.G. Chamberlayne (Richmond, VA: Virginia State Library, 1933), 72.

burying a child, caring for the sick, and providing for James Lewis' orphan. Tidewater Virginia's local welfare system not only depended upon the assistance of individual community members, but it relied upon the authority of the local courts and the wealth of the parish church. The local parish annually collected tithable tax from the county's inhabitants, usually in the form of tobacco. Tobacco was then used to pay individuals, such as Mr. Jones and John Day, for their services. Many parish vestrymen, who also paid the most in tax, believed that this welfare system had the potential to drain the parish of all its funds.

Consequently, in 1656, another act was passed in Virginia. It stated that Virginia's orphans were to be educated according to the interest of their estate and that

if the estate be so meane and inconsiderable that it will not reach to a free education then that orphan be bound to some manuall trade till one and twenty yeares of age, except some ffriends or relations be willing to keep them with the increase of that small estate.⁴³

This statute ensured that poorer orphans were taken care of and trained in skills that they could employ as adults. Furthermore, the law exonerated the parish from having to support those children past the age of four.⁴⁴ At the age of four, children were generally expected to labor around their own households, and so therefore, many orphans were bound out at that age. Small children, however, were not

⁴³Hening, Statutes at Large, 1:416-7.

⁴⁴Ibid.

expected to labor in the same capacity as older children.

Binding out one's child as an apprentice was neither a cruel nor unusual practice in early modern Europe and early America. If a family desired that their child learn a trade, or found they could no longer maintain the expense of their child, they could legally apprentice the child to an artisan. This was a practice commonly referred to as "binding out" or "putting out."⁴⁵ Those children left home to live with the artisan and his family between ten and fourteen years of age. Oftentimes, the artisan was a member of the community, another family member, or a friend of the family.

Early modern Europeans and early Americans understood apprenticeship and servitude as part of an individual's life cycle or education. Unlike slavery, servitude and apprenticeship were considered temporary situations.⁴⁶ However, during their tenure, apprentices and servants often found their freedom suspended. For example, it was illegal for apprentices or servants to marry or engage in sexual

⁴⁵Wall, Fierce Communion, 97-8.

⁴⁶The apprentice-journeyman-master model indicates a lot about European views on servitude. It was considered a natural part of the life cycle for a man to work without payment for a long period of time. However, in time, he would gain his independence and become a household patriarch and master of his trade. Such a view of servitude may have made it relatively easy for Europeans to justify the enslavement of Africans. To work without payment under a master was already a fundamental part of European culture.

relations until they concluded the terms of their service.⁴⁷ Marriage and sex were freedoms of which only free adults could partake. Consequently, most cases of illegitimate pregnancy in Tidewater Virginia concerned bound servant women who were unable to marry. The master-journeyman-apprentice life cycle not only provided a labor model for European and North American artisans, but tried to control the community's rate of reproduction. Furthermore, the labor model determined who could legally reproduce within the community.

In New England and England, the economy depended upon the expertise of skilled craftsmen and artisans. In seventeenth and eighteenth-century London, children were apprenticed in a variety of different specialized trades. A General Description of All Trades, an apprentice guide published in 1747, described the cost and type of apprenticeships in which parents, guardians, and trustees could place their children. Children could be apprenticed to butchers, brewers, cap-makers, spectacle-makers, coopers, and even hoop-petticoat makers.⁴⁸ The guide also detailed

⁴⁷Samuel Richardson, The Apprentice's Vade Mecum: Or, Young Man's Pocket-Companion (London: Printed for J. Roberts, 1734) Colonial Williamsburg Foundation Library, Williamsburg, Virginia, facsimile, 3-4.

⁴⁸A General Description of All Trades, Digested in Alphabetical Order: By Which Parents, Guardians, and Trustees may, with greater Ease and Certainly, make choice of Trades agreeable to the Capacity, Education, Inclination, Strength, and Fortune of the Youth under their Care (London: Printed for T. Waller at the Crown and Mitre, 1747), Rare Book and Manuscripts Collection of the Colonial Williamsburg Foundation Library, Williamsburg, Virginia.

the apprenticeships which were appropriate for girls.

While these apprenticeships were more specific to London's guild system, eighteenth-century American colonial children were apprenticed in some of the same professions. For example, the publication described the cooperage as a "necessary extensive Business in all its Branches."⁴⁹ Since planters needed large casks or barrels to store or ship their tobacco, the cooperage was also a necessary and prosperous business in colonial Virginia. Colonial records show that eighteenth-century Virginian boys were also bound to blacksmiths, bricklayers, merchants, planters, and even to sea captains in order to learn the "Art and Mystery," of their trade.⁵⁰

Like England's poor children, Virginia's poor and middling children also worked on farms and plantations during the eighteenth century. As Virginians were primarily engaged in cultivating tobacco and later, grain, orphan and other children were sometimes apprenticed to planters.⁵¹

⁴⁹Ibid., 37.

⁵⁰Unfortunately, apprentice indentures in vestry and county court records often only refer to the master's name and not his profession. In small populations, such as Middlesex County, everyone knew the occupation of the master. Records in Middlesex and neighboring Gloucester County show that children were bound to coopers, shoemakers, and bricklayers. See The Vestry Book of Petsworth Parish, Gloucester County, Virginia, 1677-1793, transcribed by C. G. Chamberlayne (Richmond, VA: Virginia State Library, 1933), 56, 199; Middlesex County, Order Book No. 2, 1680-1694, Library of Virginia, Richmond, Virginia, 135.

⁵¹Jones, State of Virginia, 87.

Planter Landon Carter, for example, apprenticed Raleigh Christian, the son of a Tidewater dancing teacher. Carter wrote on 26 August 1772, "I sent to take his son and bring him up to the business of a Steward over Gentleman's Estates. He is desirous to bind for 5 years."⁵² In England, a steward was one who oversaw the management of the estate; however, in Virginia, a steward was little more than a glorified overseer.

As there were fewer artisans in colonial Virginia than in either New England or England, some poor, middling, and orphan boys were apprenticed in husbandry. While such situations rarely guaranteed the orphan a secure future, he learned some farming skills and could potentially cultivate his own land.⁵³ The boys apprenticed to small-scale farmers generally worked in the fields, and the girls worked as domestics, washing, cleaning, and caring for their masters' younger children.

During the eighteenth century, as Tidewater Virginians increasingly relied on the labor and expertise of slaves, poor and middling orphan apprentices found their future livelihood in serious jeopardy. Planters could employ their slaves as carpenters, smiths, coopers, and hire them out to others for any given period of time.⁵⁴ Unlike the more

⁵²Carter, Landon Carter, 2:717.

⁵³Jones, State of Virginia, 87.

⁵⁴Artisan slaves also hired themselves out, often causing difficulties and friction with local white artisans. See Kulikoff, Tobacco and Slaves, 413-14.

cosmopolitan cities of New England and England, there were fewer choices for apprenticeship in the eighteenth-century Chesapeake. By using slaves as skilled laborers, planters saved on labor expenses, but by doing so, they undermined the education of apprenticed orphans, who would need to learn the skills of a journeymen in order to eventually become masters of their trade.⁵⁵

The 1656 Virginia law made an effort to protect apprenticed orphans by further stating that if the courts "find any notorious defect to remove the orphans to other guardians. As also for those that are bound apprentices to change their master if he use them rigourously or neglect to teach them his trade."⁵⁶ Masters could be charged with abuse if they did not teach orphans according to their indenture, or if they physically abused them.⁵⁷ Physical abuse, however, was loosely defined in Tidewater Virginia. Because Virginians lived in a brutal society, where public brawling and corporal punishment were often condoned, physical abuse had to be quite serious in order to catch the attention of the local justices.

Apprentices could also be discharged from service if their masters failed to provide them with clothing, shelter,

⁵⁵Along with immigrants who found it difficult to purchase land in Tidewater Virginia, many of these unemployed craftsmen moved into the piedmont and backcountry.

⁵⁶Hening, Statutes at Large, 1:416-17.

⁵⁷An indenture was simply a written agreement between two parties, detailing the terms of labor, as in apprentice situations. Richardson, Vade Mecum, 1-2.

or food, or teach them how to read the Bible. As written indentures rarely accompanied the servitude of orphan girls, masters and mistresses were not bound to teach those girls how to read the Bible. Literacy, however, was generally considered secondary in most apprenticeships. It was far more important that a master teach his apprentice his trade than in how to read. In October of 1725, Thomas Sadler, an apprentice to John Soane told the Henrico Orphans Court that his master, "doth not provide for him such cloths lodging & dyet as are necessary, nor instruct him in his trade which by Indenture he is bound to do."⁵⁸ As Sadler was near the age of twenty-one, he was discharged from his service to John Soane and given his liberty.⁵⁹

Instead of solely relying on the protection of the county court system, some apprentices took the initiative and ran away. Like advertisements detailing runaway slaves and indentured servants, the Virginia Gazette posted notices on runaway apprentices. A notice posted on October 24, 1751 stated that "Apprentice Lad, Thomas Richardson, 20-a joiner and Turner, Virginia Born," had run away.⁶⁰ Another advertisement posted on January 24, 1775 stated that William Johnston, an apprentice lad, had run away, "from the Brig

⁵⁸Henrico County, Orphans' Court Book, 1677-1739, Library of Virginia, Richmond, Virginia, reel 91, 55.

⁵⁹Ibid.

⁶⁰Virginia Gazette, 24 October 1751.

Innermay lying at Brandon on the 27th of December."⁶¹ The advertisement further described Johnston as seventeen or eighteen and having come from Williamsburg, where "he is supposed he is now harbored."⁶² These advertisements, however, do not indicate whether the runaway apprentice was also an orphan. Such a distinction mattered little to masters who simply wanted to retrieve their child workers. In the case of Thomas Richardson, it was thought that he had headed for the Shenandoah Valley, where there were reputedly more opportunities for young men.⁶³ William Johnston's master, on the other hand, warned all captains of ships to be "forewarned from carrying," Johnston, "out of the country or employing him."⁶⁴

Like their masters, apprentices were bound to follow a specific code of conduct. Samuel Richardson's The Apprentice's Vade Mecum; OR, Young Man's Pocket Companion described the English apprentice's duties and responsibilities towards his master. Richardson wrote

[That] A Man's House should be his Castle;
intimating the inviolable Regard which Servants
taken into a Man's Family, and who are become a
Part of it, ought to have to whatever may tend so
the Reputation or Profit therof. There cannot be
a more infamous Breach of the Rules of sound
Morality, than for a Person to betray his Master's

⁶¹Virginia Gazette, 24 January 1775.

⁶²Ibid.

⁶³Virginia Gazette, 24 October 1751.

⁶⁴Virginia Gazette, 24 January 1775.

Secrets.⁶⁵

Richardson's castle-house comparison is quite apt. Like the medieval feudal system, the apprentice was obligated to loyally serve his artisan master. Any wayward talk about the master's business could fall into the hands of competing artisans. Therefore, Richardson wrote that to betray one's master and his business was akin to treason.⁶⁶

While some masters abused their charges, it would be incorrect to assume that the relationship between apprentice and master was always an unpleasant one. Master and apprentice lived under the same roof, ate their meals together, and spent hours at a time with each other. While the apprentice filled a labor gap within the master's household, the relationship was often cemented with friendship and mutual respect.⁶⁷ Sometimes the relationship between master and apprentice was similar to that of an adopted father and son.

There were several possible reasons why artisans would find it necessary to employ and train children other than their own. Perhaps the master did not have children of his

⁶⁵Richardson, *Vade Mecum*, 2-3.

⁶⁶Ibid.

⁶⁷Hanawalt, *Growing Up in Medieval London*, 153-71. While Hanawalt's discussion of apprentice-master relationships describes those in medieval London, the basis of her argument applies to colonial North America as well. The relationship between the apprentice and master was so intimate that it often sparked instances of abuse, however, this intimacy sometimes worked in the reverse and solidified a life-long friendship between apprentice and master.

own, his children were too small to train in his art, or his children were already full-grown adults living in their own independent households. Regardless of the circumstances, the relationship between master and apprentice demonstrates how the family and economy were intricately intertwined in Early Modern Europe and colonial America.⁶⁸

Even though colonial court records reveal little of the orphans' individual feelings or affections for their masters, they do show the sorts of arrangements orphans may have preferred. For example, in 1694, Nicholas Polly, the orphan of Samuel Polly, chose his master as his legal guardian in Henrico County.⁶⁹ Samuel Polly had originally apprenticed his son to William Harding between the years 1690 and 1694. Upon Samuel's death in 1694, the original apprenticeship between Polly and Harding was made void.⁷⁰

Nicholas Polly, who was at least fourteen years old, was given the opportunity to leave his apprenticeship situation and choose a different guardian altogether.⁷¹ Nicholas Polly's godfather, Philamon Childers, offered to become Nicholas's legal guardian, yet, Nicholas chose to stay with his master. The court recorded that Harding was

⁶⁸Social historians have, therefore, dubbed this sort of economic relationship between family members as a "household economy."

⁶⁹Henrico County, Orphans' Court Book, reel 91, 35.

⁷⁰Ibid.

⁷¹Common law allowed propertied orphans the opportunity to choose their own guardians upon reaching fourteen years of age.

obliged to provide Nicholas with, "sufficient meat, drink, washing, lodging, and apparel" until he reached twenty-one.⁷² One can only surmise that either Nicholas did not like his godfather, preferring his master's household to Childers', or he wanted to continue his education by learning his trade.

While many orphans were, in fact, bound to unrelated, artisan masters, such as Nicholas Polly and William Harding, it was not uncommon for orphans in Tidewater Virginia to be bound to their own blood relatives. As the population in many Tidewater counties, such as Henrico and Middlesex, ranged anywhere from 3,000 to 6,000 inhabitants, it was certainly plausible that an apprentice could be bound to a member of his own family. These apprentice arrangements force early American historians to question whether those apprenticed orphans were actually receiving the appropriate guidance in a specific trade or if they were simply living with their extended families and performing menial work around the farm and household. As many extended families may have wanted to keep related orphans within the family, it is possible that they bound those orphans to them under the pretext of apprenticeship. Still others may have bound such orphans both out of affection as well as a need for their labor.

Middlesex and Henrico County court records show that adult brothers, uncles, and other blood relatives sometimes

⁷²Henrico County, Orphans' Court Book, reel 91, 35.

tried to bind related orphans to them. For example, in January of 1720, William Davis, the brother of John Davis, petitioned to have his brother's orphan William Davis bound to him until he reached twenty-one years of age.⁷³ For historians, it is difficult to ascertain if William Davis petitioned the court for his nephew William out of familial affection, a need for his nephew's labor, or out of a sense of patriarchal duty. Nevertheless, William Davis volunteered to become his nephew's master.

The court justices administered familial apprenticeships much as they did an indenture between two strangers. As court justices made little exception for related masters, such as William Davis, early American historians must assume that family members were just as likely to abuse their related charges. The indenture ensured that even familial masters adhered to the law by providing adequate shelter, clothing, and training for their apprentices. Furthermore, these legal formalities among related masters and apprentices indicate that the local court justices, foremost, viewed the early American family as a household economy.

While colonial Americans perceived the household as a functioning economy and its family members as key laborers, one should not underestimate the affection that Tidewater Virginians may have felt for each other. Tidewater orphans, such as Betty and William Davis, were emotionally and

⁷³Middlesex County, Court Order Book No. 5, reel 37, 505.

psychologically affected by the untimely death of their fathers. Tidewater Virginians, however, found little time to grieve; they were consumed with more pressing concerns, such as reorganizing and stabilizing their disrupted households. Poor widows bound their children out of necessity and rarely severed all ties with their children. For example, Mary Gibbs, the widow of Gregory Gibbs, bound out her ten-year-old son to Richard Willis in order to "learn to read, be cloathed, and learn shoemaking."⁷⁴ Many mothers, such as Mary Gibbs, may have made extra trips to the blacksmith's, shoemaker's, or cooperage in order to share a few words with their sons and observe their health and well being.

The community, which frequently consisted of extended families and friends, was willing to care for poor and middling parish orphans, but at the price of the orphan's labor. Though these formal and informal arrangements were sometimes burdensome to the community, they were also beneficial, providing middling households with important domestic and apprentice labor. Orphanhood was so prevalent that the local courts and vestries became intensely involved with administering and monitoring these arrangements. By providing for these children and passing significant legislation, colonial Virginians conceded that even poor and middling orphans were viable members of the community, who would one day sustain Tidewater Virginia's communal way of

⁷⁴Middlesex County, Order Book No. 2, reel 2, 135.

CHAPTER II
THE GUARDIANS OF PATRIARCHY

On August 20, 1701, a humid and still afternoon in Tidewater Virginia, Elisabeth Bass appeared before the Henrico County Orphans Court to claim her inheritance and discharge her legal guardian. Present were county court justices Captain Francis Epes, Captain Joseph Royall, and Mr. John Bolling. James Cocke, the court clerk may have wiped his damp brow as he wrote the last entry for the convened August Orphans' Court:

Elisabeth Bass one of the orphans of William Bass late of this Coty Decd-being (as she in Court confeseth) above 21 years of age, acknowledgeth the Rect of her portion due of her ffathers Estate and doth Discharge her Guardn & his Secty.¹

Brevity was the key. The court clerk wrote, "This Court is adjourned until the 20th of August 1702 Test James Cocke Cl Cur."² Such court sessions were ritualized and, in essence, documented the orphan's coming of age or adulthood.³ During the Orphans Court, orphans could

¹Henrico County, Orphans' Court Book, reel 91, 44.

²Ibid.

³It should be noted that during the eighteenth century, tidewater Virginians began to consider twenty-one the legal majority for both girls and boys. During the seventeenth century, eighteen was more common for girls. There was a reason for this change; orphans not only inherited land upon reaching their majority, but were allowed to marry. As

dismiss their legal guardians and receive their economic independence and inheritance. Like Virginia's apprenticed orphans, wealthier orphans were generally prohibited from marrying before they reached their majority.⁴ According to the Orphans Court, Elisabeth Bass was now twenty-one years old and free to marry. William Bass's legacy ensured that she would make a good and prosperous match. The court relieved Bass of her present patriarch, and she was free to seek a marital alliance with another.

While this example describes the end of Elizabeth Bass's guardianship, it also demonstrates the important role that the county court system played in Tidewater Virginia. The county court not only arbitrated local disputes between neighbors, but served as an inherent part of seventeenth and eighteenth-century culture. Court rulings settled rights and wrongs, and set the tone for local morality.⁵ The county court administered local apprenticeship and

there were few female colonists in seventeenth century Tidewater Virginia, officials found it necessary to lower the age to eighteen; thus, increasing the number of prospective wives. By 1700, many counties adopted twenty-one for all of their orphans. Such a shift indicates that there were an equal number of white men and women living in Tidewater Virginia at this point.

⁴Occasionally, some wealthier orphans, who were close to their majority, were allowed to marry with the consent of the courts. Apprenticed orphans, on the other hand, were not allowed to break their indentures and marry early.

⁵A.G. Roeber describes court day as a day of power, where gentlemen justices could "define social rank, mutual obligation, and shared values." Roeber, A.G., "Authority, Law, and Custom: The Rituals of Court Day in Tidewater Virginia, 1720-1750," William and Mary Quarterly, 3rd Ser., 37 (January 1980), 30.

guardianship arrangements and listened to the petitions of community members who were concerned with the well-being of local orphans.

By evaluating the ways in which eighteenth-century Middlesex and Henrico County residents cared for their orphan population, such as legal guardianship, one can understand more about the structure of the patriarchal household and the nature of communal culture in early America. Due to the region's high parental death rate, it was difficult to maintain a strict system of household patriarchy in the tidewater region. Therefore, eighteenth-century Virginians not only relied upon community members to care for local orphans, but employed a more traditional, feudal system of patriarchy, binding orphans and guardians together through political and economic alliances. These relationships were frequently in name only, as the orphan lived in a separate residence. Furthermore, unlike children whose fathers were still alive, Tidewater orphans were able to dissolve their guardian relationships at twenty-one years of age and assume a relationship on an equal level. Orphans, therefore, achieved independence much earlier than other local children.

The parish and county court system depended upon individual members of the community to voluntarily care for local orphans. In particular, leading justices, vestrymen, and churchwardens expected free, white, men to oversee orphan affairs. As detailed in the previous chapter,

middling and poor apprentices were frequently bound to free male patriarchs within the community. In addition to providing them with food, shelter, and clothing, these artisan masters were required to instruct their orphans in the art and mystery of a specific trade or how to manage and farm a Tidewater plantation.

Similarly, the local community was obligated to care for and educate the county's wealthier orphans. Vestrymen and court justices assigned those orphans to male patriarchs, who would, in turn, care for the orphans and safeguard their future inheritance. As there were only so many free, white men, who were able to serve as guardians to the landed orphans of Henrico and Middlesex counties, this could be a problem.

Though Henrico County had a larger population than Middlesex County, experiencing higher birth rates and intracolony migration, both counties were relatively small. Between 1730 and 1773, Henrico's population rose from approximately 3,935 inhabitants to 6,366, while between 1730 and 1767, Middlesex's population rose from 2,985 inhabitants to 3,635.⁶ Such numbers are only an estimate and are taken from church tithable records.⁷

⁶APPENDIX A: Estimated Population for Middlesex County, 1730-1769; APPENDIX B: Estimated Population for Henrico County, 1730-1773.

⁷Tithables placed a head tax on all laboring adults within a household. Tithables included all men, both black and white, over the age of sixteen and black women over the age of sixteen. Children and white women were excluded from tithable tax. Therefore, one typically uses a ratio of

The 1790 Census of the State of Virginia is more accurate and shows a racial and gendered breakdown of the inhabitants living in both Tidewater Virginia counties. In 1790, approximately fifty percent of both Middlesex and Henrico County's populations consisted of African slaves.⁸ Prior to the American Revolution, Henrico and Middlesex's Euro-American population would have also been approximately half of estimated total population as well. Thus, at best, there were approximately 250 to 400 free white men living in Middlesex County and 500 to 1,250 free white men living in Henrico County between 1730 to 1775.

Being poor or of middling class, many of these men were unable to serve as guardians to the county's wealthier orphans. Because the legal guardian's chief duty was to carefully manage the estate and livestock of his ward, orphans were generally assigned guardians of the same class. After all, managing a wealthy orphan's estate required that a guardian have some expertise managing a large plantation. Therefore, middling men would have administered smaller estates or served as masters to apprenticed orphans.

As stipulated in Virginia's 1656 statute, legal guardians were also compelled to educate orphans according to the value of the estate and provide those orphans with the appropriate clothing, shelter, and objects due to any

about 2.5 to account for those women and children.

⁸See APPENDIX D: Census for Henrico County, 1790; APPENDIX E: Census for Middlesex County, 1790.

child of his or her social status.⁹ In some cases, this meant that the child would be tutored and if he were a boy, even attend college for a few years. The guardian was bound to monitor the child's education and spending habits during his college tenure.

The guardians of Virginia's propertied orphans were often the friends and colleagues of their deceased fathers or even their own blood relatives, such as uncles, older brothers, and grandfathers.¹⁰ Some mothers, aunts, and grandmothers were awarded guardianship of orphans, however, it was infrequent and usually determined by the social status of the female guardians. For example, in 1742, Mary Kemp was awarded guardianship of her daughter Elizabeth Kemp, the orphan of Matthew Kemp. The court noted Mary Kemp as Mrs. Mary Kemp; her title indicating that she was of a certain social and economic status.¹¹ Propertied women, who had the means to support themselves as well as their children, were more frequently awarded legal guardianship.

While it was rare for mothers to serve as legal guardians during the first half of the eighteenth century, orphans frequently continued to reside with their living mothers. If an orphan's mother had remarried within the community, the orphan might continue to live with his or her

⁹Hening, Statutes at Large, 1:416-17.

¹⁰Middlesex County, Order Book No. 5, 271, 396, 433, 505.

¹¹Middlesex County, Orders and Deeds, 1740-1744, Library of Virginia, Richmond, Virginia, reel 4, 199.

mother, and the step-father would become the legal guardian. While guardians looked after the interests of the orphan, it was not necessary for them to reside with the child. They were only obliged to distribute the orphan's resources to the child's primary caregiver and look after the estate.¹²

According to the Court Order Books of Middlesex County, male patriarchs typically had to petition the county courts for the legal guardianship of landed orphans. It could be an advantageous alliance, which allowed the guardian the opportunity to cultivate prime orphan lands. Furthermore, guardians were allowed to sell the orphan's livestock in order to pay for the orphan's expenses.¹³ Consequently, in a few instances, several Tidewater patriarchs vied for the guardianship of a single orphan. Unless a child was fourteen and could choose his or her guardian, such rulings were left up to courts. The court would then approve of the alliance between the orphan and one of the prospective guardians. Many of these guardian volunteers either served as county court justices or parish vestrymen, and therefore, their petitions carried more weight than those candidates who did not participate in local government.

It was not uncommon for Tidewater planters to act as guardian to more than one orphan in the county. For example, in Middlesex County, William Davis, the uncle of William Davis, served as legal guardian to many other county

¹²Morgan, American Slavery, American Freedom, 169.

¹³Hening, Statutes at Large, 1:260.

orphans. In January of 1717, Anne Allen chose Edmund Mickleburrough as her legal guardian; however, in April of 1718, her sister Catherine Allen chose William Davis as her legal guardian.¹⁴ In August of 1718, William Davis petitioned to serve as their brother John Allen's guardian.¹⁵ The eldest brother, Richard Allen, a young man over the age of twenty-one, counter-petitioned that he, instead of Davis, serve as his brother's legal guardian.¹⁶ William Davis not only served as the Allens' guardian, but as a guardian to Anne Nash and as a master to Michael Curtis, two other Middlesex County orphans.¹⁷ William Davis, like other Tidewater planters, may have sought out such guardianship positions for his own gain.

There were similar situations in Henrico County as well. In Henrico County, the Orphans Court book specifically stated that Rosamond, an orphan girl was "the onely Orphan in Guardianship of Capt. Edward Mathews decd being now arrived at Lawfull age."¹⁸ This phrase, too, implies that it was common for patriarchs to administer the estates of several orphans living within the county. Therefore, it might be reasonable to conclude that most eighteenth-century orphans did not live always with their

¹⁴Ibid., 358, 360.

¹⁵Ibid., 386.

¹⁶Ibid., 396.

¹⁷Ibid., 386, 407.

¹⁸Henrico County, Orphans' Court Book, reel 91, 29.

legal guardians. Guardians, such as William Davis, would have otherwise found themselves the proprietors of their own small orphanages.

In light of this, it would be more accurate to say that guardianship was primarily a legal, rather than a parental, alliance between a minor and an adult. Though guardianship, like apprenticeship, was instrumental in maintaining financial aspects of the local welfare system, it did not necessarily include the more intimate aspects of childrearing. Other community members or family members, such as the birth mothers, were allowed to physically care for such charges. Some wealthier orphans, however, did reside with their unrelated guardians.

One guardianship case in Henrico County, involving an orphaned French Huguenot, demonstrates that the local welfare system did not preclude caring for foreign orphans or those from other Protestant denominations. In 1704, Peter Schutt, the orphan of French refugee Turtulian Schutt, found himself without a guardian, his previous guardian having recently died. Colonel William Byrd, a wealthy and powerful patriarch, volunteered to act as Schutt's guardian.¹⁹ The Henrico County Orphans' Book simply described Schutt as one of the French refugees.²⁰ The orphan was to be delivered to Byrd with his "Clothing

¹⁹Henrico County, Orphans' Court Book, 46.

²⁰It is most likely that the French refugees in this reference were the French, Protestant Huguenots who immigrated to the English holdings in North America.

and Apparrell," indicating that he would be residing with Byrd.²¹ Byrd would not only serve as Peter Schutt's legal guardian, but would oversee his physical care. Such an act on Byrd's behalf demonstrates some of the goodwill which Tidewater Virginians extended to the French Huguenots. Those orphans were still considered future, viable members of the community, and deserved the benefits of interdependent relationships. In this particular case, the guardian, Colonel William Byrd took on a sort of ambassadorial role.

As demonstrated in Middlesex and Henrico counties, guardianship was not necessarily a duty which Tidewater Virginians opposed, but a position which many free patriarchs, such as Byrd, pursued. Guardianship could be an advantageous alliance. Therefore, it is not uncommon for early American historians to find continual references to the same guardian, such as William Davis. Such occurrences, however, force historians to consider the possibility that those guardians were, in fact, exploiting the county's landed orphans. Local county guardians may have, in fact, been participating in guardianship roles as part of an agrarian scheme.²²

This must have been the case because in 1656, the Virginia Assembly passed a law that acknowledged the abuses to which wealthier orphans were most often subjected,

²¹Henrico County, Orphans' Court Book, reel 91, 46.

²²Morgan, American Slavery, 169.

primarily financial mismanagement and intentional theft. Misuse of land was considered an abuse in colonial Virginia, an agrarian society. Therefore, the 1656 law held that the courts require the guardians to pay a security for the estate and give yearly updates on the status of the estate and the orphan.²³ If the guardian did not post a bond of security after several court summons, the orphan could be assigned to a different guardian.

The annual updates were usually referred to as the Orphans Court and convened, as in Henrico County, in August or October. These courts would frequently call all individuals forward who were entrusted with the guardianship of orphan lands. For example, in 1708, the Henrico Orphans Court stated that "all guardians of Orphans in this County do bring in an inventory of Estate they have in their Custody or possession belonging to the several Respective orphans."²⁴ Featured in these reports were accounts of the orphan's cattle, sheep, and horses. Guardians and artisan masters also reported the age of the orphans in their custody.²⁵

Guardians frequently lost orphan cattle and other

²³Hening, Statutes at Large, 1:416-7.

²⁴Henrico County, Orphans' Court Book, reel 91, 50.

²⁵When recording the ages of various orphans, the court clerk would simply write, "James Ward servant is 11 years old." For wealthier orphans, they would read, "The orphan of John Jones is 11 years old." If masters or guardians tried to keep an orphan past his or her majority, the court had records which detailed the true age of the child.

livestock, either having consumed or sold the animals. The Virginia Assembly and House of Burgesses passed a law in 1661, which specifically stated that "all cattle, horses and sheep be returned in kind by the guardian according to age and number, according as he received them."²⁶ The statute further made a reference to this particular form of mismanagement by stating in an aside, "which by the carelessness or wickedness of the guardians was usually consumed before they came to age."²⁷

Guardians could also be faulted if they did not provide their charges with adequate housing and clothing. The Guardians' Bonds or Guardians' Accounts records for Middlesex and Henrico County detail the expenses paid from the orphans' estates. By keeping detailed records, the assigned guardians protected themselves from accusations of estate mismanagement or pilfering. For example, in Middlesex County, the orphan of John Aldin received from his guardian a man's saddle, one third of his tools, a prayer, and shoes and trousers in 1760.²⁸ In 1761, Elizabeth Wortham received a satin bonnet, one pair of shoes, and the maintenance of one slave from her guardian.²⁹ Expenses for schooling and boarding were taken out of the estate fund as

²⁶Ibid., 2:93.

²⁷Ibid.

²⁸Middlesex County, Orphans Book, 1760-1820, Library of Virginia, Richmond, Virginia, reel 53, 1.

²⁹Ibid., 9.

well.

While some guardians kept detailed records of orphan estates, there were many unscrupulous relatives and guardians who often found an orphan's estate to be appealing. In particular, step-fathers, who did not share blood-ties with the orphans, were either accused or found guilty of such infractions.³⁰ As many women frequently remarried, in what Carr and Walsh describe as the colonial phenomenon of serial polyandry, the family became a complex network of step-relationships. Fathers increasingly found themselves worrying about their children being used harshly and their inheritance being mismanaged by future step-fathers, who were not related to their step-children.³¹ Relationships between orphans and step-parents could be physically and economically abusive and exploitative in early America.

³⁰Tidewater Virginians defined the household as a patriarchal structure, and paternity in biological terms. Consequently, step-fathers did not have the same type of bond with step-children that birth fathers might have had. Therefore, it is not surprising that familial unrest was, in part, due to conflicts between step-relations. America's revolutionaries, however, eventually redefined paternity in Lockean terms, and by doing so, they consequently altered the patriarchal household. Paternity was, therefore, based upon nurture, and not necessarily nature. See Jay Fliegelman, Prodigals and Pilgrims: The American Revolution Against Patriarchal Authority, 1750-1800 (New York: Cambridge University Press, 1982). The French Revolution similarly eroded traditional definitions of paternity. It was previously considered unacceptable to adopt another individual's child in Early Modern Europe, however, adoption rates increased during the Napoleonic Empire. Kristin Elizabeth Gager, Blood Ties, 161.

³¹Carr and Walsh, "Planter's Wife," 82-5.

In 1711, Cotton Mather, a New England Puritan minister, wrote a sermon on orphans and step-relations entitled, "*Orphanotrophium*." He wrote about orphans, "They have Parents in Law, which are Parents in Love; and Redeem the too often Obnoxious Reputation of the Step-father and the Step-mother."³² According to Mather, instead of treating orphans with cruelty, guardians or step-parents should "foster them, & neurish them, & cherish them."³³ While mortality rates were significantly lower in New England than in Virginia, families also remarried and formed complex households. Those relationships were apparently often so strained that Cotton Mather wrote a sermon on how step-families should care for orphans in their care.

In colonial Virginia, the county court negotiated the conflicts between orphans and step-parents. In eighteenth-century Tidewater Virginia, many mothers argued that their second or third husbands were abusing their children from previous marriages. For example, in 1681, Joane Ascough went before Henrico County's court with a list of abuses that her second husband, Henry Ascough, had committed against her children.³⁴ Henry Ascough had originally been awarded the legal guardianship of the orphans of Robert Huson, Joane Ascough's children.

³²Cotton Mather, "*Orphanotrophium* or Orphans Well-provided for," (Boston: Printed by B. Green, 1711), Early American Imprints, 1639-1800, EN #1510, microprint.

³³Ibid.

³⁴Henrico County Orphans' Court Book, reel 91, 7.

Joane argued that Ascough injured her two daughters, Bethenia and Joane Huson. According to the Orphans' Court, Ascough had not secured the orphans' estates with a bond of security, as the law specified, and had used the girls in a "barbarous" way.³⁵ It is difficult to know what this barbarous usage was. He could have been molesting them, beating them, or working them too hard. Nevertheless, the evidence was sufficient that the court thought it wise to place both girls in apprentice situations and out of the Ascough household. The court justices listened to the evidence and petition of Joane Ascough, a woman who wanted her daughters taken out of her husband's care.

Women, for the most part, had few legal rights in seventeenth and eighteenth-century America. Women could not own property, other than lands that they had inherited, and unlike their husbands, they did not have inherent, legal rights over their children.³⁶ Consequently, Virginia mothers were seldom awarded legal guardianship of their children by the county court justices. Many mothers were able to still care for their children within their households if they remarried men who were willing to serve as guardians to their step-children. Unless a child was

³⁵Ibid.

³⁶See Linda K. Kerber, Women of the Early Republic: Intellect and Ideology in Revolutionary America (Chapel Hill, NC: University of North Carolina Press, 1980); Marylynn Salmon, Women and the Law of Property in Early America (Chapel Hill, NC: University of North Carolina Press, 1986.)

fourteen and could legally choose his or her legal guardian, the court usually assigned a male guardian to the orphan.

Some wives were deeded guardianship of their children by husbands and other male relatives. For example, in Henrico County, the court clerk wrote it was, "Ordered that Sarah Knibb In whose Custody the Estate of her two Sons Solomon & John Knibb are given by the Last Will & Testamt. of their Uncle Jer. Browne decd."³⁷ These orphans and their estates were placed in the care of their mother by their mother's own brother.

Upon reaching fourteen, some orphans requested their mothers as their legal guardians. In 1741, John Segar of Middlesex County requested that his mother, Anne Segar, become his legal guardian.³⁸ While the courts did not automatically grant mothers' guardianship of their children, they would do so at the request of the child or by the last will and testament of the father. It is important to note that both girls and boys were allowed to choose their own guardians at fourteen years of age. Evidently, an orphan child and the deceased father had more influence with the court justices than did the living adult mother.

This distinction between the right of the child and the right of the mother reveals much about gender and power in eighteenth-century Virginia. Wealthy male orphans, who

³⁷Henrico County, Orphans' Court Book, reel 91, 33.

³⁸Middlesex County Orders and Deeds, 1740-1744, reel 4, 162.

stood to inherit large estates, were given the power to decide who would eventually administer their estates. Female orphans could also choose their own guardians; although they usually stood to inherit cash and livestock, instead of land. By giving Virginia orphans the opportunity to choose their own guardians, local county court justices also gave those male orphans a taste of the patriarchal power that they would one day inherit.

Wealthy orphans generally achieved independence much earlier than children whose fathers were still alive. At the age of twenty-one, the orphan could inherit his or her estate and marry whomever he or she desired, without incurring the displeasure of the father, the household patriarch. However, upon marriage, young women typically transferred control of their inherited properties over from their guardians to their husbands. Consequently, orphan court records show husbands more often administering their wives' orphan estates. Though female orphans, such as Elizabeth Bass, lost control over their orphan properties, they did obtain more control over marriage than other young women whose fathers were still alive. They could choose their partners and decide as to when they would actually marry. Young men and women whose birth fathers were still alive, on the other hand, were forced to wait for their estate and personal independence until their fathers expired.

Many Tidewater young men viewed their dependent and

impotent household status as shameful. In 1759, Reverend Andrew Burnaby commented upon this aversion to dependent relationships in Travels Through the Middle Settlements in North America in the Years 1759 and 1760. He wrote that the Virginians "are haughty and jealous [sic] of their liberties, impatient of restraint, and can scarcely bear the thought of being controuled [sic] by any superior power."³⁹ This characterization applied to both their domestic and political temperament.

While seventeenth and eighteenth-century Virginians found ways of adapting to their mortal environment, they did so in a patriarchal and communal way. Due to the high mortality rates in many Tidewater Virginia counties, it was impossible to maintain a traditional household structure. Parents, children, and siblings died suddenly and frequently. Thus, Tidewater Virginians were forced to use a more formal system of patriarchy and alliance, binding their orphan population to male patriarchs within the local community. Like feudal lords, these guardians would serve and protect the orphan and his or her interests. Upon reaching the age of twenty-one, the male orphan's relationship with his guardian was dissolved and he could then claim his economic and personal independence. Eighteenth-century orphans only achieved this economic and personal independence through communal and patriarchal

³⁹Andrew Burnaby, Travels Through the Middle Settlements in North America in the Years 1759 and 1760, 2nd ed. (Ithaca, NY: Great Seal Books, 1960), 24.

relationships of interdependence.

Colonial Virginians tried to uphold the ideas of household patriarchy, however, they often fell short of these ideals, and were forced to employ more traditional definitions of patriarchy. Court day became the local stage for expressing these communal and patriarchal laws and customs. Though the local county court system relied upon the judgements of leading gentlemen, court decisions often reflected the morals and customs of seventeenth and eighteenth-century Virginians. According to A.G. Roeber, "court day was the arena in which authority, law, and custom mingled in ritual exchanges."⁴⁰ After the American Revolution, as Virginians increasingly emphasized the authority of the state and state constitution, communal culture and court rituals, such as legal guardianship, began to erode.

⁴⁰Roeber, "Authority, Law, and Custom," 51.

CHAPTER III

RESULTS AND CONCLUSIONS: A FAMILY REVOLT

Orphans Court records, county records, and colonial legislation document a gradual shift in the ways that eighteenth-century Virginians viewed and cared for their orphan population. Seventeenth and early eighteenth-century Virginians sometimes perceived poor orphans as disorderly, a menace to Tidewater Virginia society. From the mid-eighteenth century until the American Revolution, Virginians began to pity orphan children, making more detailed provisions for their present and future welfare. Such a shift in eighteenth-century perceptions of orphans indicates a gradual change in familial relationships, family values, and household structure. This chapter will discuss this cultural shift in the early American family and suggest that the American Revolution accelerated this process.

While orphan legislation and court records highlight the particular cases and issues eighteenth-century Virginians may have felt were important, the language is fairly sterile, telling historians little about early American culture and family values. Sermons, letters, diaries, and other literature, on the other hand, can add a dimension to demographic studies on the early American household. This chapter will look at some of the

literature, rhetoric, and law pertaining to Tidewater orphans in the mid to late eighteenth century. These sources will reveal a gradual and emotional metamorphosis occurring in the early American household.

The patriarchal household structure began to slowly change in mid-eighteenth century America. Due to high mortality rates and frequent household instability, seventeenth and early eighteenth-century Virginians adopted a more fluid household structure. This household structure was based upon a traditional and feudal system of patriarchy; its roots firmly entrenched in medieval patronage. By the mid-eighteenth century, this communal patriarchal system lost much of its initial momentum. This was, in part, due to a significant decrease in adult mortality and the stabilization of a native population. As there were an equal number of Euro-American men and women living in Tidewater Virginia by the mid-eighteenth century, first and second marriages lasted relatively longer. Consequently, in the event of their demise, household patriarchs began to rely upon their wives, as well as the local community of men, to care for their orphans.

The General Assembly and House of Burgesses passed a law in 1748 that documents the changing patterns and relationships among husbands and wives, and parents and children, in mid-eighteenth-century Virginia. The 1748 statute stated that fathers had the right "to dispose of the custody and tuition of such child or children," and the

appointed guardians could

maintain an act of ravishment of ward, or trespass, against any person or persons who shall wrongfully take away or detain such child or children, for the recovery of such child or children and shall may recover damages for the same, in the said action, for the use and benefit of such child or children.¹

While many fathers wrote wills requesting that specific individuals serve as their orphans' guardians, the 1748 law further empowered the chosen guardians with the right to file acts of ravishment against those responsible for detaining their wards. In eighteenth-century America, ravishment charges were akin to modern charges of kidnapping. The law ensured that those legal guardians could, in fact, legally retrieve their wards from those who tried to molest, kidnap, and claim them.

Virginians had rarely used such strong language in their previous orphan legislature. Such a change in their legal jargon forces early American historians to ask why Virginians felt it necessary to empower their children's guardians with the legal power to file acts of ravishment. Furthermore, it begs historians to ask who those guardians were and why they needed this sort of additional power. Female guardians, who had few legal rights in early America, apparently needed this sort of additional power. The 1748 law was passed just as early American fathers began to write wills requesting that their children and estates be placed in the sole care of their wives.

¹Hening, Statutes at Large, 5:449-451.

Throughout the eighteenth century, this practice was becoming more common among Virginia's wealthy Tidewater families. Fathers, with good reason, feared that their widows would marry men who would abuse their children and mismanage their estates. By placing their children and estates under the legal guardianship of their wives, wealthy Tidewater planters gave their wives an independent income and a place to live, preventing the financial need to remarry. Furthermore, these fathers expressed a newfound trust, respect, and affection for their female partners by naming them as their children's principle guardians.

Even though the 1748 Virginia law was still patriarchal in nature, it differed significantly from earlier orphan legislature. On the surface it would appear that this law reinforced the patriarchal household by giving the father absolute patriarchal authority; however, it actually worked in the reverse. By usurping the authority of the courts and vestries, household patriarchs were able to empower their wives with the authority to ensure the care and protection of their children. Wives and children were not only individuals to be dominated within the structure of the patriarchal household, but were family members to whom men wanted to offer paternal protection, even from beyond the grave.

Kenneth Lockridge's On the Sources of Patriarchal Rage briefly touches upon the dynamics of this mother-guardian arrangement. Thomas Jefferson's father, Peter Jefferson,

like many other eighteenth-century patriarchs, left the management of the estate to his wife, Jane Randolph Jefferson, until his son reached twenty-one years of age.² According to Lockridge, this arrangement angered the teenage Thomas Jefferson so much that he became consumed with misogynistic rage.³ As a result, Lockridge argues that Jefferson's adolescent commonplace book demonstrates a plethora of misogynistic themes and insults aimed at his mother.⁴ Lockridge maintains that as the household became more paternal and women gained more authority within it, a backlash of misogynistic thought also increased. While Lockridge's Freudian example overemphasizes Jefferson's patriarchal rage, it does adequately demonstrate a gradual "cultural paradigm," shift occurring in the family during the mid- to late eighteenth century. Some households, such as Peter Jefferson's, became more paternal rather than patriarchal; whereas others, retained rigid patriarchal characteristics.

Much of this overlap between patriarchal and paternal relationships was due to the complex nature of cultural development.⁵ Cultural development is a gradual process,

²Lockridge, Patriarchal Rage, 69-70.

³Ibid.

⁴Ibid., 70-1.

⁵Wall and Wood attribute changes in the family to enlightened paternalism. They distinguish between the patriarchal and paternal household, and argue that the patriarchal household belonged to pre-revolutionary America, and the paternal household was the product of the American

frequently incorporating both old and new value systems. It is unrealistic to suppose that a culture simply adopts new values in place of the old. Oftentimes, two value systems exist together, and people incorporate and reject various aspects of the two cultures. In mid-eighteenth-century Virginia, some households developed more emotional bonds within their families, while others were bound together by household economics.

Religious sermons from mid-eighteenth-century Virginia describe both elements of the emotional family and the patriarchal household structure. James Maury, for example, an eighteenth-century Anglican minister, wrote several sermons on the patriarchal household in mid-eighteenth-century Virginia.⁶ Like many Tidewater Virginians, Maury vacillated between the ideas of patriarchy and enlightened paternalism. He wrote in a "Sermon to Children," that a child should maintain a "measure of submission & Reverence, as is decent & right for Persons in their inferior Rank to under those, who stand in the far superior Rank of Parents."⁷ Such a view reinforced patterns of deference

Revolution and Enlightenment thought.

⁶James Maury (1718-1769) preached in King William County and Albermarle County. As most parishes had both a lower and upper parish, the parish priest was bound to hold services in both buildings and deliver the same sermon. As a result, Maury's sermons show the particular dates in which he preached the sermon to the upper and lower churches.

⁷James Maury Sermons, "Sermons to Children," (September 1750) Rare Book and Special Collection Manuscripts of the Colonial Williamsburg Foundation Library, Williamsburg, Virginia, 8:2.

within the colonial household.

Maury also argued that divine authority was and is much higher in rank than that of human authority.⁸ He wrote that parental authority was limited by God's authority, "beyond which neither paternal authority nor filial obedience ought to extend."⁹ Maury's sermon, while still steeped in the tenets of patriarchy, also worked to undermine this patriarchal household structure. He gently reminded his audience that Virginia's patriarchs were not, in fact, gods and that there was an authority much higher than their own.

Like many clergymen, Maury was particularly concerned with one's private, spiritual relationship with God. He, therefore, defined the parent-child relationship on a similar level and wrote in his sermon, "that if Parents are tender and Kind, they ought to be loved; but if morose & cruel, yet even then they ought to be revered."¹⁰ Tapping into Lockean philosophy, Maury believed that if a parent was loving and kind, then the child would be loving and kind in return. He argued that all parents, however, deserved respect. While Maury did not specifically name orphans in his sermon, it should be apparent that he was addressing all children within the parish and county.

Elam Potter, an itinerant preacher, on the other hand,

⁸Ibid.

⁹Ibid.

¹⁰Ibid., 8:4.

specifically addressed "the destitute people and vacant congregations in Virginia," in his "Two Sermons on the Amiableness of Jesus Christ."¹¹ Travelling throughout Virginia, the Carolinas, and Georgia he sought out such individuals, including the county's poor orphans. In his sermon he stated that Jesus "invites you as a Parent; seek him with all your Hearts; love him more than Father and Mother; he died to save you."¹² Like Maury, Potter undermined the patriarchal authority of Virginia's wealthy planters.¹³ By arguing that Jesus was, in fact, a more powerful and important patriarch than one's own father, Potter undermined household patriarchy and reinforced the love of the new paternal family. Like many other evangelicals, Potter described Jesus as an amiable and kindly father to Virginia's "destitute people." Potter particularly sought out individuals, such as the poor, who were alienated by patriarchal patterns of deference.

Unlike the wives of wealthy planters, poor and middling parish widows had few resources to provide for themselves and their fatherless children. Yeoman and craftsman husbands often died intestate and frequently left their

¹¹Elam Potter, "Two Sermons on the Amiableness of Jesus Christ," (Boston: printed for Richard Draper, 1771), Early American Imprints, 1639-1800, EN #12202, microprint.

¹²Ibid.

¹³Rhys Isaac argues in The Transformation of Virginia that evangelical religion questioned traditional patterns of deference. Rhys Isaac, The Transformation of Virginia, 1740-1790 (New York: W.W. Norton & Co., 1982), 289-91.

wives and children with more debt than income. Many middling and poor women either remarried, or were forced to bind their children out to local planters and artisans. Unlike wealthy orphans, these orphan children were often seen as a burden to the county and parish.

Vestrymen were particularly blatant in their revulsion and underlying fears of the county and parish's poor orphan population. Tidewater patriarchs viewed orphans, who lacked the authority and guidance of a patriarchal father, as a possible moral threat to the community.¹⁴ This is particularly evident when reading the indentures of poor orphans. Upon indenturing a poor orphan to an artisan or craftsman, the vestry clerk typically ended the indenture by stating, as in this 1729 entry, that the arrangement between artisan and orphan would "keep the Parish harmless and Indamnified from his being Any more Chargable or burdensom to them During his Indentured time."¹⁵ Indamnified was a simple misspelling of the word indemnify. While this misspelling may have been genuine, it is possible that the vestry clerk was making a play on the words "damn" and "indemnified." Many seventeenth and eighteenth-century, literate Christians understood how to conjugate and spell the verb *damn*.

¹⁴Wall, Fierce Communion, 104.

¹⁵The Vestry Book of Petsworth Parish, Gloucester County, Virginia, 1677-1793, transcribed by C.G. Chamberlayne (Richmond, VA: Virginia State Library, 1993), 215-16.

In contrast to these hostile vestry records, Samuel Henley's A Sermon Preached at Williamsburg, May 5, 1771, For the Benefit of a Fund to Support the Poor Widows and Orphans of Clergymen in Virginia expressed little aversion to the poor orphans of deceased clergymen. Henley, a professor of Moral Philosophy at the College of William and Mary, stated of widows and orphans of poor clergymen, "not only have they lost their possession, and habitation-the scene and supply of their former enjoyments-but, along with them, the rank they sustained, and the respect it procured."¹⁶ Typically, clergymen and their families were as educated, if not more than, as Virginia's Tidewater gentry. Unlike the planter elite, the clergymen and their families did not enjoy an opulent plantation lifestyle. As educated persons were few and far between, clergymen frequently socialized with their planter neighbors and tutored their young children. Unlike planters, however, clergymen did not own their own land or homes. The parish provided them with adequate housing on glebeland and a comfortable salary. Although the clergyman had some power within the parish, it was often checked by the churchwardens and vestrymen, who usually happened to be the clergyman's wealthy planter neighbors and

¹⁶Samuel Henley, A Sermon Preached at Williamsburg, May V, 1771, For the Benefit of a Fund to Support the Poor Widows and Orphans of Clergymen in Virginia (Williamsburg, VA: Printed for Mess. Payne, Davies, Elmsly, and Pearch), facsimile, 9.

benefactors.¹⁷

Henley's sermon on the poor orphans and widows of clergymen was delivered to an audience consisting of Tidewater Virginia's wealthy planter elite. Henley employed specific cultural rhetoric to appeal to Virginia's gentry class. In particular, he relied on themes of *noblesse oblige*, power, and honor. He wrote, "Power, also, authority and influence, capacitate us for conducing to the public welfare. Such talents should not be employed, not so much for the security and advancement of the possessor, as for the protection of the defenceless and the support of the oppressed."¹⁸ Henley underscored the Tidewater, gentrified theme of duty, honor, and right, arguing that it was the duty of the gentry to assist those who were less fortunate.

Henley addressed his secular sermon to a class, who had previously been concerned with public issues and the public good and order of the community. He may have thought that the poor widows and orphans of Virginia's clergymen, who were not unlike the families of the planter elite, would affect the sensibilities of Henley's audience. Ultimately, Henley was able to appeal to the culture and core of the gentry's belief system. On the eve of the American

¹⁷Rhys Isaac, Transformation of Virginia, 144. Isaac describes relationships of power and deference between clergymen and planters in The Transformation of Virginia. He writes, "the incoming rector of a Virginia parish had to seek alliances, ingratiating himself with powerful persons and kin groups, or else face isolation."

¹⁸Henley, A Sermon Preached At Williamsburg, 1-2.

Revolution, patriarchal beliefs, such as duty and honor, were still firmly entrenched in Virginia Tidewater society.

Like Henley's sermon on the widows and orphans of clergymen, a poem, entitled "Care & Generosity," relied upon notions of duty and honor as well as the new maternal and paternal emotionalism. The poem appeared in a 1771 edition of the Virginia Gazette.¹⁹ It described benevolence as the marriage between care and generosity. According to the poet, care was a wealthy planter and generosity was a lovely woman. The poet wrote about Care and Generosity:

Near him there liv'd a beauteous Maid
With all the Charms of Youth array'd
Good, amiable, sincere, and free,
Her Name was Generosity.
'Twas her's the Largess to bestow
On rich and poor, on Friend and Foe.²⁰

The poem, "Care & Generosity," abandoned strict patriarchal notions for more maternal and paternal imagery. Similarly, Henley used paternal imagery in his sermon by describing the clergy's widows and orphans as defenseless and oppressed. Henley did not advocate that the widows and orphans of clergymen necessarily needed patriarchal protection, but instead, he argued that they needed funds. Both Henley's sermon and "Care & Generosity" relied upon old values of *noblesse oblige*, tempered by new emotionalism and enlightened paternalism. Both the poem and sermon also demonstrate that the early American household and American

¹⁹Virginia Gazette, 5 September 1771.

²⁰Ibid.

methods of benevolence were undergoing a cultural paradigm shift.

While enlightenment thought had penetrated Tidewater Virginia from the mid-eighteenth century until the American Revolution, it did not completely alter the structure of Virginia's patriarchal households. As demonstrated in Henley's sermon, social welfare stemmed from Tidewater patriarchy as well as enlightened paternalism on the eve of the American Revolution. Similarly, while women and men increasingly married for love, entering marriage as an emotional and spiritual covenant, many relationships within the early American household continued to revolve around the authority of the father.

The structure of the early American household did not truly change until after the American Revolution. In the years prior to the American Revolution, Virginia's fathers were still considered absolute household patriarchs. The revolutionaries, however, associating patriarchy with the English monarchy, publicly rejected the tyrannies of household patriarchy. One could argue that the events surrounding the American Revolution served as a catalyst, causing the early American household to develop into a more maternal and paternal, nuclear family.²¹

The patriotic rhetoric of the American Revolution was indicative of this shift, often focusing on the tyrannies of

²¹See Wood, The Radicalism of the American Revolution; Jay Fliegelman, Prodigals and Pilgrims.

both political and household patriarchy. The patriots frequently compared the rift between England and the North American colonies to that of an estranged parent and child. The North American colonies were also portrayed as vulnerable women, and occasionally as orphans. One revolutionary poem by Francis Hopkinson, published in 1775, compared America to a wealthy orphan girl and King George to a predatory, male guardian:

An orphan child fell to my care
 Fair as the morn was she
 To large possessions she was heir
 And friendly still to me.

But George, my son, beheld the maid
 With fierce lascivious eye;
 To ravish her a plea he made
 And forced she was to fly.²²

The poem served a political role to further the American patriotic cause. However, it inadvertently shows historians that early Americans were beginning to perceive orphans in a very different light. No longer were orphans simply an unruly burden to the community, but they were viewed as vulnerable children, often victimized by tyrannical adults.

Orphans and widows figured as pure victims in pre-, post-, and revolutionary wartime rhetoric. In a July 27, 1769 edition of the Pennsylvania Gazette, a letter to King George was published, stating that the Stamp Act's heavy tax burden would make it impossible

to distinguish the Case of Widows and Orphans in America, plundered by infamous Informers, from those

²²Bruce Granger, Political Satire in the American Revolution (Ithaca, NY: Cornell University Press, 1960), 21.

who suffered under the Administration of the most oppressive of the Governors of the Roman Provinces.²³

Such rhetoric using images of starving and victimized widows and orphans became a standard form of American propaganda.²⁴ While household patriarchs felt it their duty to protect those under their care, this form of rhetoric tried to induce an emotional response among middle and upper class colonists, an audience which had come to emotionally cherish their children and wives.

The Pennsylvania Gazette, one of the major mouthpieces of the American Revolution, published a letter by the New York Committee of Mechanics on June 12, 1776 which employed more widow and orphan rhetoric. The letter equated the destruction of the patriot's household to a wartime crime:

When we see that one whole year is not enough to satisfy the rage of a cruel Ministry, in burning our towns, seizing our vessels, and murdering our precious sons of liberty; making weeping widows for the loss of those who were dearer to them than life, and helpless orphans to bemoan the death of an affectionate father.²⁵

The Mechanics thus described the wife's relationship with her patriot husband as dearer than life and his relationship with his children as affectionate.

American revolutionaries not only used the orphan in rhetoric, but found themselves relying upon the physical

²³Pennsylvania Gazette, 27 July 1769.

²⁴Nineteenth and twentieth century Americans frequently portrayed America's women and children as war's unfortunate victims.

²⁵Pennsylvania Gazette, 12 June 1776.

labor of their male orphans. In 1780, as the Revolutionary War continued to drain colonial resources, Virginia's lawmakers found it necessary to place their Tidewater orphan boys in the Navy or on merchant vessels in lieu of apprenticing them to local artisans. The act stated that half of the male orphans, "who may live below the falls of the respective rivers in the eastern part of this commonwealth, to be bound to the sea, under the most prudent captains that can be procured to take them."²⁶ Only poor orphans were bound in such a way. Wealthier orphans were safeguarded from such use by their family and guardians. This distinction between poor and wealthy orphans would later have an impact on the post-revolutionary welfare system.²⁷

A new welfare system was created both during and after the American Revolution. America's sons of liberty who died in the American Revolution left widows and orphans behind. It fell upon the new government to provide for these individuals. In Virginia, the new state government passed several acts to provide these families with suitable pensions.²⁸ In 1780, the statute stated that any Virginia officer "who hath died or shall hereafter die in the service, and leave a widow, she shall receive annually for

²⁶Hening, Statute at Large, 10:385.

²⁷Wall, Fierce Communion, 141.

²⁸Hening, Statutes at Large, 10:374, 12:279.

the space of seven years, half pay of such officer."²⁹ If the widow died or remarried within those seven years, then the orphans of that officer would receive his pay.³⁰

Unlike the local parish and county methods of social welfare, these provisions were made on a state level. Furthermore, it is important to note that this act did not provide for the widows and orphans of enlisted men. Those orphans were still bound as apprentices to members of the community.

Poorer orphans generally did not fare well in the new republic. One would think that as the early American household became more nuclear and emotional, relationships between apprentices and masters would follow along similar lines.³¹ Master and apprentice would then assume the relationship of that of an adoptive father and son. This, however, did not happen. Instead, as the economy expanded and became more market-oriented, such traditional labor relations diverged. In cities, the apprentice-master model gave way to more industrial models of free labor. Therefore, employee and employer relationships never developed the close bonds shared by many apprentices and masters in the years prior to the American Revolution.³²

It became the duty of the new state government to care

²⁹Ibid., 10:374.

³⁰Ibid.

³¹Wall, Fierce Communion, 141.

³²Ibid.

for the interests of poor orphans. According to a 1785 Virginia statute, courts in every city or county would, "receive the complaints of apprentices or hired servants, being citizens of any one of the confederated states of America."³³ Official Overseers of the Poor were elected in Virginia. Prior to the American Revolution, vestrymen and court justices had seen to the care of the colony's poor orphans. Their positions were previously voluntary and considered part of the duties of a Tidewater gentleman. Nevertheless, poor orphans in many Tidewater counties continued to be bound to local artisans and farmers.

Life did, however, change for the new republic's wealthy and middle class orphans. Wealthy and middle class orphans continued to be cared for by guardians in the new republic, but those guardians changed. Mothers or other close relatives were more often awarded guardianship of landed orphans, and members of the community were less frequently awarded guardianship. It was no longer considered appropriate for strangers, unrelated male patriarchs, to care for the community's orphans. Early Americans had begun to set up clear boundaries between family and community. The early American household had developed into an emotionally sustained family, no longer needing or desiring the support of the outside community. Early American material culture can better illustrate how community and family diverged in the new republic.

³³Hening, Statutes at Large, 12:197.

In 1776, Philadelphia painter Charles Wilson Peale altered a modest oil painting, inadvertently illustrating some of the significant, and even revolutionary, developments in the early American family. The original canvas, painted by Peale in 1772, focused on a child's deathbed and the ghostly figure laid upon it. Four years later, Peale added a woman to the oil painting, crying over the still body of the child.³⁴

For museum patrons at the Philadelphia Museum of Art, the effect is melodramatic and familiar. The painting employs a well-known scene or lexicon from our cultural language.³⁵ The woman, in upper middle class dress, tells of a personal loss that a more child-centered middle class can easily relate to and comprehend. By including the woman, Peale altered the mood and interpretation of the painting, from its original focus on child mortality to adult mourning. He simply titled the oil, "Rachel Weeping."

The painting caused a stir among Philadelphia's upper class revolutionaries, many of whom were Peale's friends. The woman featured in the painting was Rachel Peale, Peale's first wife, and the dead child was their dead daughter Margaret. Peale covered the painting with a curtain and

³⁴Edgar P. Richardson, Charles Wilson Peale and His World (New York: Harry N. Abrams, Inc., 1983), 66.

³⁵I am using a very broad definition of language here. By cultural language, I am referring to non-verbal forms of language, such as symbols and other ritualized behaviors that are understood within a particular culture.

drew it aside for special, public viewings.³⁶ Several verses were written about the painting. One verse entitled, "Each Soft Emotion of the Mind," read

A Child lies dead before your eyes
and seems no more than molded clay
while the affected mother cries
and constant mourns from day to day.³⁷

This verse appeared in the December 4, 1782 issue of the Freeman's Journal.³⁸

For the social historian, "Rachel Weeping" serves as a visual and material example of the changes and shifts in the early American household during the American Revolution. In particular, "Rachel Weeping" documents the shift from the patriarchal household to a more maternal and private household, a structure often associated with the nineteenth century. Rachel mourns alone in the painting, without the additional support of an extended community or family. In essence, Rachel embodies the ideals of the revolutionary Republican Mother and testifies to the gradual privatization of the early American household.³⁹ It is interesting to

³⁶Charles Coleman Sellers, Charles Wilson Peale (New York: Charles Scribners & Sons, 1969), 106.

³⁷Ibid., 107.

³⁸Ibid., 106.

³⁹Republican motherhood was a patriotic construct for women. The revolutionaries believed that the United States would be founded not on a system of patriarchy, as there were too many tyrannies associated with this system, but would stem from volunteerism. Male citizens would volunteer for public service and women would stay at home and instruct their children in republican citizenship. See Kerber, Women of the Early Republic.

note that mourning art, such as Peale's "Rachel Weeping," is usually associated with the mourning rituals of the nineteenth century. In the nineteenth century, mourning mothers photographed their dead children and frequently made intricate mourning bracelets made from their dead children's hair. Such practices were widespread among upper and middle class nineteenth century mothers. Peale's painting, on the other hand, appealed to an intellectual class who described grief as "The Soft Emotion of the Mind." The revolutionary class had come to emotionally cherish their children, inconsolable and baffled by the untimely death of their offspring.

One could argue that mothers and fathers actually lost ground with this new sentimental, household structure. As the early American household became more sentimental and maternal in the early nineteenth century, the role of the father also changed. As more towns developed and men began to engage in business outside of the home, some republican fathers ceased to be familiar with the more intimate aspects of childrearing. Town and city fathers worked in the public sphere and came home to the family's private, domestic sphere. All real aspects of childrearing had become part of a woman's private, domestic domain.

For poor orphans, their conditions would also change, and not necessarily for the better. In the nineteenth and early twentieth centuries, orphans eventually became one of the most popular charities among evangelical Christians,

specifically evangelical women.⁴⁰ Instead of learning a trade and living within the community in which they were brought up, as in the colonial welfare system, some poor orphans were educated in special orphanage schools, leaving their familiar surroundings behind. By the late nineteenth and early twentieth century, such schools experienced overcrowding, poor and dismal conditions, and financial bankruptcy.

American reformers increasingly debated the pros and cons of home-care versus institutional care.⁴¹ Many reformers now believed that children could only flourish in a healthy and clean agrarian setting. Consequently, some reformers tried to place those orphan children in permanent, individual households, under a system of family adoption. Orphan asylums, such as the New York Children's Society, tried to implement this plan and sent thousands of orphans out on trains to the western states, where families would adopt and care for their needs.⁴² Reformers backing institutional care, however, argued that those families did not care for those orphans as family members, but used them

⁴⁰In general, nineteenth century American women were not as involved with the public sphere as men. However, as orphans were children and children were the primary business of women, evangelical women became involved with such causes. Consequently, many orphanages were run by upper and middle class evangelical women.

⁴¹Marilyn Irvin Holt, The Orphan Trains: Placing Out in America (Lincoln, Nebraska: University of Nebraska Press, 1992), 147.

⁴²Ibid., 20-23.

as household servants.⁴³

This new system of adoption in the West eventually failed. It failed because middle class expectations of family life had changed, becoming more emotional and child-centered. Middle class Americans rejected the strict, structure of the patriarchal household and the belief that the household was an interdependent household economy, which valued the labor of wife, husband, and child. Instead, middle class nineteenth-century Americans believed that children should be nurtured and valued for their pure qualities and not their contributing household labor.

Prior to the American Revolution, Virginia's male patriarchs cared for poor orphans out of patriarchal belief in *noblesse oblige* and duty, and not out of an inherent love for children. Poor orphaned children played a laboring role within the community's interdependent households, linking the community and the household together through economics, alliance, and patronage. Welfare reformers in the nineteenth century, on the other hand, relied upon the emotions of middle class Americans. While nineteenth-century households had come to cherish their children, to love the poor orphans of the community was, indeed, a stretch for many middle class Americans. However, within one hundred years social welfare had come around full circle, relying on the community to care for the nation's unfortunate, orphan children within hearth and home.

⁴³Ibid., 147-48.

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APPENDIX A

ESTIMATED POPULATION FOR MIDDLESEX COUNTY
1730-1767

<u>Year</u>	<u>Tithables</u>	<u>Estimated Population</u>
1730	1,194	2,985
1745	1,329	3,323
1759	1,459	3,648
1767	1,454	3,635

Parish tithables included all working men and black women over the age of sixteen. White women and children under sixteen were not considered laboring tithables. Therefore, by multiplying a 2.5 ratio for every tithable one can arrive at a close population estimate. Source: The Vestry Book of Christ Church Parish, Middlesex County, Virginia, 1663-1767, transcribed by C. G. Chamberlayne (Richmond, VA: Old Dominion Press, 1927).

APPENDIX B
ESTIMATED POPULATION FOR HENRICO COUNTY
1730-1773

<u>Year</u>	<u>Tithables</u>	<u>Estimated Population</u>
1730	1,574	3,935
1745	1,325	3,313
1760	1,702	4,255
1773	2,547	6,366

As in Appendix A, a 2.5 ratio has been multiplied to the number of tithables. Source: The Vestry Book of Henrico Parish, Virginia, 1730-1773, transcribed by R.A. Brock, in Annals of Henrico Parish by Lewis W. Burton (Richmond, VA: Williams Printing Co., 1904).

APPENDIX C
HENRICO COUNTY'S HEADS OF HOUSEHOLD

<u>Year</u>	<u>Heads of Household</u>
1752	558

Henrico County's tax records show that there were only 558 heads of household in 1752. Source: Henrico County, Deeds and Wills, Ect., 1750-1767, reel 9, 102.

Percentage of Deceased Heads of Household
Leaving Orphans Behind

<u>Year</u>	<u>Number of Heads</u>	<u>% of Deceased Heads</u>
1677-1689	39 Patriarchs	13
1690-1699	16 Patriarchs	5.3
1700-1708	20 Patriarchs	6.7
1708-1725	25 Patriarchs	8.3

If there were 558 heads of household in 1752, then there would have been approximately 300 heads of household between 1677-1725. These figures calculate the percentage of deceased household patriarchs to the total number of patriarchs (300). The number of heads, however, may have been lower than 300 between 1677-1699 and the number of heads from 1700-1725 may have been higher. Source: Henrico County Orphans' Court Book, reel 91.

APPENDIX D
CENSUS OF HENRICO COUNTY, 1790

<u>Age and Race</u>	<u># of Persons</u>
Free White Males Over 16	1,823
Free White Males Under 16	1,170
Free White Females	2,607
Other Free Persons	581
Slaves	5,819
<u>Total Population</u>	<u>12,000</u>

Source: First Census of the United States: Records of the Virginia State Enumeration [1782 to 1785] (Athens, GA: Iberian Publishing Co., 1990).

APPENDIX E

CENSUS OF MIDDLESEX COUNTY, 1790

<u>Age and Race</u>	<u># of Persons</u>
Free White Males Over 16	407
Free White Males Under 16	370
Free White Females	754
Other Free Persons	51
Slaves	2,558
<u>Total Population</u>	<u>4,140</u>

Source: First Census of the United States: Records of the Virginia State Enumeration, [1782 to 1785] (Athens, GA: Iberian Publishing Co., 1990).

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