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Marston Parish 1654-1674: A Community Study

Jane Dillon McKinney

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MARSTON PARISH 1654-1674:
A COMMUNITY STUDY

A Thesis

Presented to

The Faculty of the Department of Anthropology

The College of William and Mary in Virginia

In Partial Fulfillment

of the Requirements for the Degree of

Master of Arts

by

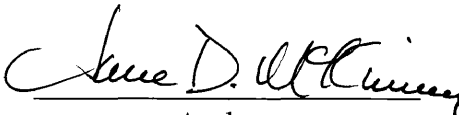
Jane Dillon McKinney

1996

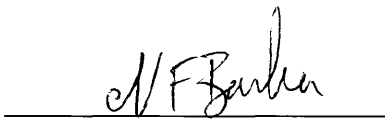
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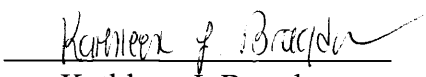
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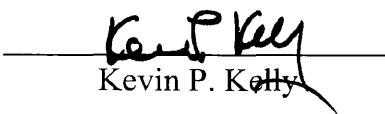
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Approved, November 1996


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In memory of my father,
Donald L. McKinney

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ABSTRACT

Marston Parish in York County, Virginia, existed as separate entity from 1654 to 1674. This study uses microlevel analyses of settlement patterns, community and neighborhood formation, and ethnographic data to test the proposition that Marston Parish was an area of cultural transition, neither frontier nor wholly incorporated into the established ecclesiastical or legal structures of the lower James-York peninsula. The Marston years marked the beginning of property subdivision and the agglomeration of smaller plantations into neighborhoods. While the neighborhood at the head of Queens Creek achieved maturity and a sense of self-identity, the northern neighborhood at the head of Skimino Creek was just beginning to become an aggregate. The population associated more closely within neighborhoods than between neighborhoods or at the parish level. Due to institutional failure, Marston Parish did not function as a centralizing force in the community, but rather as a socioeconomic and political factor that was used by individuals to promote their own interests. Demographics thwarted the entrenchment of a transplanted gentry. An ethnographic history of the neighborhood at the head of Queens Creek examines the processes of change and adaptation to the reality of the New World and the important role that women played in the formation of new communities. Studies of other Virginia parishes and counties in the Chesapeake area, in comparison to Marston, illuminate the minutiae of the local level. Because Marston joined with Middletown Parish to become Bruton Parish in Williamsburg, Marston Parish provides a singular insight into cultural change during the early years of the Middle Peninsula.

MARSTON PARISH 1654 - 1674:

A COMMUNITY STUDY

INTRODUCTION

“History is culturally ordered, differently so in different societies, according to meaningful schemes of things. The converse is also true: cultural schemes are historically ordered, since to a greater or lesser extent the meanings are revalued as they are practically enacted. The synthesis of these contraries unfolds in the creative action of the historic subjects, the people concerned” (Sahlins 1985:vii).

When the General Assembly created Marston Parish between Queens and Skimino Creek in 1654, it also decreed that the upper part of York County, from Skimino Creek to the heads of the Pamunkey and Mattaponi Rivers, would be called New Kent County. Thus, at its very founding, Marston was simultaneously incorporated into the ecclesiastical system and separated from the new frontier that had moved inland to what was to be New Kent County. During the twenty years that Marston Parish existed as a discrete entity, before joining with Middletown Parish to become Bruton Parish in 1674, the transitional nature of its culture is evident.

Because Marston only existed while it was in a state of transition between the freedoms of the frontier and the conventions of colonial life, it allows a close examination of the process of change. Before it became a parish, Marston, with a dispersed, sparse population, was very much a frontier area that lay outside the palisade that spanned the Middle Peninsula. Even after the General Assembly created Marston as a parish, it remained relatively free from the oversight of the church and the court or colonial government. Due to these institutional failures, Marston offered an opportune area for what Marshall Sahlins has called, “‘structural transformation,’ since the alteration of some meanings changes the positional relations among the cultural categories” (Sahlins

1985: vii). And, although all the land had been patented or bought up, fresh chances still seemed possible; for its youthful population, Marston would have retained an environment that would have encouraged the growth of democracy, capitalism and individualism, according to the Turner frontier thesis.

The period during which Marston Parish existed was one of flux in York County as a whole. The composition of the population changed, probably due to outmigration, and ownership of servants, black and white, more than doubled. Variations in tobacco prices and reduced productivity of nutrient-depleted tobacco fields occurred. These demographic and economic factors affected Marston Parish. The owners of large land patents began to die or to sell their property. The resulting subdivision of property, in turn, permitted the formation of the neighborhood at the head of Queens Creek during the 1650s, and, later, in the 1670s, the establishment of what would become a Quaker community on the south shore of Skimino Creek.

The formation of these neighborhoods within the parish community set the stage for the contest between the forces of individualism and capitalism with those of the community. In 1606, the London Company had issued instructions to the first settlers: “The way to prosper and to Obtain Good Success is to make yourselves all of one mind for the Good of your Country and your own, and to Serve and fear God, the Giver of all goodness...” (Billings 1975:22). Material success was the primary concern, as was self; God and unity were means to that end. The London Company’s creed had a lasting influence in Virginia. Breen (1980) regards this as a dysfunctional and variant aspect of English culture that only became viable in the context of tobacco cultivation. The jousting for position and property that had first occurred both among the English themselves and

with the Native Americans became refined as social status and position came increasingly to include partaking in responsible roles in the community. The resulting tension was due, in a sense, to the colonists colonializing themselves; they created their own positions within new forms of community in the uncertainty of the New World.

This study of Marston Parish addresses, at the microlevel, both Chesapeake and York County settlement patterns, demographic analyses, community and neighborhood studies, and includes an ethnographic history of the neighborhood at the head of Queens Creek as seen through the court record of one litigious woman, Elizabeth Woods. Without the York County Records Project, this reconstruction of people, places and events would have been extremely difficult. Without other areal studies to compare with Marston, this thesis would have been less fruitful because, in and of itself, Marston Parish forms only a very small part of the seventeenth-century Chesapeake colonies. Also, its records are incomplete and thus yield a picture that is possibly skewed in unknowable ways.

The Marston Parish Burial Register (see author's rendition, Appendix 1) contains the names of 252 people who died between 18 April 1662 and 29 December 1674. Although Marston and Middletown officially merged into Bruton Parish on 18 April 1674, for the purpose of demographic analyses, all the deaths for 1674 have been included because most of the deceased can be directly connected to Marston Parish. There are credibility problems with the register: the death of only three people in 1673 is the most egregious example. The second source for this study was the York County Project Master Bibliographical File at the Department of Historical Research, Colonial Williamsburg Foundation. Funded by two grants from the National Endowment for the

Humanities, it was designed "to carry out a prosopographical study of the residents of colonial and early national York County in order to learn about urbanization in the Tidewater section of Virginia" (Ritcher 1992:396). There are two lacunae in the records, one major and one minor: November 1648 - October 1657 and December 1662 - February 1664/5. Thus, there is no information in the York County Records for the first three years of Marston's existence. It is a tantalizing gap.

The third source, John Ferguson's computer-generated rendition of the 1704 Tract Map of York County, furnished the names of the then property owners and a rough approximation of where their properties were located. Because Ferguson used two separate data sets for the tracts and the topography and did not attempt to calculate the area of the tracts, there are problems with his map; it seems to become increasingly more distorted in relation to the topography the farther south the tracts lie from Skimino Creek.

The list of names from the Burial Register defined the first search through the York County bibliographical records. The 1704 rent roll and tract map provided a basis from which to back out the chains-of-title to the owners of Marston property in the 1670s, 1660s and 1650s. Together, the combined list of names allowed a pincers movement on the enormous amount of material available. The result is this study, which includes computer-generated maps of Marston property that conform to the documentary material available and to the topography in a logically satisfactory, if not infallible, manner. It is based upon a computerized record of the extensive social, legal and official networks of 182 households in Marston Parish (see Appendix 2 for the computer encoding form for the biographical materials).

Although community studies have been criticized for their technique of "massive

immersion” (Cusick 1995:64), there is probably no other method for the neophyte to approach a community: first, you wallow; often, you go under, or astray. Although there were certainly times when serendipity played a role, this study purposefully addressed five basic research questions: (1) Was Marston Parish a true frontier? (2) Did Marston Parish have a sense of self identity? (3) Did it have neighborhoods? (4) How does it compare to other contemporaneous, man-made, bounded constructs, i.e., the parishes and counties in the Chesapeake area? (5) What role did women play in the formation of communities? To answer these questions, it was necessary to search the material for patterns. The ethnographic history of the Queens Creek neighborhood has the potential for incurring criticism that it is a novel; insofar as that implies it is accessible to readers who become engaged, then to call it a novel is no pejorative. A novel is the study of process and sequential change on the human level.

“The anthropological mode of history may look suspiciously like literature to a hard-boiled social scientist. It begins from the premise that individual expression takes place within a general idiom, that we learn to classify sensations and make sense of things by thinking within a framework provided by our culture. It therefore should be possible for the historian to discover the social dimension of thought and to tease meaning from documents by relating them to the surrounding world of significance, passing from text to context and back again until he has cleared a way through a foreign mental world... I do not see why cultural history should avoid the eccentric or embrace the average for one cannot calculate the mean of meanings or reduce symbols to the lowest common denominator.” (Darnton 1984:6).

York County was one of the eight shires that the General Assembly created in 1634. At the same time, the Privy Council began once more to issue patents; the practice had been in abeyance since the dissolution of the London Company in 1624. The English started to move into York County, steadily encroaching upon the Native Americans' land.

By the 1660s, the English population in Virginia had reached 30,000 people; the Native American population had decreased from approximately 14,000 in 1607 to 2,980 in 1669 (Rountree 1990:96). After Opechancanough's uprising in 1622, the English regarded the Native Americans as the enemy, who were destined to disappear from their native land, just as they vanished from the English records. The population of York County rose from 510 people in 1634, to a high of 2,300, including 400 blacks, and 1,140 tithables in 1662, and then declined to 1,600 white people with 886 tithables between 1662 and 1668 (Richter 1992:40). But the composition of the population changed, probably due to outmigration. While only twenty-eight percent of the population had non-free laborers between 1658 and 1662, sixty-two percent owned servants between 1665 and 1674 (Grim 1977:121). The high male sex ratio of the 1630's (Grim 1977:90) was probably maintained; headright claims consisted almost entirely of men, who were transported to Virginia. The period between the end of the 1650s and the end of the 1670s was a time of flux and change; the number of entries in the court minutes doubled.

Ten years before the formation of Marston Parish, in 1644, another Indian uprising had killed four hundred settlers. At the end of the war, in October 1646, the English and the Native Americans had signed a treaty in which the Indians had ceded all of the peninsula between the James and York Rivers as far inland as the fall line to the English. So, by the time that Marston Parish and New Kent County were established in 1654, the Native Americans had been effectively pushed out of York County. Gloucester and New Kent County became the new frontier; this was reflected in the speculative size of the land patents that current residents of Marston, such as the Vaulxes, began to take out in these counties, while leasing or selling their Marston land. Native Americans'

and Point. Although the Anglicization of native names hides Indians in the records, there are only three people designated as Native Americans in the York County Records for Marston Parish: in 1665, Joseph Croshaw sold an Indian named Ben for £24 to William Calvert, the son of the first governor of Maryland; in 1667, Daniel Parke had a license to keep an Indian; and in 1667, Daniel Wyld was granted a license to keep an Indian to hunt. Yet, Marston, lying outside the palisade, had, before its 1654 separation from Chiskiack Parish, served as a buffer between the more populated lower county and the Indian populations. It had also received the overflow from Lower York County. Richter found that, by 1640, all except 1,061 acres of Charles Parish had been claimed; therefore, people from Charles Parish had to move to upper York County to obtain land (1992:45).

While the years of Marston Parish were peaceful, landowners such as Joseph Croshaw, who at one time had patented at least 5,100 acres, or 27%, of Marston's approximately 18,960 acres (Appendix 3), Robert Wyld, John Smith, John Broach, and Captain David Mansell had held property in Marston during the earlier wars. That generation of men died during the course of the Marston years, and, as they died and their widows and children, often daughters (Figure 5), inherited, both kin relationships and property ownership changed rapidly. Although property remained, probably for both traditional and topographical reasons, in much the same configuration, the names of the original owners disappeared.

Historians differ about when the tobacco boom began to decline: some date it to the 1650s (Kelly 1979:193); some to the 1660s (Deetz 1993:73); others to the 1680s (Carr and Menard 1979:208). However, it is certain that, while exports continued to rise, there were two corollaries: first, because of the exigencies of the labor-intensive, soil-

depleting crop, the population rose due to the immigration of the necessary field workers; second, property owners, who had less fertile or recently depleted land, began to sell or lease it in smaller parcels. Although there may not have been a regional tobacco bust, small owners' personal fortunes were endangered by their marginal properties. Yet, because of this subdivision of land, face-to-face neighborhoods formed. Economic failure and high mortality destabilized these communities, but not before the people had been able to form permanent kinship ties.

Chapter One discusses the settlement pattern of Marston Parish. To demonstrate the changing physical shape and composition of the neighborhoods that constitute the parish, it was necessary to plot the individual land holdings on three decadal maps: 1650s, 1660s, 1670s. These illustrate the increasing atomization of the early, large inland patents and of the property along the two major creeks, while the three large tracts along the York River remain relatively intact. How the settlers organized themselves on the landscape was due, in part, to topography, soil quality, and access to water for commercial transportation, but also to the ties that the immigrants formed at first, often in lieu of family ties, and then by rapidly building kinship networks.

As well as presenting demographic analyses, Chapter Two examines Marston Parish as a whole in an effort to discover whether its residents had a self-awareness of themselves as a community or as neighborhoods or as participants in reticulating, reciprocal relationships. Both the church and the court were institutions with a potential centralizing influence on Marston. Of the two, the court had a lesser presence; it did not meet in Marston Parish. However, Marston church had no glebe house; it did not have a

permanent minister until 1673, the last full year of its existence. In the absence of one, the local churchwardens' positions would have been more important than usual. These institutional failures contributed to the relative freedom from oversight that the parishioners continued to enjoy, despite Marston's new status as a parish. The court's greater participation in unifying Marston is the opposite of what Perry found on the Eastern Shore (1990).

Chapter Three examines the neighborhoods that formed at the heads of Skimino and Queens Creeks. There were two distinct neighborhoods: the Skimino Swamp/Old Mill Swamp cluster in the north and the head of Queens Creek cluster in the south. They grew at different rates; they did not interact on the parish level of community, although they cooperated in legal situations. The northern neighborhood was outside of the area in which Croshaw, Page and Parke jostled for control. Remote from Anglican and elite influence, Skimino would become a Quaker community.

The extent to which the structural unification of the parish was challenged internally by individualism, especially, as well as by democracy and capitalism, is evident in the court records. While studies of deviance are most often used to reveal the norms of an existing society, in Marston, they also demonstrate the ad hoc formulation of norms as the society adapted from one environment to another. In that parish, the breaking of traditional English class boundaries based on wealth as measured by land ownership led to activities that often became part of the court record. Due to the conflicting claims of individual freedom, the community infrastructure, and the colonial superstructure as they evolved in response to the realities of the New World, individuals and institutions found expression in ways that were both creative and destructive in redefining themselves and

their relationships to each other. These interactions forged what would become the formalized mores of the eighteenth century Virginia. Narrative material in the York County court records reveals the tension of this structural transformation from institutionally imposed order to an organic order enforced at the local level. It is the Virginia version of the New England creative nexus of Puritanism and individualism.

In Chapter Four, the ethnographic history of the neighborhood at the head of Queens Creek, as focussed through the life history, or rather, more accurately, the court history, of Elizabeth Woods, sets the seventeenth century in motion. Although court records are biased by the clerks' conventions of phrasing and by the usually deviant nature of its subjects, I have chosen to use the record as an ethnographic voice because Elizabeth Woods was literate and occasionally her words and writings actually entered the record. Woods challenged and contested every convention, but she was never charged with the usual female crimes of fornication and drunkenness; she confronted her neighborhood in their homes and her community in the male bastions of church and court. Even while this is a very particularistic social drama, it is possible to massage it so that it yields general cultural attitudes, especially about gender roles.

To conclude, in Chapter Five, I review the findings of the previous chapters. Then, I switch from taking community studies as a research question to examining how the ideal of community affects community studies, gender studies and, thus, the interpretation of the cultural dynamics of communities.

While the institutions of church and court never completely lost their power, the social contract upon which they rested began to change, to become democratized as, in

the vastness of Virginia, those of the highest rank ceded their centralized power. The centrifugal force of the frontier empowered both neighborhoods and marginal people alike. These neighborhoods, the new centers of social control, rapidly built webs of reciprocal relationships and increasingly intricate kinship ties that were reinforced by the law when necessary. Neighborhoods were self-regulating, but, in the absence of hereditary lords to settle disputes, the court became a paternalistic mediator and keeper of accounts. In their release from feudalism, neighborhoods transformed Old World structures by recasting the characters, so that the smallest landowner could aspire to higher socioeconomic status and power. Marston Parish was not alone as it fractiously forged new forms based on old structures that had lost their relevancy in Virginia. But because Marston's existence spanned a time of cultural transition, it is easier to examine the specifics of the general trend.

CHAPTER I

SETTLEMENT PATTERN

The concept of settlement pattern originated in geography, in which it is a tool for examining the relation between habitation and the environment. It is now used by anthropologists to describe cultural processes. Defined by Gordon Willey in his 1953 classic study of the Viru Valley archaeological site in Peru as “the way in which man disposed himself over the landscape on which he lived” (1953:1), the settlement pattern of the Andean valley revealed how changing cultural needs shaped settlement patterns. Archaeologist K. C. Chang (1958), defined community as the maximum number of people who reside face-to-face and stressed the interrelationship between kinship grouping and village patterning, just as ethnographer E. E. Evans-Pritchard had in his 1940 book on the Nuer. Chang’s goal was to ascertain what settlement patterns revealed about social relations. In 1968, Bruce Trigger focused on the variable determinants of settlement patterns, that is, the functional limitations, such as the environment, politics, institutions and cultural change, which restricted the range of possibilities within the potential variety of patterns. He posited that there were no simple correlations between settlement patterns and organization on the political or kinship level.

Other approaches to settlement pattern analysis include core/periphery analysis, the central place theory that Grim used in his 1977 dissertation on York County, the contextualization of settlement patterns within Wallerstein’s world systems model of colonization, and what Edwards and Brown describe (1993:291) as Deetz’s conjunctive

approach, which combines archaeological and historical examination of specific sites to ascertain the determinants of patterning. (For a further discussion of Deetz's settlement model for a seventeenth-century Virginia plantation, Flowerdew, see Edwards and Brown (1993). They test Deetz's model with pipe stem data from Martins Hundred.)

While all these studies emphasize different aspects of the interpretation of settlement pattern data, they all share the goal of extrapolating from the particular to the general so that the explanations are larger than the archaeological artifact or the specific historical person or event. This is inductive reasoning, as all heuristic methods are, because the conclusions contain more information than the premises. Scholarly discipline consists of constructing deductive arguments to constrict the premises and therefore the conclusions as tightly as possible and of using the classical anthropological tool of comparison to test the most parsimonious results. In such complex subjects as society and culture, the strictures of deductive reasoning limit the questions that can be asked of the archaeological and historical material that, in itself, is fragmentary at best. Limited questions produce good results at the microlevel.

This analysis of the settlement pattern of Marston Parish shares the same premise as the archaeological studies, but it is based upon historical documents: the York County Court Record of deeds, orders and wills, the Virginia patent lists, and the United States Department of the Interior Geological Survey's 1906 and 1984 7.5 minute topographic series of the Norge, Williamsburg and Clay Bank quadrangles. The fourth source, Mark Ferguson's 1704 rent roll map, provided the starting point for placing the people of Marston Parish on the ground. By backing out the chains-of-title from 1704 to the

decades of the 1670s, 1660s and 1650s, it was possible to locate the earlier owners of specific properties. The topographic landmarks that are described in each deed allow varying degrees of replication of property lines when combined with the U.S.G.S. maps and contrasted with Ferguson's tract map. Adjacent landowners are occasionally listed in the deeds, although those listed as adjacent are sometimes actually tenants, not owners, e.g. Jarrat Hawthorne. However, the lists of adjacents serve as a check on the internal consistency of hypothetical plot placements. The result is a more exact, yet by no means perfect, map.

The people of Upper York County tended to keep their tracts of land intact throughout the years. Whether this was due to topography and tradition or because, even by the 1650s, virtually all property was held by a second generation of owners, the plots were locked into place. It is the exception when tracts of land are subdivided or merged outside of established parameters. Divisions due to inheritance took place within the boundaries, such as the partitions of Joseph Croshaw's and Ashaell Batten's estates. This continuity not only allows for easier mapping, but it reveals how environmental and economic determinants affected the settlement pattern, as they did in most of the Chesapeake (c.f. Kelly 1979).

As a whole, the settlement pattern matches the general Chesapeake pattern. Waterways are the critical topographical variable. Because rivers served as roads for commerce and because tobacco grew best on the soils along the banks of rivers, "the result was a pattern of settlement broadly but thinly scattered along the edges of the waterways" (Walsh 1988:201). Prime real estate fronted on the deepest waters, which were accessible to ocean-going ships. In a strange reversal of core and periphery, the core

areas of concentrated population at the heads of Queens and Skimino creeks were occupied by people who were peripheral in colonial society, while the most widely separated habitations were the large York River properties occupied by the key players in the county and the colony. It is this Chesapeake pattern, formed by the topographical and economic demands of the tobacco plantation system, that allowed continuity at the highest level of office, while simultaneously encouraging the development of a locally empowered middle and lower class. This transition in infrastructure is obvious in Marston where even the smallest landholders participated in land transactions and in the jury system.

Ferguson designed his map so that it could be used to trace socio-economic networks. He wanted to see how they were affected by natural or man-made divisions such as water or parish lines in order to ascertain whether these networks were more influenced by kinship or proximity or by other unknown factors. He also queried if there were, indeed, neighborhoods. According to Ferguson (1984), the York County section of Bruton Parish contained almost a quarter of the cultivated land in the county.

Soil Analysis

The elevations in Marston Parish vary from sea level to slightly higher than eighty feet above sea level. The three main watersheds are Skimino Creek, Carter's Creek and Queens Creek, which drain into the York River. The common soils are the Emporia, Kempsville, Slage, Suffolk and Uchee. The York River watershed extends inland to approximately where Route 60 is today. This drainage divide formed the western boundary of Marston Parish; for much of its length, the Rickahock path followed this

watershed. The adjacent watershed is the James River. Both the James and the York are commercially useful. As settlement moved from Jamestown northeast to the Marston area, the change in watershed would not limit development, as it did in Surry County, where Kelly (1979:184) found the watershed change to be a constraining factor.

The majority of the soils are well drained to moderately well drained on slopes that range from two to ten percent. These soils are sandy and well suited for most agricultural crops (c.f. Lukezic 1986). But steep, sandy soils have very distinct drawbacks, including low fertility and a high potential for erosion. Sandy, well drained soils are essential for tobacco production; however, the nutrient requirements for tobacco are high, while sandy soils have a low capacity to hold nutrients. Also, cultivation and tilling are more intense for tobacco than for any other crop; this accelerates erosion. Therefore, growing tobacco tends to wear the soil out; acquisition of new land would be necessary to maintain adequate yields. The better soils in Marston are on the flatter areas between the three creeks and on the adjacent side slopes. As the community grew, the accompanying cultivation and tillage would increase the already moderate to high potential for erosion. However, in comparison to Carr's table of the total present land suitable for cultivation by crop in York County (1988:348), Marston soils are better than the county average.

<u>Tobacco</u>			<u>Corn</u>			<u>Wheat/Barley</u>		
Total	Good Crops	Moderate Crops	Total	Good Crops	Moderate Crops	Total	Good Crops	Moderate Crops
40%	25%	15%	60%	25%	35%	60%	20%	40%

The salt content of the York River at Marston varies from season to season and

year to year. Ocean water is approximately thirty parts per thousand, while the water off Marston is usually three parts per thousand. The position of probable crop lands is not influenced by the tidal marshes. As the sea level has risen, so has the marsh line, but the cropping area would have been well above seasonal and tidal water levels. The marshes were probably better drained in the seventeenth century and have silted in over the years. Earlier, the channels would have been more defined; now the channels tend to be more meandering (Cullipher 1996:personal communication).

In light of the soil analysis, the early settlement patterns make sense. The western portion of Marston is flatter, has more acres of good land, and was probably closer to any paths. The steep ravines adjacent to the three creeks present problems. Tobacco grown year after year on the same land would deplete it in plus or minus five years. The best agricultural land lies between Skimino and St. Andrews Creek and where the present Skimino Farms is located. Joseph Croshaw had the best tract of large, continuous, good cropland.

Methodology

In this study, the decadal maps reflect a subjective judgment of which landholders were the most important in each decade and/or which land transactions had the greatest impact on the structure of the community. Thus, no map is an accurate reflection of any one particular year within the decade it depicts. Property often changed hands as many as three times a decade as can be seen in the 1650s land transactions at the head of Queens Creek that are described in Appendix 3.

Difficulties in mapping Marston Parish occurred in two areas: the disparities

among the U.S.G.S. map, Ferguson's map, and the deeds; and the contradictions within the deeds themselves. The topographical problems have already been discussed.

Wherever there was a discrepancy between the rent roll map and the topographical map, the U.S.G.S. map prevailed. The deeds raise numerous doubts. They are often bewilderingly vague, with boundaries marked not by geographical points but by impermanent features such as trees, or by ambiguous ones such as marshes. There are many lacunae in the chains-of-title. Because wives did not have feme sole rights to property, what belonged to a widow or to a daughter, or property that was held in right of a orphan, is assumed under the man's name upon the remarriage of a relict. Thus, although there is no evidence that John Woods owned land, he is often cited as adjacent, and Woods' Spring (later Frith's Spring) is mentioned in deeds.

On the 1650s map, my intention was to capture properties when they were at their largest. Where the boundaries were impossible to locate, and there were many, I have kept to the 1704 boundary lines. Both common sense and the deeds themselves dictate that there was a conservative trend toward maintaining old boundaries based on geographical features. And, once the first brick is drawn, the first boundary surveyed, the rest of the plats follow. Changing a boundary would start a chain reaction.

A few examples of the types of decisions that informed the drawing of the decadal maps follow:

- I included Robert Ivory's land in Robert Wyld's 1644 grant because it is surrounded by other parcels that can be traced to Wyld. Ivory's piece has no title chain, but it is described in 1706 as bordering on William Chesley's land. Because William is Philip Chesley's nephew and heir, perhaps the Ivory property was once

part of a 290-acre parcel that Robert Wyld sold to Philip Chesley in 1655 and which Chesley later sold to Daniel Parke.

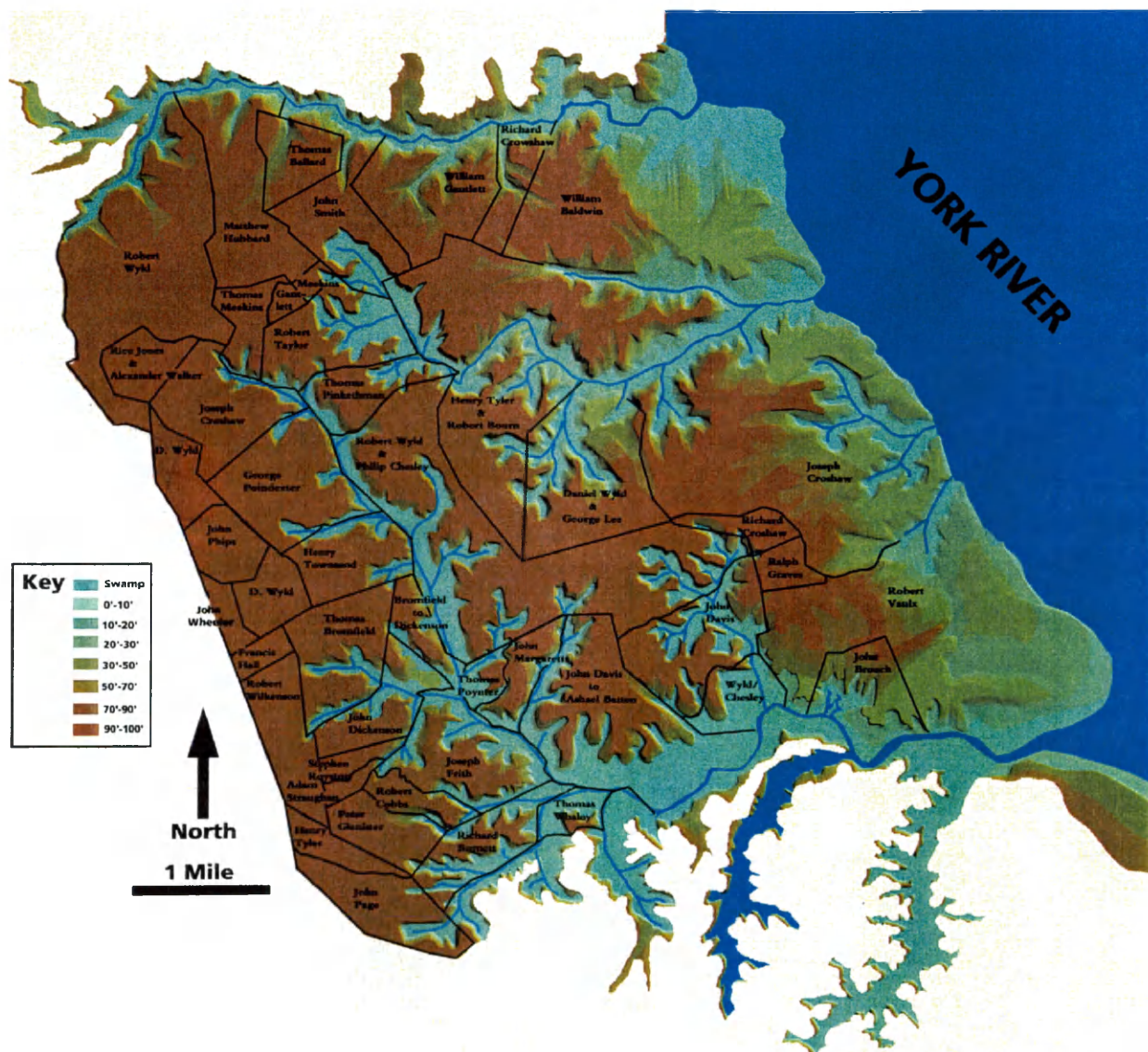
- I have included William Gibbs' 50 acres and Thomas Fear, Jr.'s 130 acres in the William Gautlett patent because they are surrounded by other pieces of Gautlett's property and there are no known earlier owners.
- The 1660s map reflects the deaths of Ashaell Batten in 1666 and Joseph Croshaw in 1667. These deaths caused the radical subdivision of two of the larger tracts of land; they also marked the passing of property out of the founders' names.

Land transactions at the head of Queens Creek and selected other Marston areas, as shown in Appendix 3, demonstrate an economic instability, as people sold or assigned land to acquire cash or settle debts, countered by a stability in the actual populace.

However, this list excludes land that transferred ownership at death. Interestingly, a large portion of inherited land passed to daughters, in lieu of a male heir, or to widows, in lieu of children. Women were important figures in the settlement pattern of Marston Parish (Figure 5).

Changes in the Marston Parish settlement pattern during its twenty years are recorded on three decadal maps: 1650s (Figure 1); 1660s (Figure 2); 1670s (Figure 3). For the purpose of analysis, it is convenient to divide the parish into five sections: the large properties along the York River; the cluster on the south shore of Skimino Creek; the properties at the head of Queens Creek and along the first part of Old Mill Swamp; the inland plain east of that; and the area along the western boundary of Marston Parish. (See landmark map, Figure 4.)

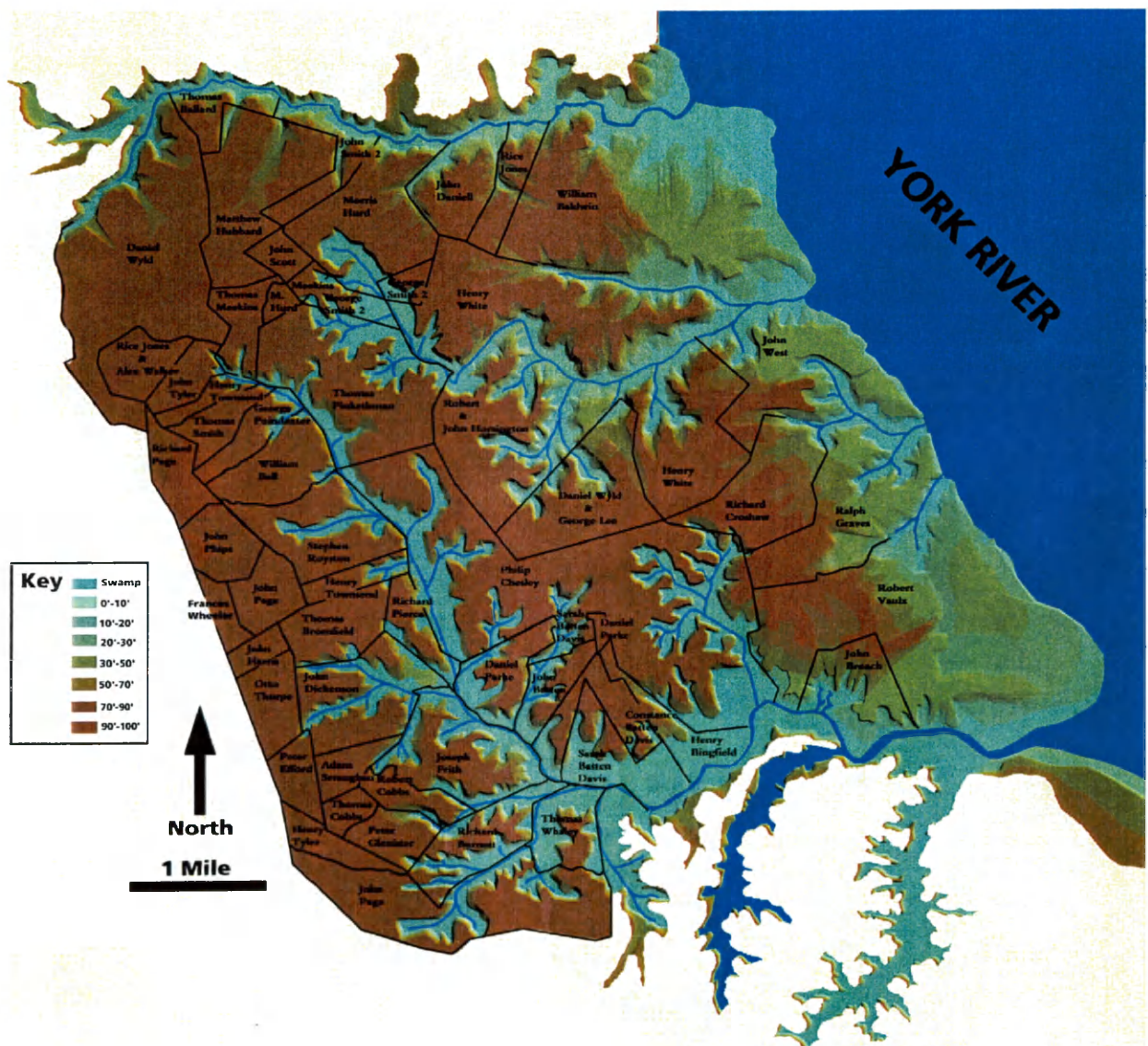
FIGURE 1
MARSTON PARISH
1654 - 1660



Most changes in ownership occurred when the owner died and his heirs either subdivided the property or sold it. Although Perry found the median landholding in the Chesapeake area to be 300-400 acres, a figure he felt would be the optimal amount of land required to establish a plantation (1990:67), such tracts were rare in Marston. The significant changes between the 1650s map and the 1660s map are due primarily to the deaths of Major Joseph Croshaw on the York River, Mr. Ashaell Batten on Queens Creek and William Gautlett on Skimino Creek. In the 1660s and 1670s, these areas were affected again by the deaths of Mr. Ralph Graves in 1667, Captain Richard Croshaw in 1669, Mr. Henry White in 1671/2, and Captain Philip Chesley in 1674. Graves and White were Croshaw's sons-in-law. His third son-in-law, Major John West, the brother of Lord de La Warr, was a large landholder in New Kent County. The domination of Marston affairs by Croshaw and his heirs was brief. Due to Croshaw's lack of a male heir, primogeniture was not an option. Partible inheritance has the consequence of the entire family losing status (Fischer 1989:381). Women's inheritance was a destabilizing factor, in this respect.

Croshaw's neighbor, William Baldwin, whose property lay between Skimino Creek and York River, died in 1660. How Baldwin's land became the property of Captain Francis Mathews, son of the late Governor Samuel Mathews, is unknown. However, it is possible to speculate that the captain married a daughter of William Baldwin, because their sole surviving son was named Baldwin Mathews. This is the only occasion in the Marston Parish records when a surname is used as a first name. The use of surnames as first names would become prevalent in the kin-based culture of the south during the next centuries.

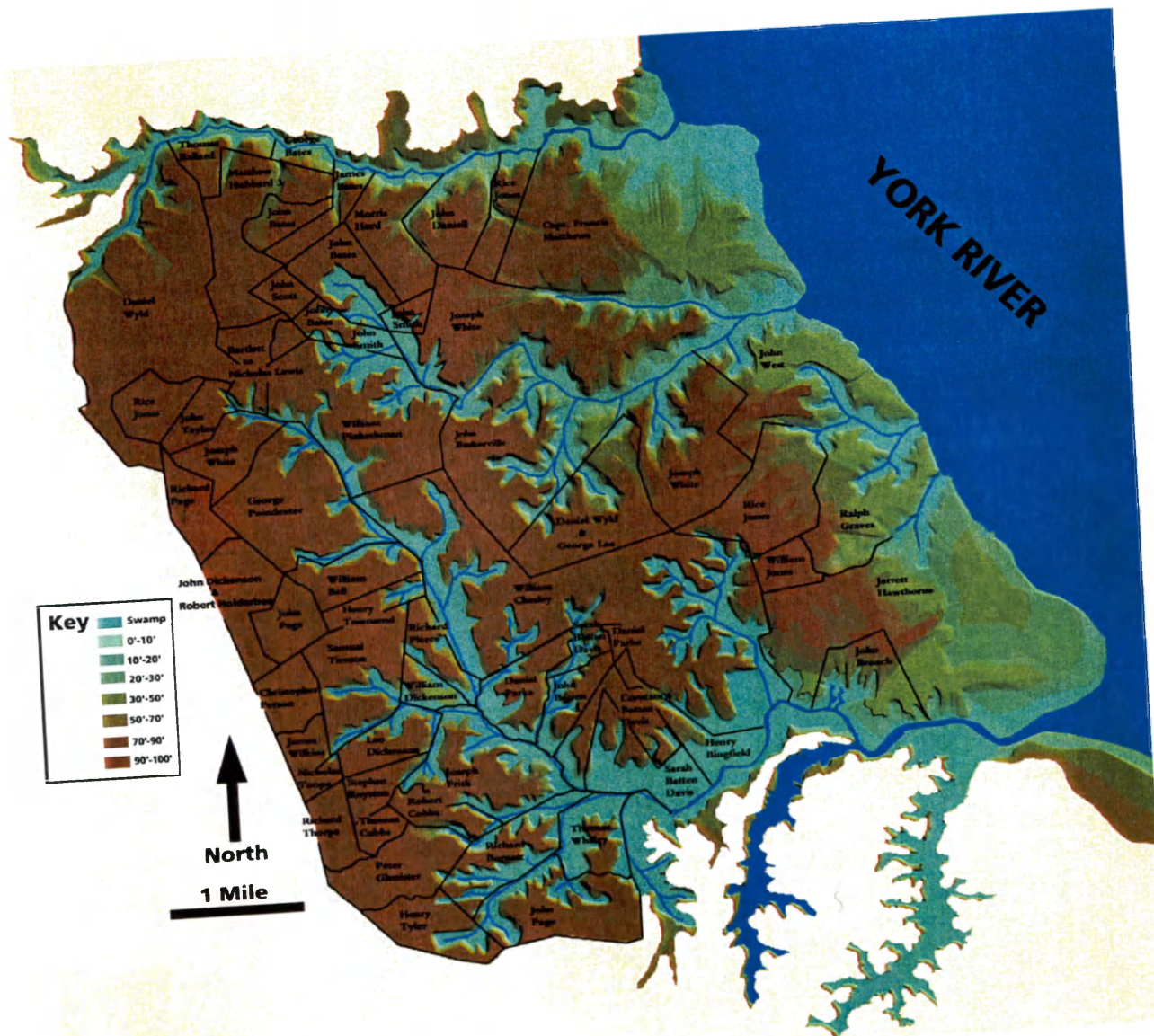
FIGURE 2
MARSTON PARISH
1660 - 1670



If the Mathews were not related by blood to William Baldwin, some other extremely close connection must be presumed to explain the coincidence of name and property. Marriage explains many changes in ownership. Death and marriage were often linked, because marrying relicts and heiresses allowed many formerly landless men to become de jure property owners (Figure 5).

The remaining property changed hands for commercial reasons (Appendix 3). These transactions were most frequent in the Skimino and head of Queens Creek areas and along the western boundary. In these areas, the division of property into increasingly smaller plots was more common than the acquisition of land to enlarge existing holdings. Along Skimino Creek, Gautlett's and Smith's properties were taken over by John Daniels and Morris Hurd. While Daniels retained possession of his property, Hurd's hold on his land was fleeting, for he was soon elbowed out by the Bateses. Along the western border, the logic behind the transactions seems less apparent. Richard and John Page were beginning to accrue property, as was Daniel Parke, along Queens Creek; Daniel Wyld's holdings were decreasing. The factors behind Wyld's decline in the 1660s are not obvious, but among them are these possibilities: his landholdings had reached their greatest extent during his partnership with Chesley, who would die in 1674; Wyld suffered numerous losses from 1663 to 1665 of servants and of his children; he was increasingly involved in colony-wide activities. A justice and commissioner of York County in the 1660s, he became a Burgess in 1670 and was admitted to the Quorum in 1673, by order of the governor. In addition, once he severed his joint holdings with Chesley, his land lay in scattered tracts that would have been hard to farm. This would have been true, too,

FIGURE 3
MARSTON PARISH
1670 - 1674



for Richard Croshaw; the random pattern of his plots, however, probably reflects that his properties were those that his brother had given or sold to him.

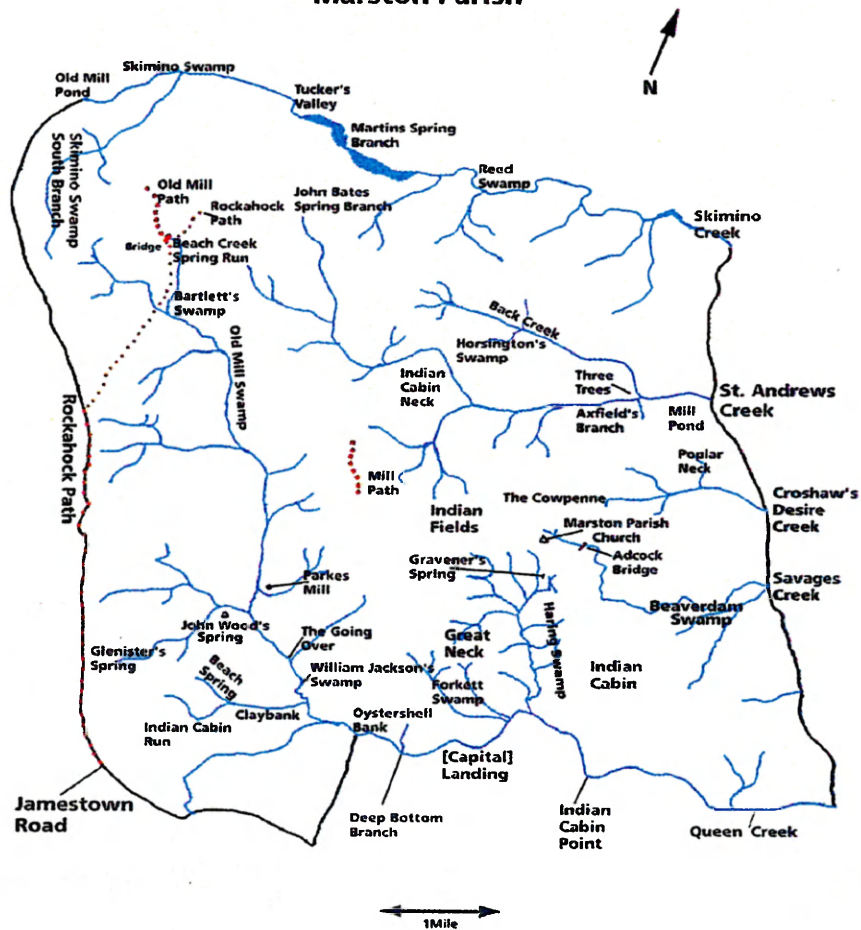
Other land transactions along the western border reflect an increasing division of the property that is associated with a high mortality rate. However, in the next tier to the east, along the upper branches of Old Mill Swamp, the size of properties curiously contracts during the 1660s and then expands again in the 1670s. Both Henry Townsen and George Poindexter's properties decreased in size; while Poindexter recovered in the 1670s, Townsen did not. There are three possible explanations for this: economic circumstances could have forced them to sell and then permitted Poindexter to repurchase his land, in which case, the economic circumstance would not be soil depletion; Poindexter could have mortgaged his land; or, leases have been misinterpreted as deeds.

The area at the head of Queens Creek changed significantly when its owner, Captain David Mansell, Burgess of Martins Hundred and James City, sold his large Marston Parish holdings either to the brothers Thomas and Maurice Price, or directly to others, such as Burnett, Poynter and Straughan. Thomas Price died by 1657; his holdings went to Hannah Price, whose relationship to him is unknown. She, in turn, married Thomas Bromfield. In the mid-fifties, there were numerous local land transactions; the jostling for position continued through the 1660s and 1670s. Richter found that it was only after the early 1660s that Charles Parish men began acquiring small tracts of land or renting (1992:47). In Marston Parish, at the head of Queens Creek, this began sooner. In the 1650s, small lots were traded and leased: Robert Frith sold ten acres to John Dickenson; Daniel Parke leased twelve acres from Ashaell Batten.

Horne, in a comparison between the Vale of Berkeley in England and southern

FIGURE 4
LANDMARKS IN MARSTON PARISH

Landmarks in Marston Parish



Maryland, found: “the geographical range of links between individuals appears to have been about the same in the two societies: five miles with respect to the local community and one or two miles in the case of neighborhoods” (1988:173). He cited this as evidence of a reassuring continuity between life in England and the New World. Also, in both cases, neighbors relied on neighbors, rather than on kin. While there is a parallel between the settlement patterns of the English dairy farms and the Virginia tobacco plantations, England had a hierarchial system of market towns ranging from Bristol to London that Grim has shown did not exist in seventeenth-century Virginia. As long as small Virginia planters were dependent upon the monoculture of tobacco to purchase goods imported by a monopoly of merchant-planters from England, they were, despite their independence in the fact of land ownership, actually far more dependent and vulnerable than the dairy farmers in the Vale of Berkeley. Thus, the cultural baggage of settlement patterns has a physical similarity that conceals a social and economic change.

The community of Marston Parish is seven miles along its longest axis: the head of Skimino Creek to the mouth of Queens Creek. All other distances are less, so, in general, Marston is a local community as defined by Horne. Yet, the population at the head of Skimino had to travel between four and five miles to the Marston Parish church, while for those at the head of Queens Creek, it was only two miles away. This alone, rather than any theory of a localized dissention that resulted in the formation of a Quaker community, may account for the lack of the former’s participation in church activities such as burial. Also, in accordance with Horne’s thesis, the diameter of each of these two neighborhoods is small: it is closer to one mile than two. Thus, Marston, the Vale of Berkeley and southern Maryland seem to have strong neighborhoods, while, for Marston, the parish proves to be

a weak link. To answer Ferguson's questions, Marston was a man-made division that followed topographical markers, but networks existed only within its neighborhoods. The neighborhood of landholders at the head of Queens Creek was undoubtedly instrumental in contributing to the establishment of Williamsburg; it constituted a critical mass of people.

England itself was the hegemonic core; the New World was the periphery, and a Marston Parish neighborhood was as remote as could be. The core/periphery argument cuts two ways. The higher the socioeconomic status of people, the more they participated the political events of the next higher peripheral area. The York River property owners, who were deeply involved in the transatlantic mercantile network and who returned often to England, left a vacuum in local politics, which led to the empowerment of the lower and middle class, whose attention was focused on the New World and whose commitment was greater for all that it was irreversible. It was the wealthy who were without a country in the Marston Parish years. This would change as Daniel Parke, in particular, began to join John Page, who had immigrated in 1650, in establishing Middle Plantation as a serious rival to Jamestown as the capital of the colony. By 1676, two years after Marston joined Middletown Parish to become Bruton, some York County residents submitted a petition to the General Assembly to move the capital to Williamsburg. The rent roll map of 1704 illustrates how such a move furthered Page's and Parke's interests.

Archaeological Site Surveys: The Head of Queens Creek

For the last four miles before it flows into the York River, the northern shore of Queens Creek forms the southern boundary of Camp Peary, U.S. Naval Reservation. In an

area called Camp Peary East that lies within a triangle formed by Queens Creek and the intersection of Route 143 and Interstate 64, a seventeenth-century site, 44YO517, yielded two separate features when shovel tested in 1986. One feature contained imported tobacco pipes, case bottle glass, wrought nails, a copper alloy upholstery tack, lead window came, an iron shovel blade, an unidentified lead object and faunal bone. The other feature contained domestic clay tobacco pipes, case bottle glass, an iron cutlery handle and charred faunal bone. A nearby site, 44YO522, surveyed at the same time, appeared to be two hundred feet of an old road bed that led from Queens Creek toward the seventeenth-century site. The date of the road is unknown.

Other seventeenth-century sites along Queens Creek in York County lie on the south side and therefore outside Marston's boundaries. Archaeologists recorded that 44YO014 on the east side of Queens Lake is the possible site of Edward Thomas's house. He was a Quaker who lived beside Queens Creek in the fourth quarter of the seventeenth-century; however, Edward Thomas is shown on the north side of Queens Creek, and therefore in the former Marston Parish, on the 1704 rent roll map. Site 44YO529 is a possible privy or well that dates to the eighteenth century or perhaps earlier. This site is located about one mile downstream from the present filtration plant. Another site, 44YO377, had a late seventeenth-century cluster that included a wine bottle neck, a marked pipe bowl (SHL?), and a delft drug pot base. It was located during the 1984 Phase II survey for the Second Street extension. At Burke's Corner, along the marshes of Queens Creek on a knoll near a tributary of Skimino Creek, are sites 44YO018 and 44YO345, a Quaker cemetery that dates from 1698-1827.

While seventy sites have been identified on the grounds of Camp Peary, most of

the ones that have been surveyed are prehistoric, such as 44YO148 and sites 44YO190 through 44YO195B. Sites 44YO255 through 44YO310 and sites 44YO386 through 44YO392 are eighteenth- and nineteenth-century domestic sites that have not been field checked. Their locations are based on projections from Alexander Berthier's 1781 map of Williamsburg and J. F. Gilmer's 1863 and 1864 maps entitled "Vicinity of Richmond and Part of the Peninsula."

In the fall of 1995, R. Christopher Goodwin and Associates contracted with the United States Navy to do a survey of 850 acres of Camp Peary. Their research design was to examine high probability areas for Civil War sites along the ridge tops inland near Porta Bello. Goodwin and Associates did a combination of shovel tests twenty feet apart along the ridges and reconnaissance on the slopes. The Senior Project Manager, Suzanne Sanders, was unable to release specific information from their preliminary report without approval from the United States Navy, but she was able to describe the results in general. Camp Peary was established during World War I and, although it has areas where there have been little or no impact on the environment, many areas have been severely modified, which limits their archaeological potential. Goodwin and Associates found forty-four sites in addition to the seventy previously known sites. The new sites were mainly multicomponent small domestic sites dating to the eighteenth, nineteenth and twentieth centuries; there was only "some hint of a seventeenth-century presence" (Sanders 1996:personal communication). The Phase I confirmed the expected settlement pattern: prehistoric artifacts were found on the shore and marshy areas, then, over time, the artifact concentrations moved inland to sites with access to creeks, then to the large ridges. The orientation was inland, not towards the York River, and reflected a movement toward

what became overland transportation routes.

In summary, there have been no significant seventeenth-century archaeological sites discovered in the former Marston Parish; this is not surprising because the majority of the parish is now owned by Camp Peary and the Williamsburg Pottery or lies submerged under Waller Mill Reservoir. Thus, it is impossible, at present, to use a conjunctive approach to combining the archaeology and history of Marston as Edwards and Brown (1993), Cusick (1995) and the authors of the *The Written and the Wrought* (1995) recommend.

Architecture

With no archaeological footprints of buildings, the only sources for architectural detail are Elizabeth Walker's will, which mentions a dwelling house and a tobacco house; seven inventories; and Henry White's court testimony. These records, again, are biased in that they describe only the dwellings of the wealthier segment of the population.

Elizabeth Walker's buildings were perhaps the simplest. Planter John Dickenson of Queens Creek, who died in 1673, left his son, William, "fifty acres of land & Eighty foot of houseing" (York County Deeds, Orders and Wills, hereafter, DOW(6)520). Whether this means an eighty-foot building or the total length of several buildings is not specified. An eighty-foot building would have been twice as long as the contemporaneous 36'9" × 21'11" brick house built by John Page (Barka 1996:24), who was wealthier than Dickenson, or than the 41' × 24' stone foundation that Norman Barka found at Flowerdew (Deetz 1993:xii) or Richard Kemp's 46' × 24' brick kitchen foundation at Rich Neck (Barka 1996:24). None of the last three were earthfast houses. The 1655 inventory of

Robert Wilkinson's property included "100 Acres of Land pte of Cleared One 30 foot house & 50 foot tobacco houseing one henn house of 10 foot one hogg house of 10 foot" (DOW(1)156). Here, dwelling and tobacco house together are eighty feet long; probably the same sort of combination accounts for Dickenson's eighty feet of housing.

The other five inventories were taken room by room. There is no mention of the material used to construct the houses, but it is possible to infer their floor plans. Thomas Pinkethman, whose estate was appraised on 24 January 1672/3 (DOW(6)121), had an inner room, an outward room, a kitchen and a shed. If the kitchen were located in a separate building, Pinkethman's house would have been a typical hall-and-parlor house. The outward room, or hall, held a pair of dogs and the kitchen also had a fender and fire tools, so there is a good possibility that the kitchen was in a separate building or in a lean-to addition, because there appear to be two different fireplaces. Or, it could have resembled Kemp's 1660 house: a three-room house with a central kitchen. However, the order in which the inventory was written suggests the hall-and-parlor house with a separate kitchen.

Francis Wheeler, whose estate was appraised 30 January 1659 (DOW(3)77), had only a chamber and a loft that contained corn, peas and beans. Six indentured servants and a young negro woman lived there. Wheeler also had a plantation in Powhatan and conducted trade with England. He had sent eighty-eight hogsheads and seven barrels of tobacco to England; he was also owed £654.10 in England. Wheeler employed Francis Hall as his overseer, so it is probable that he spent little time in his Marston Parish dwelling place. If Wheeler were only there infrequently, it would explain why a man whose total estate value was £1123.13.04 owned only a one room house with a loft that

was meagerly furnished and filled with servants. On the 1650s map, Wheeler's property is mislabeled: it belongs to Francis, not John.

Captain Francis Mathews, who died in 1674, also had a hall-and-parlor house with a "Chamber over the parlour" that contained distilling equipment and a "Little Roome opposite to the Stairs" that contained "One Cabinett lockt upp with his writings," 32 books, a saddle and bridle, powder and shot and three rings (DOW(5)106). The little room opposite the stairs contained the sort of items that might be locked in an owner's closet in a rental property. The parlor was furnished with amenities including a mirror, wine glasses, a knife case, a child's chair and ginger. Perhaps Mathews was often away and needed to lock up his belongings. The inventory confirms that they were, indeed, his. Mathews' house was not organic; it had separate, gendered activity areas. In addition to the dwelling house, the inventory listed a shed and a kitchen. Because the kitchen is listed after the shed and because the parlor contained andirons, tongs and bellows but no cooking implements, it can be assumed that the kitchen occupied a separate building, thus separating the family from the servants in the work area. It is just possible that the stairs and the small room opposite gave the house a cruciform shape like Bacon's Castle and John Page's house.

The estate of Mr. Mathew Huberd, inventoried on 12 August 1667 (DOW(4)330-335), was worth £183.03.06. The inventory listed four rooms: a parlor, a hall, a parlor chamber and a hall chamber. Both the parlor and the hall had andirons. It is possible that Huberd had a four-room house with two fireplaces. The inventory also listed a kitchen, a buttery and outhouses, all of which constituted separate and undoubtedly gendered activity areas.

The inventory of the estate of Major Joseph Croshaw was taken on 29 June 1668. It is hard to visualize the segmented house plan it describes: a "chamber over ye hall" that contained bellows, andirons and dogs;" a "porch chamber;" a hall that also contained fire tools; a "Beare Roome," a Kitchen with fire tools; a "Kitchin Chamber" containing a painted carpet and child's clothing; a "Kitchin Shedd" containing dairy items. Croshaw, through his recent marriage to Mary Bromfield, also had a house at Mill Swamp, "formerly belonging to Mr. Bromfield," that held a pewter dish and pot and some tools. In addition, the inventory lists a "Quarter," a hen house and a tobacco house (DOW(4)191). The presence of a quarter indicates that, by 1668, Croshaw had already established separate areas for the family and its servants.

Both the hall and the chamber over it contained looking glasses, but the bedsteads and swords were upstairs, while Croshaw's clothes and guns were in the hall. Possibly Croshaw maintained the English aristocratic tradition of separate bedchambers for husband and wife, or perhaps he used the hall as his dressing room. The hall and the room above it both seemed to have fireplaces as did the kitchen. Either there was an elaborate central fireplace with at least three flues, or the kitchen was a separate building. The presence of children's belongings in the kitchen chamber, in addition to the known birth of young Joseph in 1667, argues against a separate kitchen, unless Joseph had a wet nurse, as was usual in England, in all social classes who could afford a nurse (Fraser 1984:77). The picture that emerges is of a two-story house with two rooms on each floor; the porch chamber, probably upstairs, was where the children slept, and the bare room was the former ground floor parlor. It is possible, though, that the porch chamber was in a porch tower similar to that at Bacon's Castle and in John Page's house (Barka 1996:24).

Croshaw's son-in-law, Henry White, testified in 1666 about the interior details of a house that he had begun to build for Robert Bourne of Queens Creek. After Bourne's death, the property had been bought by Daniel Parke. It had two finished upper rooms, separated by a panelled partition, a panelled stair head and banisters on the stairs (DOW(4)63). White charged Bourne almost twelve and a half pounds for his work. Obviously, Parke's house was beautifully finished rather than designed to be impermanent. It is a pity that these houses have not been found and excavated, because, together with the Kemp and Page houses, they would furnish evidence of an elite, who, by the middle of the seventeenth century, had built elaborate houses that symbolized not only their prominence but their permanence. If these properties were found, they might expand our knowledge of seventeenth century material culture beyond what is listed in a few inventories.

Inventories

The twenty-eight inventories of Marston residents date from 1646 - 1684. Although the latter date is a decade after Marston became part of Bruton Parish, there was often a significant delay in recording inventories. John Dickenson died in 1675/6, but his inventory was not filed until 1683. Five, or 18%, of the inventories have no valuations; these include the estate of Joseph Croshaw, who, in his will, specifically requested that the court be kept from administering his estate. Three other unassessed inventories are from very modest estates. The fifth unevaluated estate, that of Robert Wilkinson, does list many amenities, but it is the second oldest Marston inventory. It was recorded in 1655; perhaps in the early days of the parish, there was less emphasis on evaluation.

Four of the estates were assessed in pounds of tobacco: three of these date from 1646 - 1660; the last was in 1675. The average valuation per estate was 3,869.25 pounds of tobacco, or, in sterling, between £15 - £20. The nineteen estates that were evaluated in sterling were worth an average of approximately £162. By the period 1681 - 1685, however, the average value of an estate had shrunk to an all-time low of £46, a figure that Richter (1992:261) categorizes as marginally poor. In 1661 - 1665, the average worth was £129; in 1666 - 1670, £85; in 1671 - 1675, £119; and in 1676 - 1680, £218. The dips in estate values in the late 1660s and early 1680s may be statistical aberrations, or they may reflect fluctuations in the price of tobacco. It may also reflect the effect of a single wealthy estate skewing the mean for that period. Grim (1977:113), in his analysis of the mean value of all York County inventories, did not find the first decline, but low estate values between 1680 - 1684 were county-wide. Grim regards the 1670s and 1680s as a period of economic stagnation, "with little increase in mean wealth as recorded in the estate inventories. Consequently, these statistics do not indicate an increasing threshold that would have contributed to urban growth" (1977:114). A somewhat different interpretation can be made about Marston Parish. As the owners of the Marston properties died and their estates were divided among their heirs, the wealthy in what would become Williamsburg, especially Daniel Parke, began to buy large tracts of Marston property. Thus, Marston merged with Middletown Parish both in a religious and an economic sense; the locus of worship and wealth was in Williamsburg, not in York County.

I divided the inventories into sixty different items. Of the twenty-eight estates, twenty-six had chests, bolsters and cows, twenty-three had chairs and bedsteads, none had a thimble and only one had a needle. It is dubious that the lack of these latter items

reflects that the widow's portion was omitted from the inventory, because six estates listed women's clothing and five listed children's clothing, ribbon or thread, and scissors. Richter (1992:121) found that 50% of Charles Parish estates had bibles, but that only 28 out of 200 had silver. In Marston, twelve estates had books, but only 7, or 25%, had bibles; 25% also had silver, swords, combs and black servants. Twenty estates had guns. Clearly, Marston parishioners, who were lately in a frontier area and not yet in an area of centralized religion, valued weapons over bibles.

To analyze inventories, Lois Carr created a twelve-item amenities index consisting of coarse earthenware and bed and table linens; table, knives, forks and fine earthenware; spices, religious and secular books; wigs; watches or clocks, pictures and silverplate (1988:379). Only three Marston estates specifically itemized earthenware, although it is probable that several others that listed extensive dairy equipment had earthenware. Eighteen estates had bedroom sheets and fourteen had tablecloths and napkins, with an average of eighteen napkins per inventory. No forks except five flesh forks were recorded; two estates had boxes with four knives and three had spices. The books and bibles have been noted above. The inventories also listed one wig, two watches and two clocks. Even the smallest estate, that of Thomas Pridye, who died £3.08 in debt and only owned one shirt, had livestock and a barber's case. Twenty-one households had brass, usually a brass kettle,

Mary Beaudry analyzed fourteen inventories from Westmoreland County, Virginia, dating from 1653 to 1663, and concluded that "ceramics were optional for many of the early Chesapeake's wealthiest men" (1988:54). In place of ceramics, "the great majority of seventeenth-century Virginians and Marylanders were eating from pewter

plates and not wooden trenchers, and eating vessels in either material were not being shared at the table in all except the poorest households" (1988:55). In Marston Parish, only ten estates had trenchers, the same number as had spoons. Yet nineteen of the estates had pewter. In addition to thirty-eight pewter dishes and thirty-six pewter spoons, Joseph Croshaw had fifty-six pieces, including a pewter chamberpot, an item that four other estates also contained. The average number of trenchers per estate was fourteen; the average number of pieces of pewter was eleven. Clearly, trenchers were more entrenched in Marston material culture than in Westmoreland. However, Marston data do support Beaudry's thesis: while there were few ceramics, the quantity of eating vessels speak of individual rather than communal servings. In addition, sets of goods, that is, six or more of an item, are ubiquitous: chairs, napkins, spoons, trenchers. Although inventories are biased toward the rich, such segmentation in objects negates many theories about the organic nature of the material culture of preindustrial society. This is reinforced by the lack of pots that could serve as communal vessels: only twenty households had them; they averaged 3.5 pots apiece.

In addition to the items in Carr's amenities list, Paul Shackel (1993) cited handkerchiefs and looking glasses as examples of material goods that the elite of eighteenth-century Maryland used symbolically to segment society into a hierarchial order. Eight Marston households had handkerchiefs and fifteen had looking glasses. Thirteen had irons. Obviously, then, these items were not new in the eighteenth century or even in the sixteenth century; it is dubious that the advent of the Industrial Revolution changed their symbolic value.

The twenty-eight estates had many wonderful things that indicate a sense of

permanence and aesthetic values that defy any stereotype of a frontier. Marston residents had a mask, a fan, a gilt cane, silver and gold buttons, gold rings, silver clasps, Dutch tiles, pictures, and a painted rug. One had thirty-two books and another twenty-six. Cargo, servants, livestock and bedding were the most valuable items that the richest owned. For the poorer, the most valuable items were often connected to their trade: tanner Nicholas Toope's most expensive item was hides. The variety of objects in these inventories paints a more complex picture of the material world of Marston Parish than might be surmised from depictions of the Jamestown and Wolstenholme settlements of thirty years earlier.

Wiley, Chang and Trigger examined prehistoric societies, whose archaeological remains spanned centuries. Yet, even on such a small scale as a parish which existed for two decades, their goal of understanding social behavior through settlement patterns and material culture can certainly, in part, be realized, because Marston has a written history, albeit incomplete. The wealthy had their choice of property; the pattern of the plots, of the placement of the church and the court that developed, was strictly due to topographic and socioeconomic factors, which, in an economy that was increasingly based on cash, left the community as a whole little choice in the settlement plan. Also, the pattern that evolved was conducive to the formation of kinship ties rather than formed by them. Trigger's determinants, which he regarded as limiting potentials rather than as dictating patterns, come into play here, especially one that I am not sure he ever singled out: the effect of colonialism on frontier settlement patterns. Perry suggested that "the open country Chesapeake settlement pattern, rather than undermining local peace and order by giving free reign to individual will, may have actually promoted peace and order by keeping

some distance between settlers who lacked the communal goals of their New England brethren (1990:231-2).” He found that slanders and disputes were most common in the densest area of settlement, as was true in Marston, where those heavily populated areas constituted neighborhoods within the artificial community of the parish.

CHAPTER II

THE MARSTON PARISH COMMUNITY

“Forty years ago, George Hillery (1955) catalogued 94 different definitions of ‘community’ within the field of sociology alone” (Cusick 1995:60). This portmanteau or omnibus state of the word must be reduced so that a concept of community study can become a useful research tool. Darrett Rutman, building on Talcott Parson, called community “a contemporary scholars’ term, referring specifically to that network of human relationships ‘observable and analyzable with reference to location as a focus of attention’” (1994:291). Following upon this definition, Rutman proceeded to use network analysis on Middlesex communities. This is an internal examination of what settlement patterns analyze externally: the primary focus of network analysis is the actual transactional relationships between the individuals within a community, rather than the putative relationships between the houses and communities of the archaeological record. For Rutman’s network analysis, historical documentation is necessary, but it is actually only an extension of settlement pattern examination: in each case, the result of the analysis can be expressed as a nested geometric figure.

Rutman offered a number of guidelines for charting networks among individuals: “the mean number of linkages that members of any network have with each other defines the ‘degree’ of embeddedness of the network”... the percentage of all possible linkages “actually existing defines the ‘density’ of the network” (1994:42). The resulting cluster

“suggests the possibilities of barriers, friction, and nodes” (ibid); the reverse would also be true. In addition, Rutman delineates community relations on two planes: horizontal links based on specific location and vertical links within the broader community. Again, these concepts appear to owe a cognitive debt to Willey's examination of the operational relationships of basic and integrative units in archaeology (Willey and Philips 1958).

A parish is an ecclesiastical district with its own church and clergyman, who administers a local field of activity. This, by no means, makes it a community, whether it be Chang's "face-to-face" residents or James Perry's "place of social interaction" (1990:6). A community begins with a geographical location and includes a regional recognition of its existence, just as the General Assembly, in creating Marston, acknowledged it as an entity. But it also has to have a conscious sense of self-identity: a common cultural and historical heritage involving shared characteristics and interests that constitute a perception of itself as distinct from society at large. In the Chesapeake frontier, the need to unite against a common North American foe and an equally hostile environment dictated that settlers would immediately form tight communities that would resemble the nested hexagonal patterns of their native England. There, in central, not peripheral, areas, towns were spaced four miles apart; that was the maximum distance for a one-day trip to market and back on foot (Hodder and Hassal 1971). However, the land-based trade networks that were the foundations for these central places were as absent as towns were in seventeenth-century York County. There, commercial transactions were mediated between the small planters, who were relatively landlocked, and the ships' captains, who trafficked with England, by the major property owners, who lived on the York River. Breen (1980) suggested that not only geography and commerce were the reasons for such a dispersed

settlement; the type of men selected by the Virginia Company -- adventurous, grasping, rugged individuals -- were not ones who would unite in close-knit groups. Also, the demands of the soil-depleting tobacco crop necessitated spatial distance between households. Together, character and crop mitigated against community.

As the maps demonstrate, Marston Parish adhered to this model of settlement plan. When Captain Joseph Croshaw began acquiring his rights in the 1630s and 1640s, and Robert Vaulx in the 1650s, they were second-generation owners. William Baldwin, who patented his land at the embouchure of Skimino Creek in 1652, was the first owner of record of that northern property. The three men, by the 1650s, owned all the York River footage from Skimino to Queens Creek and, thus, controlled access to the ships' captains, whose vessels anchored in the York River. Baldwin, on Skimino, was involved in London affairs and, based on the lack of reference to him in the York County records, an absentee landowner. Vaulx, a London merchant on Queens Creek, turned his business affairs over to his wife, the former Elizabeth Burwell, and went back to England. So, of the three powerful landholders, it was Croshaw alone who was resident in upper York County; it was he who gave land for Marston Church and who defended its boundaries. Insofar as can be ascertained, he was a, if not the, leader in having Marston created as a separate parish. In establishing a parish, the General Assembly also created local-level church and county positions: churchwardens, vestrymen and surveyors. If Croshaw stood to gain by promoting the parish, the small landowners would also be able to reap prestige from these new opportunities (Figures 8 and 9). But, it is with Croshaw that the search for Marston's sense, or lack, of self-identity must begin.

The Church

Marston Parish was established during Cromwell's Commonwealth when, according to the Reverend Edward Lewis Goodwin, "the ecclesiastical laws in Virginia were in abeyance, the use of the Prayer Book was 'allowed' simply for one year, all references to 'kingship and that government' being omitted, and the direction of the religious affairs was practically left in the hands of the vestries" (1927:78). Not until 1662 did the General Assembly restore canon law. At that time, they decreed that the number of parish vestryman would be twelve, who had to swear "oaths of allegiance and of conformity to the discipline of the Church of England" (Goodwin:ibid). Their duties were the 'makeing and proportioning the levyes and assessments for building and repaying the church and chapells, provision for the poore, maintenance of the minister, and such other necessary duties for more orderly managing all parochial affaires" (Goodwin:ibid). They were also to keep "a true & perfect register" (Hening March 1642-3:Act I). The vestry elected two churchwardens from among themselves annually. Goodwin (1927) wrote that the vestry tended to be a self-perpetuating body composed of men who were also justices of the county court or by those with social and political aspirations. Warren Billings agreed with this latter point: Although vestrymen were usually drawn from the upper rank, "the position was also used to recruit men of promise into the political system: service on the vestry provided training for higher office" (1975:297). In a rather cynical summation, Goodwin stated "the majority [of vestrymen], we fear, after the fashion of the times, were wanting in deep religious convictions and in strictness of life. Yet all held the Church to be an indispensable institution for the preservation of morality, good order, and decorum, and the maintenance of loyalty and civilization" (Goodwin 1927:79).

The Anglican Church in Virginia attempted to replicate the organizational structure of the church in England. Billings opined that the church failed in Virginia because its hierarchy did not transfer to Virginia. There were few clergymen, and no bishops or ecclesiastical courts; establishing parishes and enforcing ecclesiastical law fell to the General Assembly and to the courts, as well as to the laymen of the vestry, to fill this hierarchial void (1975:286). However, because there were no ecclesiastical courts in the New World, jurisdiction over sin was vested in the county courts, which worked together with the church to regulate moral behavior. Interestingly, Goodwin faulted the church for “failing to adapt itself to the growing influence of democracy” (1927:80) because it was controlled by a New World hereditary aristocracy. Thus, the church brought about its own fall from dominance.

Although Marston Parish was created by the General Assembly in 1654, it was not until 1658 that Major Joseph Croshaw formally deeded one acre for the church. Yet he must have been a major instigator in the formation of the new parish. In a hearing on 25 August 1656, the General Assembly having referred a dispute over the geographically defined boundaries of Marston and Middle Plantation Parishes back to the York County Court, Croshaw represented Marston and Mr. John Page was present for Middle Plantation. The local court confirmed the order of Mr. Robert Bouth, Burgess, for the 1654 boundaries, as well as the certificate of Major Charles Harwood, Clerk of the Assembly, that there had been "some omission ... of some part of the said parish bounds in the order entred" (DOW(1)203). The 1654 decree read: "From the head of the north side of Queens creeke as high as to the head of Scimino creeke" (Hening 1654:388); the 1656 bounds were "From the River up the north side of Queenes Creek to the head thereof

including the Claybanck to James Towne path and soe to Ricka-hock path soe to the head of Skimino and from thence to the River” (DOW(1)203) (Figure 4). The addition of the terms “Claybanck” and “James Towne path” were critical to Page, whose property lay just south of these two landmarks and thus was now clearly excluded from Marston Parish. For this privilege, Page had to pay court costs.

In 1658, the General Assembly joined Middle Plantation and Harrop Parish in James City County into Middletown Parish. When Middletown, in turn, merged with Marston to become Bruton in 1674, Page would donate the land for the first church. If, as Kevin Kelly has suggested, one of the motives for forming parishes was to control where one's tithe went (1995:personal communication), that would explain the actions of both Croshaw and Page: each wanted their own parish. Although parishes were created upon petitions from the inhabitants, it seems as if Marston and Bruton were established more at the behest of individuals than of communities. Daniel Parke participated in establishing Bruton Parish, too, but he was not as great a benefactor as Croshaw and Page: in 1674, he sold Bruton the land for the Glebe for £25. Perhaps this atavistic feudalism was instrumental in the formation of many parishes.

Certainly financial considerations played a part in the formation of parishes. Not only were parishes responsible for the spiritual welfare of the community, but they acted as charitable services, providing relief for the poor and paying for the upkeep of bastards and orphans. These charges on the parish mounted up, to judge by the many cases of fornication and bastardly presented to the court, usually by the churchwardens, and by the relatively few instances that the General Assembly released men from paying tithes because they were ancient and infirm, as John Dickenson was judged to be in 1673.

In accordance with the dubious aphorism that statements made *in extremis* of pain are invariably true, women were sentenced to be lashed after giving birth to bastards, both as punishment and to induce them to divulge the fathers' names, so that the fathers, rather than the parish, would have to pay for the children's support (DOW (6)498). The same principle held true for claims of paternity made during childbirth. During a prolonged court battle over the paternity of the bastard of Anne Roberts, involving thirteen depositions during two court sessions in 1662, the *extremis* testimony prevailed. Roberts, a servant of Thomas Pinkethman, was cited as saying during labor that John Reason was the father of her child. The witnesses were very precise about the timing of her statements: Lewis Griffith and John Gaiford, who were apparently present at the birth, stressed that Roberts accused Reason "just at the time of hir delivery" (DOW (3)170); Dorothy Bullock, who served as Roberts' totally inexperienced midwife, stated that "in the extremity of paine she demanded of hir who was the father of hir said Child who said John Reason & noe other" (DOW (3)170). The clerk recorded that this was the first time Bullock had served as a midwife; perhaps this mitigated against Bullock's knowledge of the most painful (and thus truth-inducing) moment of birth.

During the trial, Henry and Anne Goodgame testified frequently about "the durty whore," Anne Roberts, who was "Impudent & glorified in hir wickedness & had told hir shee had 2 or 3 bastards in England" (DOW (3)170). They also testified that Pinkethman was a "Knave" and that his wife, Joan, the widow of George Smith, was on record in York for slander. It would not be until the late 1660s that Joan Pinkethman and her husband faced charges for calling George Bridge a hogstealer and Thomas Turner a horsestealer. In the New World, where most people were strangers to each other, their

backgrounds unknown, such slander was potent, because reputations were vulnerable. Even most officials had only tenuous, not hereditary, claims to superiority (Mook 1979). The Goodgames were testifying about “social crimes” (Richter 1992); they were agents of social control. Due to demographics, Marston lacked the traditional population of older females who customarily performed that function; this allowed some freedom.

The Goodgames also said that Roberts had accused a fellow servant, Richard Webb, of fathering her child:

"asked hir who was the father who said it was none of Reasons but that hir Master divers came to hir & said sure it is Reasons & not Webbs who considering of hir Masters words did lay it upon Reason hoping to escape his frequent beatings but that shee reced never the fewer blowes & said that at this Court shee would cleare Reason & further saith not" (DOW (3)170).

The Goodgames quoted Joseph Croshaw as saying, in a rather feudal manner, that he "did admire that Tom Pinkeman did not come & make an agreement with him before Court for it would be a great shame for him for hee hath kept the child [of Roberts] soe long" (DOW (3)170). The court ordered Reason, who was Pinkethman's overseer, to give one year of service or 1500 pounds of tobacco to Pinkethman. An overseer's skills would have been worth more to Pinkethman than those of an ordinary servant's such as Webb; therefore Pinkethman might well have tried to coerce Roberts to select Reason. It must be noted that the Goodgames, who took it upon themselves to investigate the paternity of the Roberts' bastard, had suffered a financial loss. Anne Goodgame was the Goodwife Goodgame that Reason and Pinkethman had approached to serve as a midwife for Roberts. However, Pinkethman reneged and refused to have the 42-year-old midwife enter his house or touch any of his servants. The usual midwife fee in England was one or two

shillings at the start of the seventeenth century; the high infant mortality was due to mishandling by the midwives (Fraser 1994:441). Roberts' child died in 1663. Roberts would die a year and a half after her child was born; she is listed in the burial register as the servant of Mr. John Woods.

In September, on Pinkethman's motion, presented by his attorney, Mr. Mathew Huberd, the Court ordered Marston Parish to take care of Roberts' bastard and Pinkethman to deliver it to one of the Churchwardens (DOW (3)173). That should have been the end of the matter. However, Churchwarden Ashaell Batten refused to take the child. Did Batten, from the southern part of the parish, not wish a bastard from the northern area to be financed by Marston tithes? The Court charged Batten with contempt and ordered another churchwarden, Thomas Whaley, "to dispose of & provide for the said Child according to the sd forever order" (DOW (3)176).

In 1665, in another case of bastardy, Major Croshaw took great care that the child of his servants, Sarah Morris and the runaway, Richard Anderson, was born in Marston Parish. Morris made the following deposition:

"deponent living at the plantation of her Master Croshaw at Archer Hope in James City Parish when she was great with child, my master gave order I should move to Poplar Neck in Marston Parish & ordered the negro woman Megg to carry my bed thither which was accordingly done & when I came to Marston parish I was delivered of my child" (DOW (4)28).

Croshaw was ordered by Daniel Parke and Daniel Wyld to pay 500 pounds of tobacco for the use of Marston Parish if he wished to spare Sarah twenty lashes on her back. This was one-third of Reason's fine; possibly Croshaw could expect such lenient treatment from his fellow Marston elite. In each of these cases, which constitute two out

of the thirty-three cases in which women were charged with bastardy in York County during the years 1648-1690 (Sturtz 1987:26), the court and the parish regarded bastardy as an economic, rather than a moral, transgression. By contrast, only twelve charges of fornication were brought against York County women during that time, giving an interesting picture of more effects than causes.

Middle Plantation was seated by an Act of 1633 in what was then Charles River County. In 1643, Charles River County became York County. Chiskiak Parish, in the western part of Middle Plantation, included both Middle Plantation and the head of Queens Creek (Cocke 1964:174). In 1658, Middle Plantation Parish in York County joined with the more eastern, adjacent Harrop Plantation. Lying between Archers Hope Creek and Warehams Pond in James City County, Harrop had been created during the “dangerous” (Cocke 1964:175) times of 1645, when it was too hazardous to go to James City and too inconvenient to go to Martins Hundred. The combined parish, established in 1658, was called Middletown. Middletown would merge again on 18 April 1674 with Marston Parish to form Bruton Parish. Thus, Bruton Parish lies in the modern James City County, York County and the City of Williamsburg. The early union of Middle Plantation and the area at the head of Queens Creek into Chiskiak Parish foreshadowed the later Bruton Parish. It is likely that the two areas retained a feeling of identification during the Marston years, in spite of Croshaw's and Page's attempts to separate them.

Major Joseph Croshaw again defended the boundaries of Marston Parish in March 1661/62. This time his adversary was his fellow burgess, Captain Ralph Ellison, for Middle Plantation. The reason for their dispute is not given. However, the General Assembly ruled

that the 1656 boundaries of Marston Parish stood and adjudicated the boundaries of two other parishes, also.

Who was Major Joseph Croshaw, Marston Parish's champion and chief donor? At various times, he had owned almost all of the land in York County north of Queens Creek, so it would be natural for him to take a proprietary interest in the parish. Joseph was the son of Captain Raleigh Croshaw, gentleman, who came to Jamestown in the Second Supply of 1608, became a renowned Indian fighter and was eventually elected as a Burgess in 1623. While it is possible that Joseph was among the first British-Americans born in Virginia, his place of birth is not known; it is likely that he received his education in England, including legal training, because he frequently served as an attorney for, among others, London merchant Anthony Stafford, and for John and Eleanor Clay, who brought suit against Croshaw's brother, Richard. Joseph, in his turn, became a Burgess, but, as a "pronounced Royalist," he objected to the 3 September 1658 succession of Oliver Cromwell's son, Richard. On 24 August 1659, he was suspended as a Justice of York County for "disputing and questioning the present authority" by Governor Samuel Mathews (Jester and Hiden 1956:144-5). The Governor's decree did not stop Croshaw from functioning as a justice; he continued to officiate in court, often arriving late.

One of the biggest mysteries about Marston Parish is why it was named Marston. Two Marstons were famous in the seventeenth century. John Marston (1576-1634) was an Oxford-educated lawyer, who became a satirist and dramatist. After the passage of a law against satire, his poems were burned in 1599. Although many of his plays mocked Ben Jonson, Marston went to prison with Jonson and George Chapman for the satirical comedy about the Scots, *Eastward Ho*. Jailed again in 1608, he ceased writing his erotic

play, *The Insatiate Countess*; he became a minister in the Anglican Church and married the daughter of the chaplain to James I. Although naming a parish after a reformed reprobate has a certain appeal, it was more common to name parishes after English towns, as Bruton Parish was named after the Somerset County birthplace of Philip Ludwell, John Page, and Sir William Berkeley, the Governor of Virginia (Fischer 1989:335).

In the seventeenth century, Marston, as a geographical location, signified one thing: Marston Moor. On 2 July 1644, the Royalists suffered their first major defeat in the English Civil War. Cromwell and Sir Thomas Fairfax, commanding a Scottish and Yorkshire force, surprised Prince Rupert with an evening attack in a battle at Long Marston, seven miles west of York.

David Fischer (1989) claimed that most of the people who settled in Virginia during the years 1642 - 1675 came from the south of England. In Marston Parish, Philip Chesley most likely came from Welford, Gloucestershire, because he left legacies to people in Welford. The Wylds probably originated in Middlesex, which is now part of greater London. Both of these are in the south. While the Croshaws' native home is not known, it was probably not Marston Moor, which lies far in the north of England. If the major parishioners held no hometown loyalty for Marston, then why would Croshaw, a committed Royalist, allow a parish to be named for the site of a Parliamentary victory? Was it symbolic for Croshaw that Marston Moor lay outside of York? Was this cognitive demarcation important enough for him in defining his community to override the negative connotations of Marston Moor?

There is a third candidate for the origin of the name. The battle of Naseby, in 1645, marked the last real chance for an ultimate Royalist victory in the Civil War. While the

Parliamentarian army had barely achieved victory at Marston Moor, at Naseby, the Royalist defeat was total. After the battle, the Royalists who had perished were buried in the churchyard in Marston Tressell. Naseby lies north of London in central England. It is remarkable that the three putative namesakes for Marston were associated with rebellious challenges to the establishment.

Croshaw gave one acre to Marston Parish in 1658, upon which the parishioners built a church. Some brick from the ruins of the church and some tombstones could be seen as recently as 1921 (Tyler 1967:300). The "church was located on land donated by Joseph Croshaw from his Poplar Neck Plantation; on the divide between St. Andrew and Queens Creeks ... and was accessible by roads which followed the divides of the various necks in the parish" (Grim 1977:242). These roads are only conjectural; based on seventeenth-century land records, there were no roads (Grim 1977:218). The parish never built a glebe house, so it is not surprising that the first minister to be permanently assigned to Marston was William Cooke, who only served a year before Marston joined with Middletown. "In absence of a minister, a reader directed the worship; however, joint pastorates appeared to be the major method of dealing with the scarcity ... Consequently, a number of ministers must have been little more than circuit riders" (Grim 1977:244). With no permanent minister, it is likely that the churchwardens and vestrymen were more important than usual. They were, to local intent, the church.

One of the duties of the vestrymen was to procure ministers for their parishes. While it would be difficult to attract a minister without offering housing, the vestrymen of Marston Parish were singularly unlucky in their efforts or else they did not try very hard.

According to Goodwin, five ministers served Marston or York Parish: Anthony Paynton, 1639-40, *circa*; Charles Grymes, 1644, *circa*; William White, 1658, *et ante*; Morgan Godwin, 1655; Edward Foliot, 1680, *et ante* to 1690. Paynton, the minister of York and Chiskiak Parishes, “called Mr. Secretary Kemp a ‘Jackanapes’ [impudent; literally, a man of the apes] and was later fined and banished; but was restored and ideminified later” (Goodwin 1927:297). His successor, Grymes, had been admitted as a sizar, or scholarship student, at Cambridge in 1631 and had matriculated that same year. He and his successor, White, are both listed as ministers in York Parish. White was probably an Oxford-educated native of Lancaster; he died in 1658 leaving an estate worth £44 (Grim 1977:246). More is known about Morgan Godwin. He matriculated at Brasenose College, Oxford, on 27 June 1662 at age 21 and received his B.A. from Christchurch College in 1664/5. He was the son of an Archdeacon as well as the grandson and great-grandson of Bishops. Around 1665, he was assigned to Marston; he stayed in Jamestown a short time and returned to England, where he wrote *The Negroes’ and Indians’ Advocate*, “full of animadversions upon the clergies and vestries of Virginia, and pronounced by Lieutenant Governor Morrison to be a ‘virulent libel’” (Goodwin 1927:272). Godwin remained in England and became vicar of Wendover, Buckinghamshire in 1666. While Godwin was obviously a quick study, his impact on Marston, where he was a non-resident minister for about a year or less, would have been minimal. However, Godwin is in the York County record. In 1668, he petitioned the court for an exemption from the payment of the six tithables that the General Assembly allocated to clergymen because he had no family and therefore needed no servants. The court allowed those six tithables to one of their own, Daniel Parke.

The last minister, Foliot, was the Oxford-educated son of a knight whose rectorship in Alderton, Northamptonshire had been sequestered by Cromwell. He came to Virginia about 1652 and remained, even after Alderton was restored to him, until his death, around 1690. Although described as the minister of Marston in the York County records on 24 April 1662, he is also listed as a minister of York Parish and probably resided in the latter parish. However, he recorded the deaths of his two daughters and two servants in the Marston Parish Burial Register. In 1660, Croshaw had him arrested in connection with 10,000 pounds of tobacco. Foliot countersued and the court appointed Mathew Huberd and Thomas Ballard to mediate their dispute. This amount of tobacco seems to be too much to be the tithes that Croshaw had collected to pay the minister. Perhaps it was the tithes for the entire parish. In any case, the incident reveals Croshaw's superior attitude toward the church and the extent of his control over its operation.

One of the functions of a frontier is to serve as a buffer. While Marston fulfilled this in the case of the Native Americans, it played a more peculiar role in constraining Quakers. On 10 September 1659, York County outlawed Quaker meetings. Quakers were "dangerous;" their meetings had "seduced and misled many poor ignorant persons which may be feared will prove the disturbance of peace of the Countrey & Governmt" (DOW (3)64). The purpose of the decree was "to warne the masters and owners" (DOW:ibid). Richter (1992) has analyzed the reasons for these anti-Quaker laws as follows. The Court was suspicious of clandestine meetings that were attended by women and slaves. Such behavior called into question the authority of the male "masters and owners," and encouraged racial and sexual integration. Moreover, women could actively participate by

speaking at meetings. All of these aspects of Quaker meetings challenged the hegemonic social order that the colonial leaders were trying, in part, to reproduce in Virginia and, in part, to create.

There were other reasons for the General Assembly's hostility to the Society of Friends. Quakers opposed paying tithes because they believed in the separation of church and state; in England and Virginia, Anglicanism was the state religion. Quakers had their own forms of baptism, marriage and burial that were marked by simplicity rather than ornate ritual. And, in contrast to women's secondary status in English law and life, the Quakers emphasized schools and education for male and female alike. Moreover, women were prominent in church activities and even served as preachers. The egalitarian idealism of the Society of Friends was the cultural antithesis of the type of community that the General Assembly wanted to establish.

Yet, in Charles Parish, Richter found that the law was successful in driving the Quakers only slightly underground in their religious practices, while they suffered no penalty in public life. There seemed to be an unspoken accommodation whereby, if Quakers were subtle, they could avert the penalties for not adhering to the official Anglican religion.

In Marston Parish, by the end of the seventeenth century, the Bates family was the center of a Quaker community on the south side of Skimino Creek and Edward Thomas, who lived near the mouth of Queens Creek, was a practicing Quaker.

"It is known that John Bates 3 and his family became Quakers, probably around the beginning of the 18th century. A group of Quakers, living near Skimino Creek, established a Meeting there in the late 17th century (McCartney and Weston 1973). Thomas Story, an English Quaker missionary wrote in 1668: 'though he [John Bates 3] was not a Friend by

profession, yet very forward to provide seats, saying his House, he feared, would be too small for the meeting but he had room sufficient in his heart' (McCartney and Weston 1973:4). Apparently, Bates soon joined the Quaker religion, for he and his brother James were delegates at the first recorded session of the Virginia Yearly Meeting in July 1702" (in Samford 1990:5-6).

It is noticeable that no Bates' death was recorded in the Marston Parish Register; in fact, no member of any Skimino Creek household is recorded in the burial register, except for two: in 1669, John and Mary Daniels buried their son, John; and Morris Hurd buried a servant in 1670. Whether this was due to dissenting religious beliefs or, whether, conversely, it reflected the small beginning of local-level activity in the Skimino Creek community in the early 1670s, when Daniels and Hurd served as jurors and George Bates as constable, is impossible to say. In either case, when the parish moved even further south in 1674 to Bruton, the Skimino group became even more isolated. If the Bates were, indeed, not yet Quakers, it would still seem that dissension found fertile soil in which to grow in Marston Parish, which lacked ministers, a large, structured vestry, and good records.

The Court

The other institution in York County with a potential centralizing influence was the county court. Composed of at least eight justices of the peace, the court was required to meet at least six times a year on the twenty-fourth of the month. During the Marston Parish years, court was held at the home of Robert Baldrey. Thomas Ballard, a major landowner, served as the clerk of court from 1657 until 1662; John Baskerville, a small landowner, who left an estate of less than £100, succeeded him in 1665 and served until

1679. Both men owned land in Marston Parish, although it is unlikely that Thomas Ballard lived there.

Grim's map (1977:230) places Robert Baldrey's house in the current Lee Hall/Newport News Park area, or approximately eight miles overland from the mouth of Queens Creek. Baldrey's home was inland from the York River, on the York/Middle Plantation Road. "In 1657, Baldrey was paid 570 pounds of tobacco towards a jail and in 1661, Jarrat Hawthorne, a carpenter, was paid 800 pounds of tobacco to build the stocks and pillary at Baldrey's house" (Grim 1977:292). Thus, the presence of the court exerted little influence on Marston. The court achieved a local visibility only as represented by the persons of Clerk Baskerville and in the local justices and sometimes sheriffs, Joseph Croshaw, Daniel Parke and Daniel Wyld; in the constant juror and the later justice, Robert Cobbs; as well as in the other jurors such as Thomas Bromfield and John Dickenson. The criminal element would be visible also, because the very long arm of the law reached Marston Parish. Parishioners John Underhill and John Woods served as undersheriffs to Wyld and Parke respectively.

Most of the cases the court dealt with concerned debts, estate matters, and property. The county court had jurisdiction over the lesser charges of crimes against persons; murder cases were referred to Jamestown to be tried by the Quarterly Sessions. The county clerks also recorded legal transfers of chattel property and real estate. Once a year, in the fall, an orphan's court was held to protect the rights of the large number of children who had lost their fathers.

"The justices of the county court, for their part, required performance bonds of most guardians and administrators; set aside special court days for 'Orphan's Court,' when the guardians were to bring in accounts for

auditing; and acted promptly to protect the estates of orphans when malfeasance was called to their attention" (Rutman 1984:117).

The men who held the office of justice were the same large landowners or merchant/planters who served in other colonial and county offices. They rotated the position of sheriff among themselves; each held it for a one to two year period (Grim 1977:235). By the 1680s, undersheriffs served during the tenure of several high sheriffs; this suggests that the undersheriffs performed most of the assigned tasks (Grim 1977:235). In the early years, the small, dispersed population committed few crimes: only 33 cases were tried between 1658 and 1660. However, from the 1650s to the end of the 1670s, the number of entries in the court minutes doubled (Grim 1977:236). For both the justices and local level office holders, such as jurors, participating in these groups widened their network of acquaintances.

Bond was enormous for an accused murder, such as Huntington Ayers, who, in 1658/9, murdered his masters, Frances and Elizabeth Hall. The Court held Francis Wheeler, for whom Hall had acted as an overseer, on a five hundred pound sterling bond to produce Ayers. The amount of the bond may have been chosen to ensure vigilance on Wheeler's part or to forestall personal retribution of a vigilante character or both.

The court took an interest in personal matters. Fire was a financial disaster. In 1665, Langley's fellow justices proposed to Governor Berkeley that he be appointed High Sheriff because he had lost all his dwellings in a recent fire. John Woods, in March of 1668/9, was granted a license to sell liquor because he had been sick and had suffered a fire recently. In such cases, the court had the power to directly affect people's finances. In 1665, when Woods faced large debts and had failed as undersheriff, he was given his first

liquor license.

What Joseph Croshaw had made, he could, in the spirit of a true son of the Virginia Company, also raid. Sheriffs assumed the responsibility for collecting tithes in Virginia. In November 1657, fellow Justices Richard Whaley, William Barbar and Daniel Parke gave depositions alleging that Croshaw, as sheriff of York County in 1656, had been guilty of misconduct by falsifying the list of tithables and obtaining surveys for land illegally. Parke claimed that Croshaw changed Major William Lewis' patent for 2,700 acres to 1,700 acres, so that Croshaw could gain 1,000 acres for himself. In December 1657, the Governor and his Council charged Croshaw with fraud: as sheriff, he bought in "false List much short ... & afterward collected levyes ... a large sum of tobacco ... [and] alter a survey" (DOW (3)8). While Croshaw was cleared of the 1657 charges, after his next argument with the Governor in 1659, he was ordered to pay Daniel Parke, then sheriff, 500 pounds of tobacco belonging to the court that he had kept for four or five years.

There were many forms of legal tender: land certificates, deeds, tobacco credits, tobacco itself, personal labor, bonded servants, domestic animals, corn, malt, salt, beaver and, albeit sparse, coins. James Bullock, on 10 November 1668, secured the rent of Adam Straughan's former plantation with pewter, brass, an iron pot and other movables. Tobacco credits circulated freely. In 1672, Henry Bingfield owed merchant John Bowler four hundred ninety-four pounds of tobacco; in 1673/4, Wyld assumed that debt when Bowler paid him with Bingfield's promissory note. The York County clerk, in his role of banker, duly recorded the passages of these debts, which were often outstanding for years, sometimes even after a person's death. The clerk's banking activities were soon virtually

subsumed by the merchants; as there became more products and services for sale, account books replaced verbal and court-recorded promises.

Tithe-takers kept their accounts in tobacco. York County paid wolf bounties of 200 pounds of tobacco and most court expenses in tobacco. Witnesses summoned to court were paid fifty pounds of tobacco and those who informed on hog killers and illegal sellers of spirits were paid an amount equivalent to the penalty itself by the convicted persons. In what was most likely an attempt to stop frivolous or nuisance suits, the Court automatically awarded a nonsuit of fifty pounds of tobacco to the accused if the plaintiff failed to appear or to prove his case. The threat of this fine probably restrained individuals from filing for personal feuds and thus served to regulate the relationships in the community. It would also keep the prudent poor from casually suing members of the wealthier classes. Even gambling debts came under the court's jurisdiction. In 1671, Daniel Wyld acted as attorney for Mr. Robert Whitehaire, who was an agent for London merchant Mr. George Lee and a tobacco factor for Robert Vaulx. Wyld successfully sued Jonathan Newell, a York County merchant for £10 that Newell had "wonn and lost at play" (DOW (4)351) with his client.

Sheriffs and undersheriffs, as collectors of church tithes and debts to the court and to the county, would control large sums; therefore, they were required to post security. This restricted their number to those who already possessed such sums; they, thus, constituted a self-perpetuating class of county-level officials. When men without the wealth of Wyld and Croshaw posted security, it was often all of their future crop. This occurred, for instance, when John Woods secured his pledge to buy Joseph Frith a mare by promising John Margaretts five hundred pounds of tobacco. In the spring of 1661,

Woods also pledged his forthcoming crop against the purchase of this elusive horse.

The methodical and formal prosecution of cases gave closure, so that relationships between fellow parishioners and neighbors, between the public and the hierarchies of the church and the court, could be mediated and the society restored to order. Because these new immigrants to Virginia lacked the family networks that they had left behind in England, it was necessary that the neighborhood function more as a family with the court as paterfamilias. But participation in court was not limited to elite males. Women and servants testified in court. Elizabeth Vaulx and Elizabeth Woods each had her husband's power of attorney. In the years to come, as Marston parishioners from Joseph Croshaw to Elizabeth Woods used the law against others and broke it themselves, the law would prove flexible enough both to support and to restrain them within the boundaries of their society.

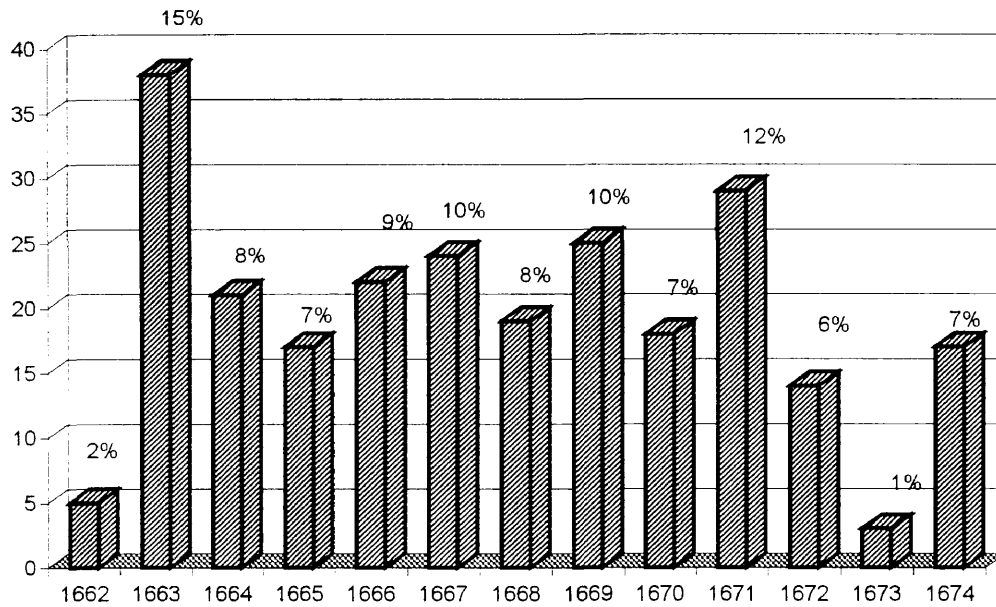
Demographic Analysis

Demographic evidence for Marston Parish is limited by both the source material and the population sample involved. On its own, it does not form a statistically significant data base; however, in comparison to other demographic studies of the Chesapeake area, it acquires relevance. The only source available for analysis is the Marston Parish Burial Register for the years 1662 - 1674. Without birth records, it is impossible to ascertain age at death; without marriage records, it is impossible to ascribe either marital status, unless it is recorded in the register, or age at marriage. In addition, the register only lists 252 deaths during its thirteen-year span. The following analyses have all been based upon the modern calendar year that starts on 1 January rather than on the Old Style English legal year that

used to begin on 25 March.

An analysis of the burial register (Table 1) shows that both 1662 and 1673 with their respective mortality rates of 2.0% and 1.3% are anomalies. Either they were years of extremely good health or of very bad record keeping; the latter seems more likely. The year 1663, with its 38 deaths, or 15.1% of total deaths, had the highest mortality rate. Interestingly, 1663 is one of the years for which York County Records are missing. That there might have been some disease such as typhoid or dysentary responsible for many of the 1663 deaths can be extrapolated from studying the deaths on an individual household basis. Major Joseph Croshaw lost eight members of his household, including seven servants and his wife, Anne, between 4 July 1663 and 1 November 1663. His York River neighbor, Mrs. Elizabeth Vaulx, lost three servants in the same period of time: John Basil on 30 August 1663, Jean Andrews on 28 September 1663, and Philip Watson on 2 October 1663. Inland, along Queens Creek, Mr. Daniel Wyld lost three servants and his son, Daniel, at almost weekly intervals between 6 September 1663 and 8 October 1663. Mr. Edward Foliott, the minister for Marston, lost his daughter, Mary, on 22 August 1663 and his servant, John Winter, on 28 August 1663. John Davis lost his servant, William Hopkins, on 19 September and his son, John, on 28 September. These deaths, concentrated among five large households, number 19, or 50% of the total deaths for 1663. The households are also connected by their location on the York River and the lower of Marston's two creeks, Queens Creek. Thus, the possibility of unusually high salinity contributing to salt intoxication (c.f. Earle's 1979 geographic model of disease mortality) alone or combined with or contributing to contagious disease can not be ruled out. A third factor, in addition to proximity and environment, can be found in the land

TABLE 1
MARSTON PARISH DEATHS BY YEAR
1662 - 1674



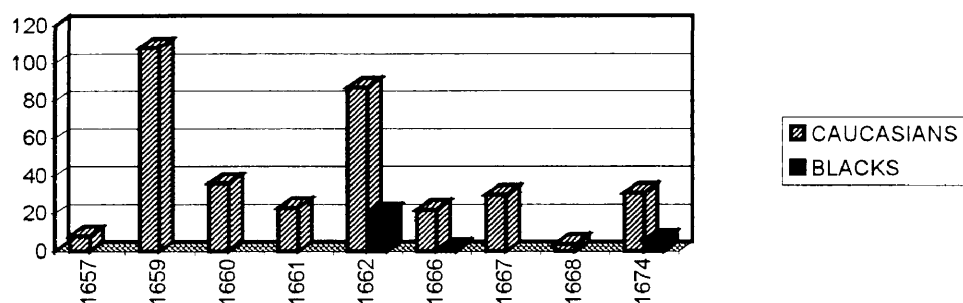
YEAR	NUMBER OF DEATHS	PERCENTAGE
1662	5	2%
1663	38	15%
1664	21	8%
1665	17	7%
1666	22	9%
1667	24	10%
1668	19	8%
1669	25	10%
1670	18	7%
1671	29	12%
1672	14	6%
1673	3	1%
1674	17	7%
TOTAL:	252	100%

certificates (Table 2).

In Virginia, these records are terribly flawed by errors of both omission and commission. Russell R. Menard pointed out that, "the system was abused and the record keeping casual. Many fictitious settlers appear in the list of headrights, immigrants are often recorded more than once, some people are listed who were not immigrants and many immigrants are not entered" (1988:101). Fifteen Marston residents applied for land certificates that would grant them fifty acres apiece for each person for whom they paid the passage from England. Indentured servants with the same names are often claimed twice, although it is possible, given the limited number of both first names and surnames, that these are, indeed, separate individuals. On 10 September 1674, Captain Daniel Parke claimed four dead people. Again, this may be legitimate; they died after they arrived and were buried in Marston Parish. Because it was necessary to have capital to pay in advance for the passage of servants, headrights became a monopoly wherein the potential for capital accrual was limited to the already well-off.

Even with all of these caveats in mind, it is possible to look at the land certificates by year and see that, in 1662, Captain Daniel Parke, Major Joseph Croshaw, Mr. John Horsington and Captain Philip Chesley allegedly paid for 87 people to come to Marston Parish. Among the immigrants were twenty blacks, or 71.08% of all recorded black arrivals in Marston between 1657 and 1674, although it would not be until 1672 that merchant George Lee would be fined for protests about a negro ship. If these 87 people had arrived late in 1662, in the boats that arrived to collect the harvested tobacco, then the summer of 1663 would have been their first in Tidewater Virginia and the effects of seasoning could have been expected to have taken a heavy toll, as can be seen in Table 3.

TABLE 2
MARSTON PARISH LAND CERTIFICATES
1657 - 1674



STATISTICS BY YEAR

<u>YEAR</u>	<u>CAUCASIANS</u>	<u>PERCENT</u>	<u>BLACKS</u>	<u>PERCENT</u>
1657	8	2%		
1659	108	31%		
1660	36	10%		
1661	23	7%		
1662	87	25%	20	74%
1666	22	6%	1	4%
1667	30	9%		
1668	4	1%		
1674	31	9%	6	22%
TOTAL	349	100%	27	1

(N.B. ALL CHARTS FYE 12/31)

CERTIFICATES BY PERSONS:

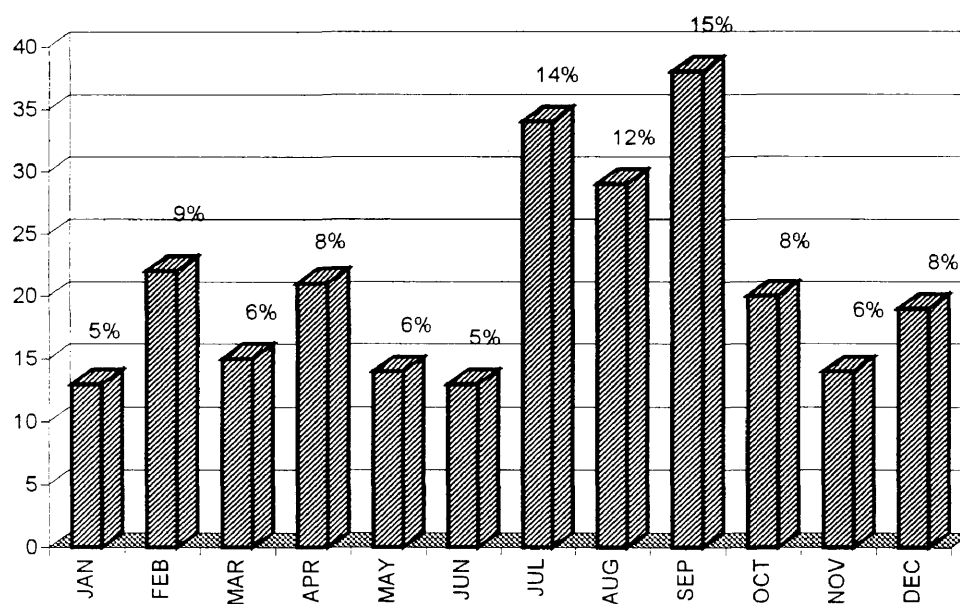
<u>NAME</u>	<u>NO. OF PERSONS</u>	<u>PERCENT</u>	<u>NO. OF ACRES</u>
THOMAS BALLARD	12	3%	600
ASHAELL BATTEN	15	4%	750
PHILLIP CHESLEY	15	4%	750
SAMUEL CRABTREE	4	1%	200
JOSEPH CROSHAW	65	19%	3250
RICHARD CROSHAW	15	4%	750
JOHN DAVIS	11	3%	550
RALPH GRAVES	30	9%	1500
JOHN HORSINGTON	22	6%	1100
JOHN JOHNSON	12	3%	600
BENJAMIN LILLINGTON	15	4%	750
DANIEL PARKE	52	15%	2600
ELIZABETH VAULX	8	2%	400
ROBERT VAULX	62	18%	3100
JOHN WOODS	11	3%	550
TOTAL	349	100%	17450

The 1660s marked the high point of land claims. Although flawed or fraudulent, it is likely that the numerical pattern of immigration recorded in the certificates reflected the actual influx to Marston Parish and that the certificates were granted because the claims conformed to a common perception of increased immigration, especially in the number of indentured servants and the beginnings of a black population, that failed to offset the rise in outmigration. This resulted in a community composed of fewer people, who had been in Marston fewer years, and more of whom were landless servants. It must be noted that the total number of acres claimed, 17,450 out of 18,960, is 92% of the entire parish. This is similar to the 18,060.17 acres, or 95% of all the land, that were patented in Marston Parish (Appendix 3). Although escheats and regrants may be part of the total, both figures are obviously factitious.

Although 1663 was the worst year for total deaths, as well as for deaths by households, there were other years in which individual households suffered streaks of deaths, occurring a month or less apart. However, it is always possible that these seeming streaks reflect recording errors; also, there is an obvious numerical bias in favor of the richest households, who had the most servants. Too, these households, of course, were headed by men who held local, county or colony offices and who, therefore, would be more likely to attend to the proper, formal recording of the deaths. And, because those men held York River and Queens Creek property, the association of deaths and salinity may be an artifact of wealth, not disease.

Captain Philip Chesley lost two servants in 1664: on 31 January, Robert Lucas and on 5 February, Amey Arnall. In 1667, he lost two more: on 30 June, Philip Flowers and on 18 July, Barbary Wansley. That these might have been couples promotes the

TABLE 3
MARSTON PARISH DEATHS BY MONTH
1662 -1674



<u>MONTH</u>	<u>NUMBER OF DEATHS</u>	<u>PERCENTAGE</u>
JAN	13	5%
FEB	22	9%
MAR	15	6%
APR	21	8%
MAY	14	6%
JUN	13	5%
JUL	34	14%
AUG	29	12%
SEP	38	15%
OCT	20	8%
NOV	14	6%
DEC	19	8%
TOTAL:	252	100%

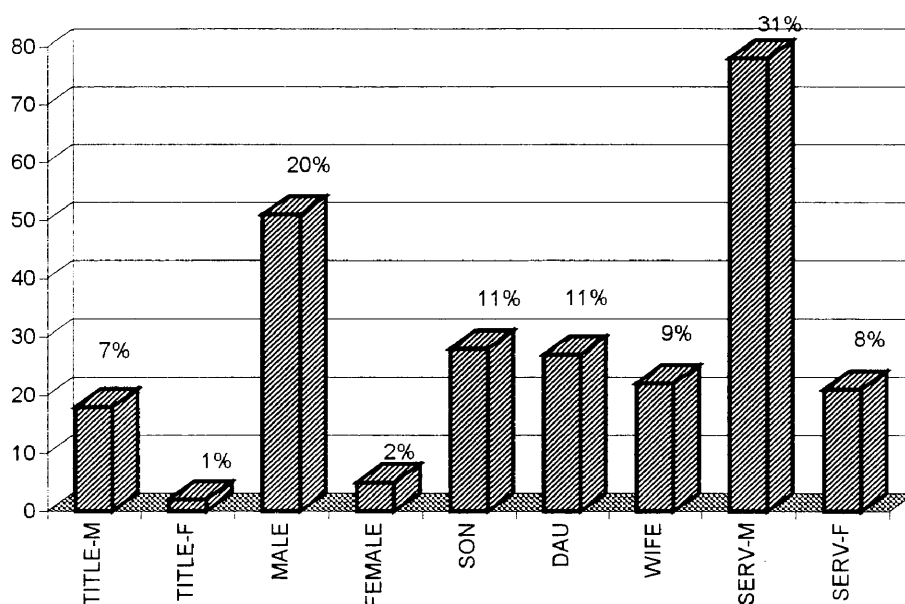
concept of communicable disease as a cause of death, as does Captain Daniel Parke's loss of servants John Lane on 2 July 1664 and Susanna Gentle on 10 July 1664. In 1671, Chesley lost servant Thomas Hammer on 17 April and servant Wagstaff, first name unknown, on 24 April. Two other servants of Parke, Thomas Evans and Philip Cotton, died on February 12th and 29th, 1674, respectively.

London merchant Mr. George Lee, who owned property jointly with Daniel Wyld, had two servants die on 2 June 1671. One of them, John Cooke, again listed as Mr. Lee's servant, is recorded as dying once more on 5 October 1671. Were these two men who had the same common name or is this another instance of careless reporting? Mr. Ralph Graves lost his servant John Arnall on 24 August 1668 and daughter, Mary on 12 September 1668. Brothers Robert and John Horsington died five weeks apart. In less than a week, in December 1668, Thomas Holder lost his wife, a servant, and his son-in-law, Benjamin Davis.

Even when the deaths did not occur less than a month apart, the burial record demonstrates the fragility of the family structure during the Marston Parish years. Anthony Sands lost a daughter in 1670, a daughter and a son in 1671, and his wife in 1673. Three daughters of Captain Francis Mathews died: two in 1671 and one in 1674. One wife of Francis Durphey died in 1669, another in 1674. Remarriage, as discussed below, was common. In Marston, as in Maryland, wives were more likely to outlive their husbands (Walsh 1979:128).

There are no records of a wife and child dying simultaneously that would demonstrate death in childbirth, but the death of John Wells' son on 28 August 1664, followed by his wife's death on 23 January, might reflect a postpartum fatality. Richter

TABLE 4
MARSTON PARISH DEATHS BY STATUS
1662 - 1674



	STATUS	NUMBER OF DEATHS	PERCENTAGE
1)	TITLE-M	18	7%
	TITLE-F	2	1%
	MALE	51	20%
	FEMALE	5	2%
2)	SON	28	11%
	DAU	27	11%
	WIFE	22	9%
	SERV-M	78	31%
	SERV-F	21	8%
	TOTAL:	252	100%

1) RALPH GRAVES & JOHN HORSINGTON NOT CALLED "MR." IN BURIAL REGISTER WHEN THEY DIED, BUT WERE GIVEN THE TITLE WHEN MEMBERS OF THEIR HOUSEHOLD DIED.

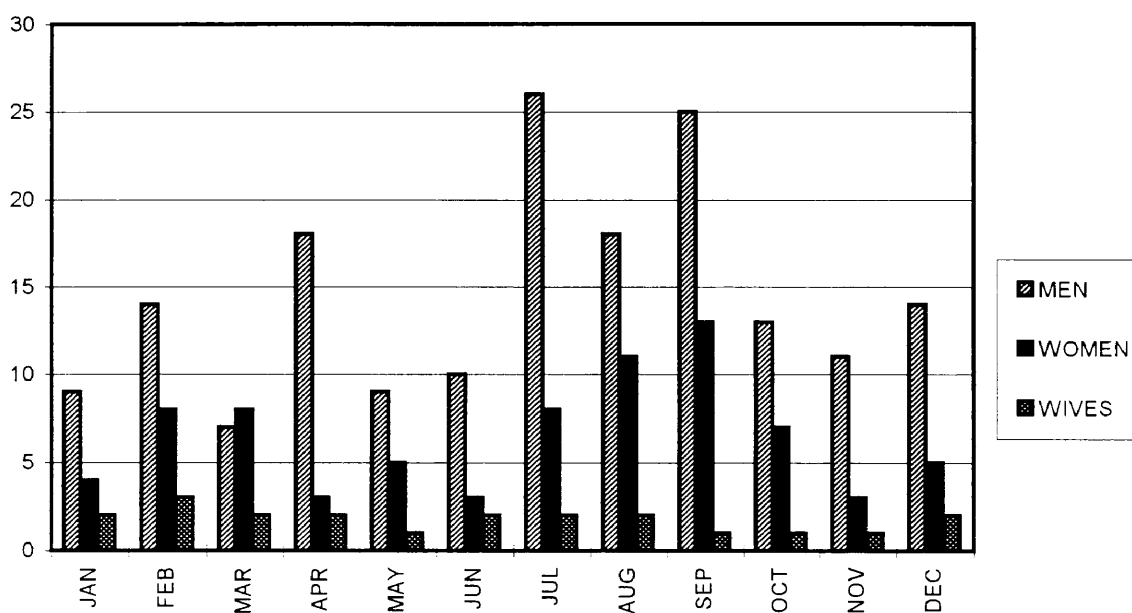
2) INCLUDES 2 "SON-IN-LAW".

found that in Charles Parish, in lower York County, winter was more deadly than summer. Women were especially vulnerable because they tended to give birth in the winter months. Also, pregnancy reduced their resistance to malaria (Rutman 1984:180; Richter 1992:58). This is not found in the Marston Parish records (Table 4). Of the 45 adult females who died, only 22 are identified as wives and their deaths are evenly distributed throughout the year; there is only a statistically insignificant tendency for them to die more frequently in the winter months. However, when one looks at the deaths of all females by month, the greatest number of deaths occur in the late summer; this corresponds with the seasonal increase in total male death (Table 5). Both seem to correlate with the effects of seasoning, wherein seasonal disease peaked in September, and of Earle's geographic model of disease mortality that form the typical Chesapeake pattern (c.f. Rutman 1984).

On the social and cultural levels, rampant disease would cause distrust of others and mitigate against proximity to strangers, both within households and within the community. Conversely, disease brings people together to help one another against a shared enemy. A high mortality rate certainly influenced the settlement pattern.

Marston, then, was a parish without a strong church or court presence. It conformed to the demographic pattern common to the Chesapeake region. The destabilizing factors of high male sex ratio, high mortality, few kinship ties and lack of a centralized authority provided an environment where individuals like Joseph Croshaw, in a spirit of capitalism and individualism not too different from feudalism, could establish authority Croshaw acquired trickled down to the neighborhood level. When Croshaw and

TABLE 5
MARSTON PARISH DEATHS BY MONTH AND SEX
1662 - 1674



<u>MONTH</u>	<u>MEN</u>	<u>WOMEN</u>	<u>WIVES</u>
JAN	9	4	2
FEB	14	8	3
MAR	7	8	2
APR	18	3	2
MAY	9	5	1
JUN	10	3	2
JUL	26	8	2
AUG	18	11	2
SEP	25	13	1
OCT	13	7	1
NOV	11	3	1
DEC	14	5	2
TOTAL:	174	78	21

his heirs ceased to control Marston, the democratic infrastructures remained, embedded in kinship relations and endowed with the London Company's and Croshaw's spirit of capitalism and individualism.

CHAPTER III

THE NEIGHBORHOODS IN MARSTON PARISH

Grim found two clusters of service activities in Marston Parish: the Parke Mill section at the head of Queens Creek and the Poplar Neck section near Joseph Croshaw's plantation of the same name. According to him, the Parke Mill cluster included the mill, "two merchants-planters, one of whom was also described as a physician, as well as a tailor and a carpenter. Nearby, there was an ordinary in the 1660s and 1670s, two tanners and one sawyer" (Grim 1977:313). Poplar Neck was the site of the Marston Parish church, "a mill and tan house on St. Andrew Creek, which were owned by Croshaw's heirs; a planter-agent; and a lawyer who was also county clerk" (Grim 1977:314). Since Grim covers the years 1650 - 1689 in his analysis of Parke Mill and Poplar Neck, his description does not necessarily apply to these two areas during the period that they were part of Marston Parish. Of the two locations, only the head of Queens Creek area acquired enough landholders in the 1650s and 1660s to achieve a population density within a circumscribed area that resembles Chang's "face-to-face" neighborhood. The Skimino Swamp/Old Mill Swamp area had been subdivided into enough small lots by the 1670s to form a neighborhood that would become the Skimino Quaker community (Figure 4).

A neighborhood differs from a service center. Grim defined service center as an area in which mercantile and craft activities occur; its functions are typically urban. It is his hypothesis that they failed to develop in York County until town acts were passed in the late seventeenth century because London-based merchants monopolized collection and

distribution; dispersed large merchant-planters mediated trade between the Londoners and the locals; and craftsman were primarily planters who pursued other activities only secondarily. Thus, "although many of these service activities were grouped in loose neighborhood clusters" (Grim 1977:abstract), they were not integrated into "a functioning nucleated service center" (Grim 1977:ibid).

Walsh, too, regarded these settlement clusters as neighborhoods. She defined neighborhoods as a "discernable territorial entity that circumscribed [peoples'] most frequent economic and social exchanges" (1988:227); their boundaries are often dictated by geography or by established focal points. They are akin to Grim's service centers, but Walsh's emphasis is more on the presence of influential men, such as Croshaw at Poplar Neck. However, Poplar Neck was a service center without the population density of a neighborhood. The network pattern she found in mid-seventeenth century St. Clement is consistent with the one that Rutman found in Middlesex County. The typical male network extended for no more than a five-mile radius and most commonly for only two to three miles. Women's networks, where traceable, were even more limited according to Walsh and Rutman (1984). This was not true in Marston, to judge by the activity revealed by Elizabeth Woods' and Elizabeth Vaulx's court records. They did not stay at home. Elizabeth Woods penetrated not only her neighborhood, but, both literally and symbolically, the county.

Walsh added a necessary caution: knowledge of networks is based on recorded interactions, which obviously constitute a very small proportion of all associations and, in the case of depositions, deal with highly irregular situations from which generalizations cannot be drawn. But the minutiae of the court record reflects exactly what the community

and the culture valued most on both the material and ideological level. Contrary to Walsh's assertions that generalizations can not be drawn from depositions, it is particularly in these contexts that the interplay between a community's assumption of group identity and the assertion that one is nevertheless an individual can be found. Only in these records does self-identity vie publicly with identity with the community. From these contexts, similarities, or those aspects of group identity, can be separated from personal differences. And in court proceedings, as in church, there is a ritual that restores transgressors to the community and the community to itself. The extent to which this Turneresque *communitas* occurs is a measure of the community's ability to function. Defining and controlling deviance is one of the primary functions of cultures and their institutions; it forms an area for significant negotiation. In Marston, the proceedings of these institutions led to the communication of and construction of differences between classes and to the preservation of these inequalities through marriage in a competition for status and wealth.

Using court records leads to bias, of course, because local, county and colony officials appear more frequently in the records than the tenants and small planters, whom Walsh depicted as having such a circumscribed area of activity. Perry agreed with Walsh that appearance in court records is "entirely random" and "doesn't allow a reliable demographic picture to emerge:" it is mainly "a record of financial transactions" (1990:41). Every increase in peoples' economic status correlates to an increase in their presence in historical documents and in their geographic area of social activity. Planter-merchants enjoyed networks across a fifteen- to twenty-five mile radius, according to Walsh.

For her, the neighborhoods were important because they supplemented the

centralizing institutions of church and court; she praised "the power of neighborly cooperation to help hold together an otherwise disparate, sexually imbalanced, socially unstable, highly mobile, short-lived, and disease-ridden society." Both Walsh and Deetz (1993:54) found that the interaction of these three forces forged a unique, cohesive, Chesapeake regional culture in spite of the destabilizing demographics. Richter (1992) agrees: neighborhoods contributed a sense of security.

While network analysis is based on a systematic examination of the patterns formed by recorded social, legal and economic transactions, it does not directly address the question of a community's or neighborhood's sense of self-identity. In the legal records, Marston is occasionally mentioned. There is only one mention of it in Nugent's patents: John Horsington's 1663 patent for 1,750 areas for importing 35 people cites Marston as the location of the grant. It is the exception when deponents identify themselves as residents of Marston. More often than not, deeds omit Marston in their descriptions of property locations. Perhaps Marston existed for too short a period of time to become a major factor in its parishioners' concept of *habitas*. It would appear that the parish was secondary to the neighborhoods in local importance.

The exception to this statement comes in a deposition from John Horsington given on 26 October 1657. In what may be a meaningless cliché, he cites the parish as the level to which a scandal has spread. For Horsington, the parish, although he does not specify Marston, was a distinct community:

"being in discourse w/ Sarah Taylor the wife of John Taylor the sd Sarah said the shee heard that wee shall be parted and I made her answeare that was in every bodyes mouth in the parish then she said that if they were parted she would come to him by night or by day for where love could not goe itt would creap att another time I being at Robert Taylor his house where the sd Sarah did live the sd Robert Taylor coming

home hee sd to Sarah the wife of John Taylor there is a sweet clamour abroad for people say that I dandle you on my knee & kisse you. It is noe matter said Sarah if you havt the Deveill take you if you doe not" (DOW(3)4).

It is significant that this deposition was given in 1657, because it is arguable that the Marston Parish's sense of community was at its strongest and most cohesive in the parish's early years. After the disastrous but well-recorded mortality in 1663 and the death of Croshaw and his heirs, and of Horsington and others of the older elite, it would seem that the community lacked guidance and felt apathetic towards Marston Church. Many parishioners, especially those the at the head of Queens Creek, were ready or even eager to be reincorporated with Middletown. This is substantiated by the boundary that was eventually drawn between Upper and Lower Bruton Parish. Lower Bruton Parish includes the head of Queens Creek and all the properties that abut the north shore of Queens Creek as well as the town of Williamsburg.

The York Records show that wills were commonly witnessed by neighbors. In the forty-one wills of Marston parishioners extant, 61% of the witnesses to the wills lived on adjacent property. The court consistently appointed local appraisers in twenty-four of the twenty-eight inventories recorded. In nine wills, husbands appointed their wives as executors. Jurors, in matters of trespass or suicide, tended to be chosen from the immediate vicinity of the alleged crime sites. In these last three cases, local knowledge of the value of the chattel property, the boundaries of the real property, which are often so vaguely described in the deeds, and of a neighbor's state of mind were presumed by the court to lead to informed decisions.

It is interesting to note that in cases of trespass, where the rights of two parties

were concerned, the court-appointed viewers of the damage usually came from areas adjacent to the two litigants. On 25 May 1674, the court ordered Robert Cobbs, Christopher Pierson, Peter Glenister, Morris Hurd and John Bates to observe the trespass that Mr. Gardiner, guardian of Henry Tyler, orphan, had accused George Poindexter of perpetrating. Not only do the witnesses line up neatly from north to south on the map between the two litigants, they also form two clusters: Skimino Swamp and head of Queens Creek. Poindexter, Hurd and Bates came from the northern neighborhood, the rest from the southern group. The odds were tipped in favor of the orphan, whose property lay in the south.

When Robert Bourne drowned in the York River in 1661, his neighbors, John Smith, John Horsington and John Davis served as inquest jurors and pronounced his death to be an accident. However, in 1658, Robert Cobbs served on an inquest jury into the drowning of neighbor Richard Thorpe's servant. They did not find the death of William Bennet to be accidental. Instead, they found that Bennet, "not having the Feare of God before his Eye to have feloniously murdered himselfe by drowning himselfe in a small river" (DOW (3)25). Bennet was not the only servant to commit suicide. Elsewhere in York County, in 1659, an inquest jury found that servant Margaret Wynn "wilfully strangled hirsselfe" (DOW (3)67). The jury's verdict in 1660 on the death of Mary Waddell was that "not having God before hir eyes but being seduced by the Instigation of the devill at Yorke aforesaid did voluntarily and felloniously drowne hir selfe in Yorke River" (DOW (3)88). Although she "had noe goods or Chattells" (DOW (3)88), Waddell was not a servant. Perhaps that allowed for the mitigating circumstance of Satanic seduction. It becomes obvious from an examination of the records that suicide, like bastardy, was a

secular as well as a sacred sin. When servants murdered themselves, they dealt a financial blow to their masters, who lost the use of their services for the rest of the term of their indenture. Only when servants' deaths occurred during the performance of their duties, such as when Robert Whitehaire's servant, Thomas Leaa, drowned in Queens Creek going for oysters in Whitehaire's boat, was it unequivocally an accident. These verdicts may reflect the truth of the events; however they appear to be slanted in such a way to indicate that class counted when the manner of death was determined. By conflating socio-economic status and sin, the early jurors could be viewed as committing Bourdieu's symbolic violence in an effort to establish class boundaries.

Proximity often seemed to affect marriage patterns, so that those who were neighbors became kin. Indeed, by the 1670s, Marston's settlement pattern was in the process of becoming based on kinship. This becomes even more apparent when the numerous instances of property passing through the female line are reviewed (Figure 5) and seriatim marriages are examined. While many of these marriages were in the tradition of acquisition of adjacent land through intermarriage between the landholders' children, given the high mortality rate, the result was the rapid formation of kinship networks that kept the two neighborhoods separate. It was rare that known relatives first settled near each other, except for three sets of brothers, Joseph and Richard Croshaw, John and Robert Horsington, and Robert, James and Thomas Vaulx, who shared or owned adjoining property. This reflects the fraternal settlement pattern that Richter found in Charles Parish (1992:157). Peter Effard was a cousin of George Poindexter; together with John Page, they owned property at Middle Plantation. But, it was not until the 1660s,

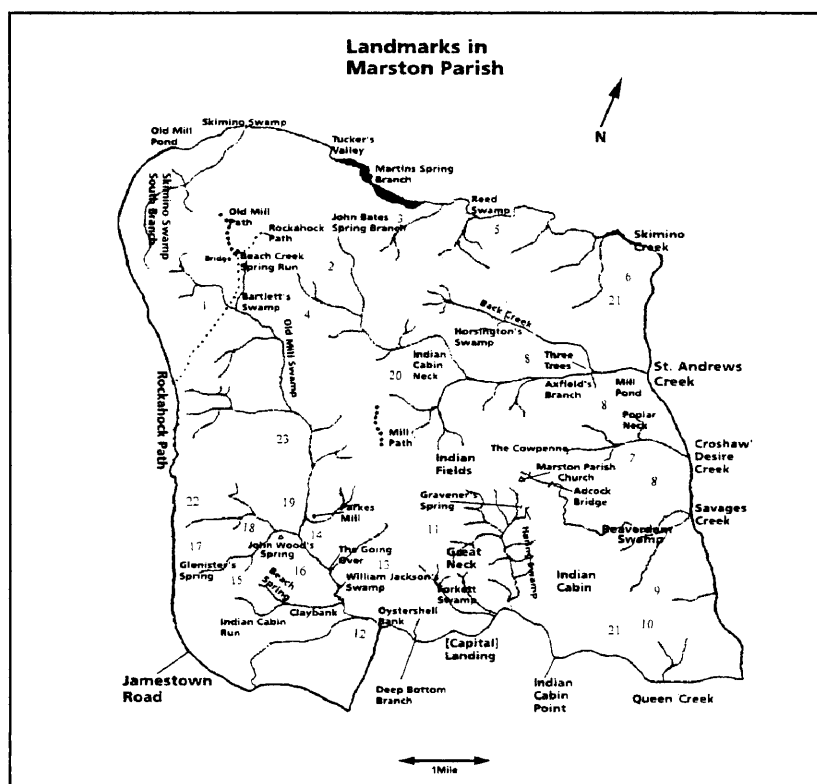
FIGURE 5
PROPERTY THAT DESCENDED THROUGH FEMALE HEIRS
OR WAS CONTROLLED BY WOMEN IN MARSTON PARISH

- 1) Elizabeth Croshaw Jones - widow of Rice Jones.
- 2) Morris Hurd to Thomas Meekins m. to Frances Hurd.
- 3) Morris Hurd to Henry Thompson m. to Mary Hurd.
- 4) Thomas Pinkethman m. widow of George Smith to son William and then to granddaughter Mary who m. Ralph Graves 2.
- 5) Elizabeth Croshaw Jones.
- 6) Capt. Frances Mathews possibly m. a Baldwin; son Baldwin Mathews has daughter who m. Samuel Timson.
- 7) Richard Croshaw's daughters a) Rachael m. Alex Walker and b) Elizabeth m. Rice Jones.
- 8) Joseph Croshaw's daughters a) Rachael m. Ralph Graves then Richard Barnes, b) Mary m. Henry White and c) Unity m. John West.
- 9) Robert Vaulx m. Elizabeth Burwell; lease to Jarrat Hawthorne (servant of T. Vaulx).
- 10) William Stephens m. Margaret Vaulx (m. Daniel Wyld and Capt John Martin); daughter Mary m. Jarrat Hawthorne, Richard Barnes, and Capt William Hartwell; Stephens' land went to Margaret Vaulx's

daughter

by third husband, Margaret Martin, in England.

- 11) Philip Chesley m. Margaret Wyld (m. 2) William Fellows, who hired Samuel Timson to look after York Co. property for Chesley's nephew William; 1681, William Cobbs m. Mary Timson, Samuel's daughter.
- 12) Mary Whaley.
- 13) John Davis' widow m. Ashaell Batten; their daughters Constance and Sarah m. her stepsons William and John Davis. John Batten, son of Ashaell and third wife (Ursula), m. Mary Baskervyle.
- 14) Thomas Poynter m. Johanna; daughter Elizabeth, sole survivor.
- 15) Robert Wilkenson's daughter Sarah m. Peter Glenister (overseer for Robert Wilkenson).
- 16) Controlled by Elizabeth Woods, single mother 1670 -1678.
- 17) Francis Hall m. Elizabeth; daughter and sole heir Mary m. John Harris
- 18) John Dickenson's widow m. Thomas Wilkenson (who also m. John Margeretts' widow); daughter Frances Dickenson m. 2) Richard Pierce and 3) Edmund Cobbs.
- 19) Thomas Price made Hannah Price Bromfield sole heir; daughter Anne, Hannah and Thomas Bromfield's sole heir, m. Joseph Frith.
- 20) John Horsington's sole heirs were his wife and daughter.
- 21) Elisheba Vaulx, widow of James and guardian of Baldwin Mathews.
- 22) Thomas Wilkinson's sole heirs were his wife and daughter (1668).
- 23) Henry Townsen's heir, Mathew Edwards, is possibly Townsen's sister's child.



when major landowners such Croshaw, Batten and Smith died and their property was split among their heirs, that kinship patterns appear. However, there may be relationships among the other property owners that do not appear in the records.

Another aspect of the important role that women played in both property transactions and the formation of kinship networks is shown by the remarriage statistics. Family trees and property deeds were patriarchal; they hid the role of women. Of the women for whom there are records, fourteen of them married twice, four of them married three times, two married four times and one, Mary Bromfield, married five times. Only five men married twice; John Thomas married three times, Ashaell Batten wed four times and Joseph Croshaw had five wives, at least four of whom were widows, including the much-married Mary Bromfield, who outlived him. It is probable, given the early age of marriage for women and the relatively late age at marriage of their husbands, that those women who survived childbirth could expect to outlive at least their first husbands. Walsh (1979) found that seventeenth-century Maryland women married when they were between sixteen and nineteen years old. Due to the scarcity of women and the economics of establishing themselves after serving their indentures, men married in their late twenties. Marston's remarriage statistics fit Walsh's findings.

Some first marriages seemed designed to cement business relationships such as that of Margaret Wyld, the sister of Daniel, to Daniel's partner, Philip Chesley; or that of Sarah, the daughter of Robert Wilkinson, to her father's overseer, Peter Glenister. Jarrat Hawthorne, the former servant of London surgeon, Thomas Vaulx, and present tenant of Thomas and Robert Vaulx's large York River property with the right of first refusal if it were sold, married Margaret Vaulx's daughter, Mary Stephens.

Many remarriages appear to be "adjacents" in that a man married the widow next door. Thomas Wilkinson married two neighbors consecutively: the widows of John Margaretts and John Dickenson. Thomas Pinkethman married the widow of his neighbor, George Smith. Thomas Bromfield married the adjacent Price heiress, Hannah. Joseph Frith would marry the adjacent Bromfield's daughter, Anne.

Another aspect of remarriages seems to reflect the formation of an upper class whose marriage proposals were based less upon geographical proximity than upon parity of social position and wealth. While Frances Dickenson, the daughter of Queens Creek planter, John, made four "adjacent" marriages, Elizabeth Croshaw, the widow of Captain Richard, married three men who did not even live in Marston Parish. Margaret Vault and Margaret Wyld remarried resident Englishmen and left the parish.

All these examples illustrate two seemingly antithetical trends in Marston Parish: the fragility of the nuclear family and the rapid reticulation of kinship ties everywhere in Marston Parish except between the two neighborhoods. Perry, too, found that on the Eastern Shore, "the high death rate could have a socially unifying function. It led to rapid proliferation of kin ties ... (1990:89). Anne Bromfield's mother, Hannah, died before 1664; her father, Thomas, who had remarried Mary Wisdom Austin, died in 1665. Mary's child, Thomas Austin, died 15 February 1664/5. Anne went to live with Joseph Croshaw when her stepmother married him by 1667 and grew up with Mary and Joseph's son, Joseph, who was born in 1667. The elder Croshaw died in that year; within three years, Mary had remarried Clement Marsh. So, within six years, Anne Bromfield had lost both of her natural parents, one stepfather and one stepbrother; she was living with her stepmother and her second stepfather with her stepbrother, Joseph. This rapid family formation united six hitherto

unrelated families. The number of families joined together increases exponentially when the elder Croshaw's three adult daughters and their families, as well as the unknown children from Mary Bromfield's and Croshaw's other wives' earlier marriages are factored into a family tree. If not blood relations, they were certainly kin. As well as receiving all of Hannah Bromfield's estate, a deed from Croshaw in 1667, and a portion of young Joseph's estate in 1682, Anne Bromfield also inherited from Joseph Wisdom, her stepmother's first husband, or from a son of his who bore the same name. These patterns are integral to the form of society that developed in the Chesapeake area.

In addition to the networks formed by marriages, there was a secondary chain of connections. Although these relationships are not comparable to compadre systems except insofar as they confer systematized reciprocal responsibility, it is arguable that guardians were more critical to the welfare of Marston Parish children than godparents are to Mexican children. Because of the uncertainty of colonial life, it was necessary to ensure that the rights and inheritances of orphaned minors were protected and preserved. The court granted guardianship regularly to the men who married widows with children, but stepfathers could not always be relied upon to act in the orphans' best interests. In several instances, especially where there was a sizable estate at stake, the would-be stepfather was required to have other men stand as security for his administration of the estate. Richard Barnes served as security for Robert Bee to become guardian of John Russell when Bee married Russell's mother. When Barnes married Ralph Graves' widow, Rachael nee Croshaw, Thomas Pinkethman and Rachael's sister's husband, Henry White, stood security. These guarantors formed another tier of relationships with both the stepfathers and the orphans. Because of the large amounts involved, few were qualified to secure the sums. This effectively limited

the number of people who would stand in this particular relationship to each other and, thus, reinforced the boundaries that divided people into classes.

If guardians died, the court had to approve their replacement. After the death of Thomas Bromfield, who had been appointed as guardian of two neighbors' daughters, Anne Dickenson and Anne Margaretts, the court called on Thomas Wilkenson, who had married Dickenson's widow, to succeed him as Anne Dickenson's guardian. Perhaps the other Anne was married or dead by then. Older orphans had a voice in the choice of their guardian: in 1668, at Sarah Wilkinson's request, the court appointed James Harris, Sarah's sister's husband, to serve in Robert Cobbs' place as her guardian. The court's decision was apparently not based upon Cobb's dereliction of duty because he remained the guardian of the three orphans of Thomas Bates.

Cobbs was still held ultimately accountable for the orphan's estate of his late neighbor, Robert Wilkinson. When Sarah Wilkenson married Peter Glenister in 1669, there was a final accounting of Sarah's father's estate. Peter Glenister sued Cobbs for his wife's estate; the court ordered Otto Thorpe and John Page to peruse Cobbs' accounts. Peter Glenister had to pay Robert Cobbs 5,471 pounds of tobacco to receive the rest of the estate due his wife.

The court participated in the administration of orphans' estates. Not only did it approve or disapprove of transactions, it actively advised guardians. In 1658, the Court ordered Robert Cobbs to sell hogs to buy cattle for the estate of Thomas Bates' orphans. When Joseph Frith became the administrator for his wife, Anne, of the 1682 estate of her stepbrother, Joseph Croshaw, the court ordered him to return "a laced pinner and a small parcel of thread" (DOW (8)152) to young Croshaw's executor and uncle, Thomas Taylor,

before Taylor would have to pay Frith seventeen pounds. Orphans' estates, in their annual accountings, either owed or were owed by the orphans' overseers; hence, the need, in sizable estates, for wealthy friends to stand as security for the guardian. In 1658, Daniel Wyld secured Philip Chesley as guardian of Thomas Hart; the next year, Chesley entered into a bond of thirty thousand pounds of tobacco for Wyld's guardianship of his new wife's son, William Stephens.

Godparents formed a fourth tier of the network. Although they did not always survive to become guardians, there were special relationships between children and godparents. When Thomas Bromfield died without a male heir, he left his seal ring to his godson, John Tyler, while designating Tyler's father as overseer of his estate. Earlier, in 1646, John Broach, who was godfather to neighbor Joseph Croshaw's two sons, Joseph and Benjamin, gave them each a stock of bees. Neighbors often served as godparents: along Skimino Creek, George Tindall acted as the godfather of John Bates (2) and John Daniel had George Bates as a godson. Even siblings acted as guardians. Leonard and Mathew Dickenson were charged in their father's will with the care of their younger brother, William, until he came of age. Yet, it would seem that rapid remarriage, infant mortality and small estates kept the court from intervening in the affairs of the majority of the orphans in Marston Parish.

Neighborhood patterns are evident in the selection of will witnesses by testators and of estate appraisers by the court. However, because death could strike suddenly and plantations were far apart, often the only witnesses available seem to have been servants. As in the case of Robert Frith's nuncupative will, the witnesses were illiterate, not landholders and they were never mentioned again in the York County records: all signs that they were

probably indentured servants, or, possibly, tenant farmers. Servants often witnessed other documents. Indentured servants Robert Kempe and Edy Sawyer, whom John Woods claimed headrights for in 1659, had served respectively as witnesses for him in his prenuptial contract with Elizabeth Frith on 31 May 1658 and in a deed of gift on 24 January 1659.

But, witnesses were often neighbors. When John Davis died in 1664, John Thomas, who had been in York County since 1645 and who had been accused of suborning his servants to steal Davis' tobacco, divided and appraised Davis' estate with his fellow neighbors, Ralph Graves and Henry White. When Thomas died the next year, the witnesses to his will were illiterate and landless, but his court-appointed appraisers were his neighbors: Richard Croshaw, Ralph Graves, Henry White and Ashaell Batten. Neighbor John Dickenson and a man who was possibly a servant witnessed Henry Townsen's will. In the northern part of Marston, John Daniel witnessed the will of his neighbor, Thomas Pinkethman, and appraised his estate with Philip Chesley and Benjamin Lillington. Still in the same neighborhood, John Daniel appraised George Smith's estate with Morris Hurd. However, these events in the north transpired in the 1670s.

In the area at the head of Queens Creek, from the 1650s on, neighbors served as witnesses to wills: Thomas Poynter for Robert Wilkenson; Robert Cobbs and Peter Glenister for Adam Straughan; John Dickenson for Henry Townsen; John Woods for John Margaretts. Benjamin Lillington appears to have been a favorite witness in the Poplar Hall area. He witnessed the wills of Richard Croshaw, Joseph Croshaw, Henry White and Thomas Pinkethman. Only Captain Daniel Parke witnessed more wills. The seven testators that he witnessed lived west of Croshaw's holdings, often on properties that, by 1704,

would belong to Parke. Thomas Whaley, on Queens Creek, was the most popular southern appraiser; the five estates that he evaluated included those of Ashaell Batten, William Jackson, John Russell, Richard Croshaw and Captain Frances Mathews.

Four women made wills or recorded divisions of property during the Marston years. Elizabeth Walker, who left a dwelling house and a tobacco house on the north side of Queens Creek near Joseph Croshaw's property, had Richard Croshaw and John Davis witness her will and designated Richard and Joseph Croshaw as overseers of her minor son's estate. In the single instance when all the witnesses to a will were women, it was another woman's will: Elizabeth Vaulx witnessed the will of her York River neighbor, Margaret Croshaw, in 1665 with her neighbor to the west, Joan Davis Pinkethman, and Edy Banister.

Margaret Croshaw left all she owned to her daughter by a previous marriage, Dorothy Tucker, and left the care of her daughter to her current husband, Joseph. She made her affectionate will "with Consent and approbation of my deare & lovinge husband," and she left her daughter "my Church Bible & my Weddinge Ringe" (DOW (4)12). The bible would seem to attest to Margaret's literacy. However, she signed her will with an X, possibly due to ill health, or because she was passively literate; perhaps she was, in fact, illiterate and treasured the bible as a symbol of her family, as a record of their births and deaths.

Sarah Glenister's heir in her will was her husband of five years and, as residual beneficiary, her sister's daughter. Robert Cobbs, her former guardian, and Susane Bullock, her neighbor, witnessed her will. Mary Stevens Hawthorne Barnes, the daughter of Margaret Vaulx, did not make a will, but in a will-like court document, promised her four children by Jarrat Hawthorne items from his estate. The two boys were to get his cattle and

£10 apiece for tools “by me given & squandered and lost” (DOW(5)115-116) and the two girls were to receive featherbeds, sheets, rugs, blankets, 12-gallon brass kettles and six napkins and a tablecloth each. The tools were probably carpenter’s tools, because Hawthorne had followed that trade, as well as being a planter. These wills and other legal documents, such as prenuptial agreements, illustrate women’s ability to control their own property, albeit in a very limited manner.

There was apparently much consternation about the "marriage suddenly to be solomnized" (DOW (5)7) between the four-times widowed Mary Croshaw and Mr. Clement Marsh, because, on 26 July 1670, Marsh signed a prenuptial agreement, just as John Woods had done twelve years earlier. Marsh granted to Mary, who was stepmother of the orphan, Anne Bromfield, and mother of Joseph Croshaw's only living son, Joseph, the same full power over both her own and her children's property "as before marriage" (DOW (5)7). His bond was 100,00 pounds of tobacco; John Page acted as his security. In contrast, Woods had had to post no bond in his earlier prenuptial agreement, nor had anyone had to secure him.

The prenuptial agreement was an inspired idea. Although the Marshs' marriage ended with Clement's death after only a little more than two years, during the time that he had lived at Poplar Neck with Mary, Marsh had become a major debtor. He had incurred mainly cash debts to merchants. Either he was purchasing enormous amounts of goods for his own consumption or he was using Poplar Hall as a service center and reselling goods to people in Marston Parish. In one year alone, he owed Robert Spring £130, John Bowler's estate £20, John Page £14 10s, Jonathan Newall's estate 2500 pounds of tobacco, Mr. Peter Butts 300 pounds of tobacco and Captain Christopher Eveling £16 and 15% damages. The

court sometimes added these percentage penalties. On 1 November 1665, York County justices ruled that Thomas Banister owed Joseph Croshaw 1600 pounds of tobacco plus 8% interest for "2 years forbearance" (DOW (4)38).

In the meantime, John Page had refused to serve as further security for Clement Marsh; the sheriff had to secure the Croshaw orphan's rights. Major John West, the executor of the elder Joseph Croshaw, the future husband of Croshaw's daughter Unity, and the residual beneficiary of Croshaw's will, sued Marsh because he had not given security for the orphan. However, West's future brother-in-law, Mr. Thomas Taylor, who would be married to Mary nee Croshaw by 1674, replaced Benjamin Lillington as Marsh's last attorney of record. Together, the friends and sometime relatives of Joseph Croshaw had outflanked Croshaw's widow's next husband.

Mourning gifts and bequests reflected the closeness of the dispersed upper class: Philip Chesley called his former co-owner of property and brother-in-law, Daniel Wyld, "Brother" in his will and left him a mourning ring of twelve shillings; he also bequeathed twelve-shilling rings to eight other people. Chesley was childless, so he gave "Esquire" Ballard (DOW(5)92-93) his seal ring and Daniel Parke "Esquire" a twenty-shilling mourning ring. Daniel Wyld also inherited a horse from Paul Johnson in 1671 and a pair of gloves from Thomas Hackett in 1674, neither of whom lived in Marston Parish. However, when Henry White died in 1671, he left four of his neighbors twenty shillings apiece to buy casters and left Major John West £5 to buy a beaver hat.

Having estates appraised incurred court costs (DOW(6)454). Two men nominated executors in their will in an attempt to avert these charges. Croshaw appointed two

neighbors or tenants and Major Hockaday to divide his estate “without any trouble in court” (DOW(6)454). Croshaw never accepted authority easily. The other man is more surprising: John Horsington, who was so conscious of Marston Parish as an entity, appointed his neighbors, Wyld and Chesley as dividers of his estate “that the Court shall have nothing to doe with this my estate” (DOW (4)381). Both Croshaw and Horsington ranked church above court, but each had a different reason. For Croshaw, a noted scofflaw, Marston was his creation; for Horsington, it is possible that he had a strong sense of *habitas*, of the sort that would later manifest itself politically in the states’ rights movement. These two concepts were inherent in the Virginia Company charter.

Acting as guardians or estate appraisers involved the laborious inscribing of records often by people who sometimes seemed to lack the skills and knowledge to render an accurate accounting of estate matters. They added sums incorrectly, e.g. Captain Richard Croshaw’s inventory (DOW(4)318), and did not have a common format or even shared typologies for their inventories. In the appraisal of Joseph Wisdom's estate, which Ann Bromfield Frith inherited, Christopher Pierson, John Vadin and Mathew Edwards wrote, "The decdts Workeing Tooles being all of them old & by reason that the Appraisrs were ignorant of the names of some of them (in briefe) they adjudge them to be worth 01.10.00" (DOW(6)155).

Sometimes appraisers seemed to be appointed because they possessed the special knowledge to evaluate a large estate. Thus, when merchants Paul Johnson died in 1671 and Captain Frances Mathews in 1675, Captain William Corker was appointed appraiser. Witnesses to Captain Jeremiah Fisher's will included the clerk of court, John Baskerville; Fisher's executor and second-in-command on the *Elizabeth*, John Jaques; and, for some

unknown reason, John Woods, who was the subsheriff. In that complicated case, Governor Berkeley appointed Justice Major Robert Baldrey and Captain John Seabrooke to inventory the ship before it sailed. Elizabeth Vaulx, on her husband's behalf, entered a caveat against Fisher's estate, which was settled a year later when Jaques paid her £20.5 sterling. Or it was almost settled: if £6.12.10 had been received by Robert Vaulx in London, Elizabeth would have to repay Jaques. Just as they inventoried and assessed each other's property, merchants secured each other in the courts. Croshaw backed Wyld as High Sheriff in 1660, immediately after his fight with Parke. Jonathan Newall backed John Woods as undersheriff in 1665.

Class Relationships

The courts used laws about gambling debts to reinforce class boundaries. On 10 September 1674, James Bullock, a Marston tailor and small merchant, was fined one hundred pounds of tobacco because "to race being a sport for only gentlemen" (DOW (5)84). He had bet Mathew Slader two thousand pounds of tobacco on the race. As if to confirm the court's restriction of racing to gentlemen, Mathew Slader had fixed the race so that Bullock could win; Slader was sentenced to one hour in the stocks.

Breen compared the symbolism underlying Virginian gambling to Clifford Geertz' analysis of gambling on cockfights among the Balinese. Breen regarded the horse as an extension of its owner and racing as a ritualistic behavior that represented the Virginians' competitiveness, materialism, their sense of individualism or personal honor, and their awareness of the instability of fortune. Gambling on quarterhorse racing, an adaptation of elite gambling patterns in England to the New World, transformed "abstract cultural values

into observable behavior" (1980:151). Establishing status was necessary in the New World for the same reason that slander was harmful: the settlers were a colony of strangers. Their fortunes rose and fell with the tobacco prices, just as they did with betting and just as haphazardly. To reinforce personal reputation and social status, constant displays of wealth and status were necessary. Conversely, once a person was accepted as a member of the colonial elite, certain privileges and sinecures, such as the office of sheriff, became available.

Thomas Whaley, who had served as a juror and an appraiser since 1660, had distinguished himself by shooting his neighbor's wife in 1662. An inquest jury found that:

"One Thomas Whaley a neighbor being desyred by Mr Ashaell Batten to shoot a Beast for him the said Ursula Standing [illeg] the penne where the beast was shee was once desyred by the said Tho Whaley to stand further [illeg] from the beast which shee did standing then from Thomas Whaley in the forme of an obtuse Triangle like unto figure here below, the said Whaley then shooting a bull glancing as were conceive [illeg] one of the hornes of the beast & uppon a stake of the Cow penne strooke the said Ursula uppon the right breast of which wound shee suddanly dyed 10 Dec 1661. The beast also by the same shott" (DOW(3)183).

Characterized as a "stout, ignorant fellow" (Tyler 1895-6:4(1)5), Whaley participated in Bacon's Rebellion. When they were defeated, Whaley disappeared and his property was forfeited, but not attainted. The forfeiture did not prevent Parke from attaching all of Whaley's goods in 1678 to secure a debt of £291.5.2 that Whaley had incurred by taking food out of Parke's store, probably during the rebellion. And neither action prevented Whaley's son, James from inheriting his father's property. James was married to John Page's niece, which may have acted as a mitigating circumstance.

In the 1650s and 1660s, class relations were often brutal. Francis and Elizabeth Hall were murdered by their servant Huntington Ayers in January 1658/9. When Ashaell

Batten was in England, in February of 1665/6, servants Hannah Langley and Andrew Hill "laid violent hands on their mistress" (DOW (4)52) and were sentenced to serve Batten an extra year. Many instances of master/servant conflict exist in the court record. It was possibly the danger posed by aggressive servants more than a desire for privacy that led to the spatial separation of servants from their master's area or even from their master's house, as reflected in the change in architecture from earlier, more organic structures.

There was a growing emphasis on social niceties. Daniel Parke was one of the first to be affronted. In 1667, he had David Dunbar arrested for his "crude & uncivill carriage & deportment" towards him (DOW(4)154); in 1688, he had Simon Richardson arrested on the same charge. In 1680, Elisheba Vaulx, wife of James Vaulx and guardian of Baldwin Mathews, complained in court that her maid, Betty, "is grown soe high and soe parantory [sic], that I can scare speake to her" (DOW(6)288). The demeanor appropriate in public areas such as church or a courtroom, that of respectful attention to one's betters, became codified in private life, too, as the divisions between classes deepened and laws, especially regulating slavery, multiplied. Colonial society became increasingly segmented.

Credit/Debt Network

James Horn (1988) suggested that one criterion for establishing the presence of a neighborhood is finding a small, local network of debts. The credit/debit network in Marston Parish is not as clear as the legal one. Estate debts and credits were recorded only for the small percentage of estates where a formal inventory was taken. Inventories were not recorded for small estates, which creates a bias wherein the debts of the wealthy, whose networks of relationships stretched far beyond the community and neighborhood

level, are the only ones recorded. Yet the names of some neighbors do occur; usually the accounts are for a few hundred pounds of tobacco or less than £1 sterling. The largest debts were always to merchants.

On large estates, the size of the social network is obvious. Joseph Croshaw owed 23,895 pounds of tobacco, but only 5,700 pounds of that was due Marston men. Croshaw owed £158.14.06; only £6.1 of that was to his neighbors: Henry White and Philip Chesley. The estate was owed £108.14.05; the only local debtor was Henry Bingfield who owed five shillings. By contrast, half of Robert Cobbs' debts were to local people. However, as a matter of routine, because the court was so far away and not accessible by water and because so few in the early days had horses (Richter 1992:94; Perry 1990:42), it is unlikely that many Marston parishioners would go to court for small neighborhood debts.

Deetz, building on Robert Saint George, hypothesized that the impermanent nature of seventeenth-century earthfast construction was deliberate. Because this style of architecture needed so much upkeep, neighbors, by using their various skills, were united by reciprocal relationships based on mutual maintenance (1993:54). The level of neighborly interaction that Deetz envisioned lies outside a cash economy and court records. However, in Marston Parish, where there were so many people whose occupation was given as carpenter (e.g. White, Hawthorne), the construction of expensive homes sometimes brought lawsuits.

"Whereas Mr Robert Whitehaire, att. of Mr Richards, execr of Mr Robert Bourne, dec'd arrested Mr Henry White concerning finishing & completeing of his dwelling house as the house of Capt Daniel Parke then was he [White] on oath declared he was to seal the upper rooms w/ riven boards, to make a wainscoate partition between the 2 upper rooms, a wainscoate portall on the stair head, & to put Bannisters into the stairs for which work when finished the sd Bourne was to pay him 666 tob @ 4 ½ p p pound. (DOW(4)559).

Practitioners of other skills such as medicine expected payment, if not in cash, at least in tobacco. Captain Francis Mathews' estate owed Mary Hawthorne four hundred pounds of tobacco "for trouble about a sick miller who belonged to Francis Mathews" (DOW (4)354). Daniel Wyld and James Vaulx had testified that "at a vestry at Marston Parish" (DOW (4)354), Francis Mathews had promised to pay Mary Hawthorne. Perhaps the church as well as the court kept the personal financial records of its parishioners. The estate of Mathew Huberd paid four hundred and fifty pounds of tobacco to Mr. Patrick Napier for "physick" (DOW(4)131).

Ministers, too, demanded payment. In 1670, the Matthew Huberd estate paid Foliott £6 for reading the funeral sermon. This is the only known ecclesiastical tie between the Skimino Creek neighborhood and a minister of Marston Parish. Huberd's name is not recorded in the burial register, which indicates that there was a possible precursor of the Skimino Quaker cemetery, where Huberd was buried. Gravediggers, too, charged estates for their services. Mathew Huberd's estate paid ten shillings "to Thomas Simpkins for Mr. Huberd's grave and for attendance and helpe at the funeral" (DOW (4)330-335).

And, of course, merchants or, in the case of Robert Vaulx, his wife, kept account books. Merchants' accounts are easily distinguished because they contracted not only monetary debts and credits, but those payable in merchandise. In 1671/2, Robert Whitehaire owed the estate of Mr. James Moore for 2 bags, 2 ells 1/2 of canvas, 1 sundial, 1 yard of silk, 2 hammers, and 1 iron belonging to the rudder of a boat. The estate of Matthew Huberd paid Daniel Wyld fifteen shillings for three pairs of French falls and two pairs of plain shoes. In view of the high mortality rate, merchants, on their bills of lading, often appointed deputies to receive goods in case of the merchants' deaths. Wyld

requested the bill of lading from *Thomas & Edwards* in 1671/2 to prove that the goods aboard were consigned to him if John Bowler died.

Twice, books caused lawsuits. In 1676, Isaac Clopton sued the estate of Captain Francis Mathews for a book that he had loaned the deceased: *Lex Mercatoria*. Thomas Evans owed Roger Long fifty five pounds of tobacco for books. Books appeared in several inventories and wills (e.g. James Bullock, Robert Cobbs and Major Joseph Croshaw) and were valuable.

Many of the debits and credits in the York County records appear in estate appraisals. Certainly there were many cases of smaller debts that were constantly being contested in court, but there is no clear pattern that the debts were among neighbors. Most of the debts that were brought to court were contracted between people of unequal wealth: merchant/customer; tobacco inspector/small planter; master/indentured servant and so on. These were commercial transactions. It is probable that, as Deetz surmised, many small debts, based on reciprocal loans of skills or materials, were never brought into court to be settled. In the seventeenth century as well as today, neighbors know how to ostracize those who failed to keep up their part: Elizabeth Woods is a case in point.

In Marston Parish, fortunes had been decided early. Because all the land was owned, the majority of parishioners could never aspire to becoming wealthy planters. If they were to seek their fortunes, they had to look to other occupations. For the neighborhood at the head of Queens Creek, opportunity lay not east to the York River, but south in Middletown Parish. The Woodses were among the first to orient themselves towards Middle Plantation and to explore its commercial potential. In 1665, they opened an ordinary.

CHAPTER IV

THE NEIGHBORHOOD AT THE HEAD OF QUEENS CREEK

On 26 October 1658, Thomas Ballard recorded the following order :

Whereas Elizabeth Wood wife of John Wood Johannah Poynter wife of Thomas Poynter and Elianr [C]ooper were presented by Robert Cobb Churchwarden of Marston parish concerning severall writtin lybells dropt in the said parish church tending to the scandall & abuse of severall psons named in the said libells and to the disturbance of the whole congregation & the worshipp & service of almighty God Itt is ord that their severall husbands give bond for their good behavior untill the 24th day of Dec next and then the bonds to be voyd and then each of them pay the full charge of his and hir presentment als Exec.

The York County Clerk also recorded the libel, the affidavits of nine witnesses, five or six of whom signed their names with an X, and a second order concerning the husbands. It was a neighborhood affair; all the witnesses and the accused lived within two miles of each other (Figures 6 and 7). The libel, a remarkably literate document if it were indeed written as it was transcribed in the order book, accused vestryman Thomas Bromfield and his wife and the wife of Churchwarden Robert Cobbs of scandalous behavior. In the second order, a form of bond, John Woods and Thomas Poynter were obliged to pay 10,000 pounds of tobacco apiece to the York County Commissioners. That punishment would be void if they would exercise patriarchal control, if their wives "should just behave" (DOW (3)38) until next Whitsuntide, which would begin seven weeks after the following Easter. The probation period had been extended for only two of the three and a heavy fine added. Had the defendants, Woods and Poynter, caused some unseemly contretemps in the courtroom? Also, was there any irony in the court's decision to release

FIGURE 6

1650s NEIGHBORHOOD NETWORK AT THE HEAD OF QUEENS CREEK

Justices

DANIEL PARKE

Guardian of Joseph Frith
DP's servant eloped w/ TB's servant

DANIEL WYLD

Issued arrest warrant for EW
EW stole horse from his property

JOSEPH CROSHAW

Guardian of Joseph Frith
Married TB's widow

Clerk of Court: ROBERT AWBOURNE (1678)
Accused by EW of cheating her

JOHN DICKENSON

Hall Juror
Testified against EW
Daughter married RC's son

ADAM STRAUGHAN

Hall Juror
Witnessed JW document
Testified against EW

ROBERT COBBS

Churchwarden, Juror
Witnessed AS's & JM's wills
Testified w/ TB about brawl
Witnessed JW document
Appraised RF & FH

ROBERT FRITH = **ELIZABETH WOODS** = JOHN WOODS

|
JOSEPH FRITH
married
Anne Bromfield

Hall Juror
Witnessed JM's will
Appraised FH estate

THOMAS BROMFIELD

Vestryman, Hall Juror, Surveyor
Guardian of JM's daughter
Appraised TP & RF & Hall
Daughter married EW's son
TOOPE

MARY TOOPE = NICHOLAS

Testified against EW
Appraised EW estate

JOHN MARGARETTS

Overseer of Joseph Frith
Appraised TP & Hall
Testified against EW
Hall Juror

ELIZABETH = FRANCIS HALL
EH & FH testified against EW
FH witnessed JW document

CHRISTOPHER PIERSON

Testified against EW

THOMAS POYNTER

Testified against EW

STEPHEN ROYSTON

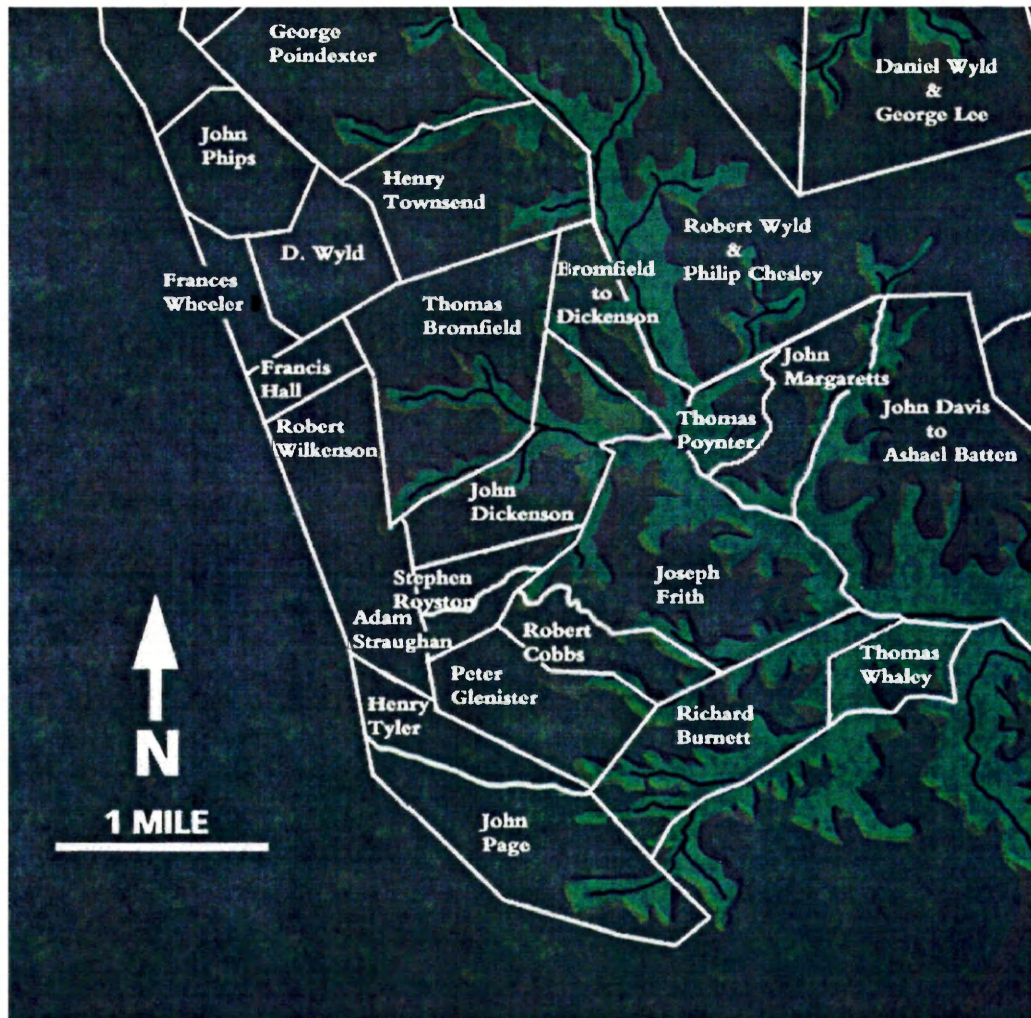
Testified against EW

the libelers on the Pentecostal feast of the gift of tongues?

The fine was enormous. A man could grow, on the average, 1,200 pounds of tobacco a year, which was worth fifty shillings (Breen 1980:132). For cases of slander, the courts were not to recognize any "cause under the value of two hundred pounds of tobacco...for babbling words, sometimes passionately but not maliciously spoken...but such, as if true might have brought the person to suffer punishment by law" (Hening 1633 Act XXXV). The latter was the minimum requirement for a statement to be actionable. However, the penalty for merely disparaging, not slandering, a minister was five hundred pounds of tobacco and a public apology (Hening 1623 Act III 6). A churchwarden, as one of two locally elected officers of the bishop and guardians of the parish church, would be regarded as an extension of the bishop and of the church itself and of the King of England, the invested head of the church. The women had, unwittingly perhaps, created a far-reaching hierarchial libel. A vestryman, who was "one of the most sufficient and selected men...chosen and joyned to the minister and the churchwardens" (Hening 1642 Act I), would hold a lesser, but still important rank in the church hierarchy. Although there were no specific penalties for disparaging or slandering churchwardens and vestrymen, these prominent laymen certainly had both their own and their wives' reputations to protect. Fortunately for Woods, Poynter and Cooper, it was not until 1662 that ducking was instituted as a punishment for slander. Under the 1662 statute, women, whose "poore husbands," were "often brought into chargeable and vexatious suites and cast in greate damages," were to be ducked once for every five hundred pounds of tobacco owed if their husbands refused to pay. It's possible to wonder if the new Virginia law was passed because of the actions of the three Marston Parish women.

FIGURE 7

MAP OF 1650S NEIGHBORHOOD AT
THE HEAD OF QUEENS CREEK



But those were punishments for slander. The three women were accused of libel, which was always a more serious crime under English common law, possibly due to the threateningly higher social status of those literate enough to perpetrate the crime. In England, the Star Chamber dealt with written libel until 1641. It was not until the Admiralty Courts in 1776 that libel was recognized under Virginia law. Libels "were practically nonexistent in early seventeenth century Virginia" (Bowler 1977:418). Women criminals were equally rare, at least in York County; between 1648 and 1690, women, including the three libellers, were the accused in only 102 out of 1348 court cases (Sturtz 1987:24). Even crime was rare: between 1658 and 1660, there were only 33 criminal cases in York County, a mere five percent of all court cases (Grim 1977:225). Clearly, the case of these women was extraordinary.

The libel that the three women were accused of dropping in Marston Parish Church in 1658 read:

Gentlemen this is to give you all notice that wee have a new fine trade come upp amongst [us]. One of our vestrymen is turned mirkin maker. Thomas Bromfield by name & also his wife and also goodwife Cobb one of our Churchwardens wife they made one very handsome mirkin amongst them & sent it to one of the neighbours for a new fashioned toaken having done Thomas Bromfield went to one of the neighbours & desyred him to ask them whom hee sent it to how they like itt and soe glean itt to the consideration of the beholder thereof whither men of such cariage be fitt to have any charge in church businesse yea or noe
(DOW (3)38)

It was a very cleverly written document. The accused carefully avoided libeling the man of highest rank, Churchwarden Cobbs, himself; instead they attacked Cobbs by accusing his "goodwife," a title of qualified respect. Goodwife denoted lesser status than Mrs.; Elizabeth Woods bore the latter title. But in the note, Bromfield took the brunt of

the blow. In the sexual insult, he was the mirkin maker and he went to the neighbors; his wife and goodwife Cobbs seem to be mere afterthoughts. In the final line, the accused wrote "men." Perhaps they really did want to libel Cobbs as well as Bromfield, but they recognized social boundaries and controlled themselves because they were afraid of drawing a bigger penalty, which, in any case, their husbands would have to pay. In that sense, the libel can be seen as a blow also against the husbands, Woods and Poynter. Ironically, although the accused were women, they seemed to accept the legal premise that men should control their wives.

In Puritan New England, "attacks on ministers and magistrates constituted anti-social behavior for both sexes; but the women's aspersions had a double impropriety, since the feminine role prohibited overt criticism of lesser male figures ... The Reading Church suspended Elizabeth Hart in 1655 for maintaining, among other things, that the church was composed of old fools lacking in wit (i.e., enjoyment of life)" (Koehler 1980:196). By putting their husbands in jeopardy and libeling men of rank, the Marston Parish women were behaving in a very unfeminine manner.

In many ways, an example of "wit" is exactly what this libel seems to be. "Potent insults exploit widely held suspicions and involve actions that leave no traces" (Mook 1974:545). By these standards, adultery and witchcraft are two of the most effective slanders. In contrast, the Marston Parish libelers, in accusing three very unlikely people of a very unusual activity, could not have expected to be believed. Because they had named a witness, "one of the neighbours," and an object, the mirkin, they had opened the libel to rebuttal. A malicious "wit" could also explain the motive of the author. Although three women were accused, only one of them actually had written the letter. Three of the nine

witnesses saw Elizabeth Woods holding at least three copies of the libel; two of them testified that she had read it to them.

In October 1658, Elizabeth Woods was a widow with two children, Anne and Joseph Frith; she had just married John Woods. Although she was only about eighteen years old, she had taken the rare step (Rowe 1994:personal communication) of obtaining a prenuptial bond from John Woods on 31 May 1658, in which she was firm about her ownership of land:

John Woods acknowledges that he is indebted to Mrs. Elizabeth Frith or her heirs, one seat of land which the sd Eliz now possesses. Woods promises to make delivery of the land, also cattle &c to Friths heirs - [Names Ann Frith & Joseph Frith son of Robert Frith, dec'd] when he shall come of age. If the sd heir or heirs do not live to come of age this obligation to be void and left to the disposing of Eliz. Frith
witt: Francis Hall Robert Kempe

31 May 1658: Eliz Frith desires Samuel Fenne and John Margarets to perform according to condition
witt: Francis Hall John Woods (DOW (3)31)

By the fall of 1658, the Woodses had yet to file for probate of Robert Frith's estate. When John Woods finally filed for probate on 24 June 1659, "by right of his wife," Robert Cobbs, Thomas Bromfield, John Margaretts and Richard Boward were appointed to appraise the estate (DOW (3)57). Both Cobbs and Bromfield were important men not only in the church, but in the court. Perhaps it was due to their latter function as estate appraisers that Elizabeth had attacked them in their church roles. Conversely, if the laymen had followed their duty (Hening 1642-3 Act I) that fall and had tried to impose the annual parish levy, which was used to pay the minister, repair the church and provide for the poor, on Frith's estate, Elizabeth might have become enraged. She would prove, beginning with her prenuptial agreement, to be litigious over Frith's estate.

It is possible that Elizabeth was taking up the cudgels on behalf of her husband when she wrote the libel. There is a curious item in the York County records for 27 October 1657: "to Majr Croshaw p. Woods Adversayres 022 [torn]" (DOW(3)2). Why the court was paying Croshaw what Woods owed someone is a mystery. However, it is a possible source of conflict between Croshaw, the church's champion, and Woods. One witness, thirty-year-old Thomas Jordan, who made his only appearance on record in the libel case, described the libel as concerning "the difference between Thomas Bromfield and John Woods and others" DOW (3)38). Jordan's phraseology might reflect the law's assumption of the husband's liability for his wife's actions, rather than actual hostility between Bromfield and Woods. However, the Woodses might have been jealous of their neighbors' new positions in the Marston community. Also, in his deposition, Jordan seemed confused over another aspect of the case: he swore that the libel read in court was "the same lybell which hee this dept did drop in Marston Parish Church" (DOW (3)38). Either this self-accusation was a clerical error or the court ignored Jordan's words, because he was never charged with libel.

Jordan was one of only three witnesses who were literate enough to sign their names to their affidavits. While the potential for a miscarriage of justice would seem great in having illiterate witnesses in a libel case, their very illiteracy also serves to condemn Elizabeth. The ability to write was rare in her community and among women in general. Passive literacy, or the ability to read but not to write, was a women's lot (Fischer 1989:346); it probably befitted her passive status. There had been a decline in female literacy during the seventeenth century in England after the Catholic schools for girls were closed. In 1640, the illiteracy rate for London women was eighty percent; in East Anglia,

it was almost one hundred percent (Fraser 1994:129). "In principle, society rewarded the learned woman with disapproval or at best suspicion" (Fraser 1994:128). The English believed that reading caused illness in women; it also made them cunning and immodest.

Both of Woods' victims, Elizabeth Cobbs and Hannah Bromfield, signed documents with an X. Woods was undoubtedly aware of their illiteracy; the art of writing the libel against them would have given her a sense of superiority. Her unusual literacy cannot be explained by the known facts. Her animus against the church hierarchy might be that of a dissenter; Quakers strove to educate their daughters. Interestingly, while several men left instructions in their will about the education of their sons, only one Marston Parish man provided in his will for his daughter's education; John Russell, who lived near Skimino, wrote, "it is my will that my daughter be kept to schoole soe long as she keepes her selfe without a husband" (DOW(4)157).

A second motive exists that is based on land transactions. Robert Frith's property had originally belonged to Thomas Price, who had left Hannah Price Bromfield 315 adjoining acres. Could there have been a relationship between Hannah Bromfield and Elizabeth Woods of stepmother/stepdaughter or could they have been sisters? Had the Friths' land, which was only half the size of Hannah's, been settled upon Elizabeth at her marriage to Robert Frith? Or, had she, too, inherited land in 1655, when Hannah Price had? There is no indication of any kinship ties between the women in the record. A third possibility is that Woods, influenced by her legal position as feme covert and her position of moral inferiority in the Elizabethan Great Chain of Being, felt predestined: her worldly actions did not matter. This is unlikely, considering the amount of legal action she was to take in later years. It has also been suggested that she was the daughter of an immigrant

couple who fared less well in this country than their previous status in England would have promised (Rowe 1994:personal communication). Also, the word mirkin was used in published works in London in the 1630s (Taylor 1967:578). Such a change in social status would help explain Elizabeth's complex mixture of literacy and crudeness and her hostility towards "the best of the parish."

The Deposicon of John Dickenson aged about 50 Yeares Saith that this Depont did see Three papers in Mrs Woods hands wch shee said shee could find in hir heart to Dropp in the path where the best of the parish came & this depont asking what they concerned shee read them not, not can this Depont sweare they were the same dropt in the church & further saith not. John (X) Dickenson
(DOW (3)38)

At the time of his disposition, John Dickenson was about fifty years old and a planter of Queen's Creek. By the standards of his community, Dickenson would have been an elder, and a respected one, who served on grand juries, as did Woods, Bromfield and two other witnesses, Adam Straughan and John Margarets. In 1673, when he was sixty-one, he was described as "ancient lame and past labors" (DOW (5)44) and was exempted from paying levies. He was to live another two years until 10 March 1675/76. Only one other participant in the trial, defendant Elinor Cooper, reached her sixties; she died at sixty-one in 1694, having outlived everyone in the case.

Another witness, John Margarets, who was about thirty-seven years old, testified that he "saw some papers taken up in Marston Parish Church but what they were or what they conteyned this Dept cannot say and further saith not" (DOW (3)38). The last three words are used in all the depositions and must refer to some principle akin to the whole truth concept in United States law.

Perhaps Margarets was making the same distinction that John Dickenson did; they

shared not only illiteracy, but court experience as jurors, which could have taught them the need for careful testimony. Margarets would only live another three years; he died 28 December 1661 at the age of forty. Both John Woods and Robert Cobbs witnessed his will, and Thomas Bromfield became the guardian of his daughter, Anne, and her estate (DOW (4)33).

Dickenson's affidavit was the last of nine. At the bottom of it, the clerk wrote "all sworne and recorded in court" (DOW (3)38). Presumably, this formula covered Dickenson's and the preceding seven peoples' testimony. The first affidavit in the case, that of Elizabeth Hall, was recorded under different circumstances.

Justice Captain Daniel Parke, who would become Secretary of State, second in power to the Governor of Virginia, personally took Elizabeth Hall's deposition on 23 October 1658, three days before the court met. It speaks to the importance this libel held for the hierarchy that such a prominent man went to the trouble of taking a deposition on a day when the court was not convened. Because Parke had yet to start buying Marston property in quantity and thus, perhaps, was not living in the parish, it would have also been inconvenient for him to travel to Marston to take the deposition. But Parke was always zealous in defense of hierarchial honor.

Elizabeth Hall, who was twenty-seven years old, was illiterate but proved to have an excellent memory:

The Deposicon of Elizabeth Hall aged 27 yeares or thereabouts saith that at a certain time Mrs Woods coming to the Deponts house pulled a couple of papers out of hir pocketts one of them shee put upp againe & said it was for the great ones the other shee looked into & said shee would have itt sett upp at the Church doore & then said as that shee had read Gentlemen this is to give you notice that wee have found a new trade in Virginia some of our church wardens wives & vestrymen are turned mirkin makers and the beholders to Judge whither such men

are fitt to beare office in the Church and further saith not. Jurata est coram me
Daniel Parke Elizabeth (X) Hall (DOW (3)38)

"Jurata est coram me" meant that Parke, a magistrate, certified that Hall "is sworn in my court," although the deposition had been taken when the court was not in session. It is probable that Hall did not appear on 26 October 1658 to give her testimony in person.

Perhaps Elizabeth Woods enjoyed showing off her literacy in front of the illiterate. If so, it was Elizabeth's undoing, because Hall's deposition places two pieces of paper in Elizabeth Wood's hands. The phrase "for the great" corresponds to John Dickenson's testimony about the "best of the parish" and again seems to represent her hostility toward the local elite. As for the other piece of paper, it was common to use the church door to post notices in the seventeenth century (Rutman 1984:125).

Frances Hall, who was probably Elizabeth Hall's husband, also testified:

Francis Hall aged about 21 yeares Saith That Mr Woods coming to this Deponts house talking about the lybell dropt in the Church this Depont said it was supposed to be [torn] & that it was basely d[?] who ever itt was Mrs Wood replyed shee did it not but whoever did it would not be ashamed& further [saith not].

Francis Hall (DOW (3)38)

Hall was literate, but he never saw the libel in Elizabeth Woods' hands. Only he and witness Adam Straughan would testify that Elizabeth Woods said she did not do it; both of them added that she said that the person who wrote the libel need not "be ashamed" (DOW (3)38). Straughan's testimony is recorded immediately after Frances Hall's. Perhaps that accounts for the similar phrasing; Straughan or the clerk could have echoed Francis Hall, possibly unconsciously.

Within three months, Hall and his wife would be murdered. Adam Straughan, who would serve on the Halls' inquest jury, would live to be forty-five, before dying in 1667.

Robert Cobbs proved Straughan's will that gave his estate to his widow, Elizabeth (DOW (4)140).

The Deposicon of Adam Straughan aged about 36 yeares saith That Mrs Woods being at this Deponts house scolding at him, This Dept said fye Mrs Wood are you not ashamed to scold & brawle & feud prove among the neighbours as you doe saying further that hee this Dept heard shee dropt four Lybells in [illeg] shee said noe shee did not but those that did it need not be ashamed of it & further saith not.

Adam (SA) Straughan (DOW (3)38)

Straughan wrote his initials backwards on his affidavit; it is hard to tell how literate he was. He characterized Woods as a scold and a neighborhood agitator and repeated hearsay that she had dropped four libels. Of all the witnesses, he was the only one who seemed hostile to Elizabeth Woods.

The rest of the testimony concerned Thomas Poynter, whose wife, Johannah, was one of the two accused women who were found guilty. Oddly, she is not mentioned in any deposition. Thomas Poynter directly incriminated Elizabeth Woods:

The Deposicon of Thomas Poynter aged about 36 yeares saith That Mr John Woods & this Depont coming lately from James Citty & going to Woods house Mrs Wood shewed this Depont 2 papers wch this Depont read & were the one of them this day read in Court soe farre as this Depont can perceive & the other of the same purport wch the Lybell f[illeg] this Day but noe [hands?] to itt shee shewed also a third paper of the same tennor wch the sd Lybell having hir the said Mrs Woods name to itt but shee cut it out saying to hir husband your name being to itt I will rent it but if my name were Frith as formerly I would not & further saith not.

Tho Poynter (DOW (3)38)

In Poynter's deposition, Elizabeth Woods had two pieces of paper, which he, being literate, could read and identify one of them as the one read in court. His account of the third piece of paper, which Elizabeth Woods had signed, is very interesting. The fact that she had written three copies speaks to her fluency in writing. Judging from my personal observation of their signatures, she did have better penmanship than her husband. Poynter

said that Elizabeth voluntarily cut out her signature, because it was her husband's name, but, in an echo of "not ashamed," said she would have left it in if her name were still Frith. Does this mean that the libel stemmed directly from something concerning Frith and/or his estate, or was Elizabeth simply being a good wife? If the latter, why did she write the libel? It would reflect badly both on her status as a good wife and on her husband, and it would put her husband in jeopardy. Was there a difference in the social aspirations or status of Frith and Woods that would enable her to sign the libel if she were still married to Frith? Also, why didn't Poynter and Woods stop her? Only if the two men regarded the libels as "wit" and shared her sentiments can their lack of action be explained.

Deposicon of Stephen Royston aged about 35 yeares saith That this Depont coming lately to Mr Poynters house they fell into discourse about some papers dropt in the Church this Depont said hee heard Deafe John Moore made them Poynter answered noe they were of Mrs Woods making bidding this Depont tell Goodman Cobb soe for shee made them when I & Mr Wood came from towne & that hee spoke to hir to cut hir the said Mrs Woods name out and further saith not.

Stephan (X) Royston (DOW (3)38)

Both Royston and Poynter were testifying after Woods had been charged, so their testimony may have been designed to mitigate John Woods' guilt. However, if they really wanted to exonerate Woods, why didn't they say that he told her to tear up the libel? It seems absurd to ensure that Goodman Cobb be told that Woods asked Elizabeth to make the note anonymous. This very absurdity can be construed as evidence of the truth of the testimony.

Elinor Cooper, one of the accused, testified on her own behalf. Nowadays, she would be regarded as "having turned state's evidence" and be granted immunity.

The Deposicon of Ellianr Cooper aged about 25 yeares saith that Mr Poynter gave to this Depont a peece of paper & desyred hir to dropp the same in Marston Parish Church being on the Lords day which this Depont accordingly did not knowing

what the concernment thereof was which paper was the same Libell this day produced in Court & further saith that the same Day Mrs Vaulxes Mayd found another paper in Mr Poynters pew (as shee told this Dept) & the said paper was (as this depont is informed) of the same purport which the above mentioned Lybell & further saith not. Elizab [sic] (X) Cooper (DOW (3)38)

Although she was illiterate and did not know what the paper had said, she was willing to testify that Poynter gave her the same piece of paper which was produced in court. While she lacked the discrimination of Dickenson and Margaretts, it is probable that she could recognize a note, a rather rare thing in 1658, that she had carried to church. She also swore to two pieces of hearsay that placed two pieces of paper in Poynter's possession. Court Clerk's Ballard's inconsistency shows in that he recorded her name as both Ellianr and Elizabeth.

Apparently, Cooper's testimony was believed, and, as an innocent dupe of Poynter's, she was found not guilty. From the phrasing, she could have also been Poynter's servant. Poynter may have had a dislike of churchmen. Ten years earlier, in New Poquoson Parish, a Francis Poynter and his wife had been presented to the court by the minister and churchwarden for fornication. Francis may have been a relative of Thomas. It is also possible that Cooper's husband, John, was dead and therefore could not be called to court to give bond for her. "The widow, by her very status outside conventional male authority occupied a position of potential strangth" (Fraser 1994:230). Elizabeth Woods would find this true after her second husband's death.

Without any evidence against Johannah, it seems peculiar that Poynter had to give bond for her behavior. It is more reasonable to suppose that the bond was actually a judgment upon him, yet Johannah, as his wife, was tarred with the same brush, much as Bromfield's and Cobbs' wives were. So, of the three women, only one was implicated by

the testimony; both she and her husband chose not to testify in their defense. Indeed, it is hard to see what the Woodses' defense would have been. But it was necessary to prosecute the libel case, to have it come to an orderly and formal conclusion, so that relationships between fellow parishioners and neighbors and also between the hierarchies of the church and the law and the public would be mediated and the society restored to order.

Marston Parish was only four years old when Elizabeth Woods was tried, but Churchwarden Cobbs' family had relatively long roots in Virginia. When Cobbs' parents, Ambrose and Anne, had come from England in the 1630s with young Robert, his sister, Margaret, and three servants, they had patented three hundred and fifty acres on the Appomatox River. In York County, ownership of that amount of land would have placed them in the upper third of landowners there (Grim 1977:73). Robert Cobbs would eventually be appointed a justice of York County on 12 November 1676/77 and sheriff in 1682.

But in 1658, Cobbs was a thirty-one year old Churchwarden with a twenty-four year old wife, Elizabeth, and at least one infant son, Edmund, who would eventually marry John Dickenson's daughter. The vestryman, Thomas Bromfield, was a comer, one whom the elite would want to co-opt into sharing power. His brother, John, had patented twelve hundred acres in James City County on 15 December 1656. Bromfield was a twenty-seven year old man with a twenty-year old wife, Hannah. They would have a daughter, Anne, in 1663. To the marriage, Hannah Bromfield had brought an inheritance of land from her father or husband, Thomas Price. The land, which she had inherited in 1655, was located

in Marston Parish and, on 12 July 1657, she gave it and all goods and chattles to her husband, Thomas, in a deed of gift. The acreage was not specified; however, it was probably all or part of Bromfield's 1656 patent of 315 acres. The price was recorded as "love, affection and duty" (DOW (3)62). Hannah's deed of gift contrasts with the deed of gift that Elizabeth Frith obtained from John Woods before she married him. Although Elizabeth may have taken such precautions to safeguard Frith's estate on her son's behalf, it is probable that Hannah's actions are more representative of the sort of behavior expected of seventeenth-century women, whether or not they had children. Only Mary Bromfield, the second wife of Thomas, and Martha Howles Bullock, whose daughter married Robert Cobbs' brother, Ambrose, and Elizabeth Frith made prenuptial agreements. When Martha remarried the aspiring merchant and tailor, James Bullock, on 24 June 1666, her agreement took the form of a living trust whereby she turned all of Howle's chattel over to Thomas Ballard to be used for her children and herself.

Thomas Bromfield, John Woods, John Dickenson, John Margarets and Adam Straughan came together again in court three months after their differences had been mediated in the libel trial. The new case involved literal, not figurative, harm; but again, it reflected lack of patriarchal, hegemonic control. Only this time, the challenge to the status quo was murder. On 24 January 1658/59, they served on a Jury of Inquest on Francis Hall and his wife, Elizabeth, two of the witnesses in the October trial. The jury found:

That they were both knocked on the head lying in their Bedd in the dead of night wth a lathing hamer by their servant Huntington Ayers as by the Confession of the said Ayers before us did appeare shewing us the manner In wittness hereof wee have sett our hands this 21 January 1658/59
Richard (RB) Burnett Adam (X) Straughan Tho Bromfield Samuel Fenne

John Moor Humphrey Street Jno (I) Margretts Willm (X) Newman
 John (I) Gunner Josuof Frandy John Woods John (P) Dickeson(DOW (3)46)

The twenty-one year old Hall had apparently worked as an overseer for Mr. Francis Wheeler. On 16 November 1657, a year before the libel trial, Hall himself had been the subject of three depositions. In a labor dispute, three men testified that Mr. Wheeler had bidden Francis Hall "take his seaven hands and make his crop" (DOW (3)7). By adding the murderous manservant, Ayers, to the other three, Hall was in charge of at least four, if not seven, people. While Hall was literate, he did not receive the honorific title of "mister" (Rutman 1984:150) that was accorded Wheeler, Cobbs, Bromfield, Poynter and Woods.

On the same day as the inquest verdict, Mr. Francis Wheeler was bound for £500 sterling to produce the manservant, Ayers (DOW (3)45). Wheeler was also appointed administrator of the estate and Cobbs, Bromfield, Margarets and Woods were appointed to appraise the estate. On 24 February 1658/59, they submitted their appraisal: the estate was worth 4,166 pounds of tobacco (DOW (3)50). On 24 April 1660, the court awarded 3,310 pounds of tobacco to the estate of Francis Wheeler, by then also deceased, to pay Francis Hall's bill (DOW (3)77). Thus, the Halls' orphan son, Francis, was left with 856 pounds of tobacco and half the plantation and housing of his father. The other half went to pay his court-appointed guardian, Gyles Thurloe (DOW (3)110).

By 24 October 1659, witness Thomas Poynter had also died. He was thirty-six and his wife, the accused libeler, Johannah Poynter, was possessed with his estate because it was too small for administration. Bromfield and Margarets were appointed to appraise it (DOW (3)66).

The other convicted libeler, Elizabeth Woods, had already been back in court that summer. On 24 June 1659, John Woods, by right of his wife, was granted administration of her late husband's estate. Cobbs, Margarets, Bromfield and Richard Ballard were appointed to appraise Robert Frith's estate (DOW (3)57). The court, on 24 August 1659, heard evidence from two witnesses, Mr. John Ashworth and a twenty-four-year-old man, Edward Burden, whose name did not bear the prefix "mister." They testified that they were present when Frith died. Elizabeth had tried to get Frith to make a will, they both stated, but Frith "replied that hee left hir all that hee was possest with in Virginia ... to hir disposing" (DOW (3)63). Woods relinquished his administration of Frith's estate and "Probat of the said nuncupative will in behalfe of the said Elizabeth [was] granted to Mr. John Woods" (DOW (3)61).

Elizabeth Woods did not appear to approve of the court's and her husband's actions. Three weeks later, on 10 September 1659, she petitioned the orphan's court to enforce Woods' deed of gift. The court functioned not only to protect orphans' estates, but to mediate in the community. It was the former role of orphan's court that Elizabeth would manipulate; the court, in its latter role, would, finally, three years later, in September 1662, negotiate between the battling Woodses.

On 10 September 1659, Elizabeth received a judgment "against the Estate of hir husband Mr. John Woods in right of hir sonne Joseph Frith" (DOW (3)64). The court ordered Woods to pay costs and they valued the mare Woods gave in his 31 May 1658 deed of gift at 1,800 pounds of tobacco. No mare was mentioned in the deed of gift, only cattle. The mare must have been included in the cattle and Woods must have sold or killed the mare, rather conserving it to deliver to Joseph and Anne Frith when they came of age.

The relative rareness of horses added to their symbolic status. On Virginia's Eastern Shore, "only 22 landowners, or 6.8% of the total number of adult resident landholders are known to have owned, or at least had the use of, a horse" (Perry 1990:42). A brood mare was a good investment for an orphan.

Another cause for litigation can be found in the land certificate records. Woods had no property of record when he married Elizabeth. On 17 November 1659, he claimed 550 acres for transporting eleven people, including his two servants, Kempe and Sawyer, and himself twice. Had Woods gone to England with some of Elizabeth's money and brought back some servants? Kempe had signed the 1658 prenuptial agreement as Woods' witness. It is also possible that, while the claim was fraudulent, it was allowed by the General Assembly because, having married an heiress, Elizabeth Frith, Woods was seen as an up and coming young man.

John Woods tried to appease Elizabeth. With Churchwarden Cobbs and Adam Straughan, the men who had testified about Elizabeth's libel, as witnesses, Woods made a deed of gift to Elizabeth and to John Margarets and Samuel Fenne as the three overseers of Joseph Frith. In it, Woods delivered four heifers, two cows, one "mayd servant named Edy Sawyer, which has about 2 1/2 yeares to serve" (DOW (3)73) and a cow named Browne, who would outlive her former master. All this was in lieu of the mare. He added a modification: if he procured a mare before next December, the overseers would return the servant, two cows and one heifer.

Woods must really have wanted the two cows and one heifer, because, in another deed dated that same day, he asked for the cows and the heifer back in return for Robert Kempe, a manservant, who had been a witness to the Woodses' prenuptial agreement.

Woods' second deed was witnessed by Cobbs, Straughan, Margarets and the "mayd servant," Edy Sawyer (DOW (3)73). Since all these tradeable people and cattle were the Woodses', no physical movement of property was involved. Rather, the two deeds of gift attest to the degree of trust and respect accorded to the authority of the law, the stabilizing force of the court, the value of every single piece of property, and the supreme right of ownership.

But Joseph never received his mare. On 12 November 1660, the court appointed John Margarets as guardian of Joseph Frith and ordered:

Itt is ord that John Margaretts (Trustee for Joseph Frith Sonne & heyre of Robert Frith deced) be forth with possest of soe much of the Estate of John Woods, as by Two honest Neighbours shall be adjudged sufficyient security for a Mare of 2 yeares old, due to the said Joseph. And that uppon such seizure the said Margaretts doe with what convenient speed may be purchase a Mare to be with hir whole Increase to the use of the said Joseph and if any remainder of the said seizure be, to returne the same to Mr Woods (DOW (3)94)

Apparently, Joseph still did not get his mare. On 24 April 1661, Elizabeth Woods petitioned the court that:

Joseph Frith (son of Robt Frith deced by the sd Eliz his late wife) remain w/ Jn Fredericke & Majr Joseph Crowshaw & Capt Danl Parke and desired & impowered by the Ct to dispose the cattle of sd child to such persons as they shall think fit to looke after them till next orphan's Ct. (DOW (3)117)

Croshaw and Parke were two of the judges who had presided at Elizabeth's trial in 1658, yet it was to them that Elizabeth entrusted her son two-and-a-half years later. They did not try to enforce the primacy of the husband as head of household; they supported her petition. But the boy could not have actually lived with the three different justices; in fact, John Margarets retained his guardianship until 25 January 1661/62. Again, as on 10 September 1659, to get possession in the court record was more important than to get

possession in fact. What is interesting is Elizabeth's persistence and how the courts helped her; the matter of the mare was taken seriously.

In response, on the same day, 24 April 1661, John Woods, who seemed to be incapable of making only one legal document per occasion, filed three more bonds. The first one, witnessed by Cobbs and Straughan, promised to pay John Margarets 800 pounds of tobacco on or before the tenth of September. Woods bound over his "whole & sole cropp of tobacco & Corne" (DOW (3)119) to Margarets as security. The 800 pounds of tobacco "is towards the purchasing of a Mare of 2 yeares old for Joseph Frith according to the order of the Court" (DOW (3)119). Although it was not recorded until court day on the twenty-fourth, the bond had been signed on the thirteenth of April.

The second bond, also signed on the thirteenth and recorded on the twenty-fourth, was again witnessed by Cobbs and Straughan. Apparently Woods had had second thoughts about pledging his crop, because this time he gave Margarets "2 Cowes & 1 Calfe 1 steer of 3 yeares old & 2 yearling heifers" towards the purchase of the mare, as well as his bond for 800 pounds of tobacco. Since Margarets was Joseph Frith's guardian, it was again unlikely that the livestock was moved.

On 23 April 1661, Woods signed a third document, a form of power of attorney, "to Impower & authorize my welbeloved friend Robert Cobb to acknowledge in open Court a bill of 800 lbs of tob & Caske to be paid at the next Cropp unto John Margaretts or his Assignes for the use of Joseph Frith" (DOW (3)119). Although "welbeloved" was the customary epithet for those who represented others before the court, for Woods to call Cobbs "welbeloved" two-and-a-half years after the libel trial affirms the value of the mediating role the court and its ritual played in the life of the community.

Had Woods extricated himself from the second bond and recovered his cattle? Certainly, he was manoeuvring and manipulating in an attempt to make the best deal he could while still satisfying a court order. There were no witnesses to the third bond; instead, the clerk recorded that "Robert Cobbs acknowledged the said bill in Court" (DOW (3)119).

There the matter of the mare rested until three more documents were filed with the court on 25 January 1661/62. On the twenty-second, John Woods sold his neighbor, Mr. Peter Effard of Middle Plantation Parish "2 black cowes ... to have forever with their increase ..." (DOW (3)147). Apparently, it was very important for legal reasons to specify that the cow's future calves were included in a sale or transfer; the covering phrase appears repeatedly in the record. Such attention to details underlines how important even a part of a calf that was yet to be conceived, like a unsown crop, played in the marginal frontier economy of mid-seventeenth century Marston Parish.

Peter Effard, on the same day, recorded the sale "to John and Elizabeth Woods ... 1 young mare about 2 yeares of age" (DOW (3)147) for Joseph Frith. Effard, too, included the future increase of the mare in the sale. He gave James Bray power of attorney to acknowledge Woods' sale of the cows to him and his sale of the mare to Woods in front of the court. Finally, Frith got his mare and Margarets was relieved of the guardianship of Frith, although the formal transfer of the guardianship back to Woods would not happen until orphan's court met in the fall.

On 10 September 1662, orphan's court returned to Woods "the remainder of the cattle bound over for security of the Mare to dispose of at his pleasure 2 of which hee this day in Court gave and desyred might be here entered On Record as a Joynt stock for his

owne 2 children with the Increase ... " (DOW (3)173). The Woodses had had two children together, Mary and another child who is not named in the record. Was Woods trying to avert any claim on the cattle that Elizabeth might make upon his death? He had fought hard to keep the cattle that he had used as pawns in their legal game; possibly he was fond of both the cattle and his children or, perhaps, he had become accustomed to having the court keep a record of his affairs.

With the procurement of a mare for Joseph, the Woodses stayed out of court for another two-and-a-half years. But Churchwarden Cobbs and vestryman Bromfield were called to testify in court on 26 August 1661. They gave depositions about a brawl that had occurred during a game of nine pins at Cobbs' house:

"The deposicon of Robert Cobbs aged 34 yeares or thereabouts Saith that in Whitson Monday last past it soe hapned there Fortune Perkins being at your deponents house playing at nine pinnes there came Benjamin Bucke and Robert Howles [the father of Mary Howles who would marry Cobbs' brother, Ambrose], Arndell Mann, Mr. Belben, Edward Paine, and Edward Jenkins, the said Benjamin Bucke said to the said fortune that hee heard hee should send him word that hee would meet halfe way but now saith the said Ben Bucke Sr I am come all the way, & soe fell uppon the said Fortune, your depont wondring at the broile did use his best endeavor to part them but the company that came with the said Ben did hinder it for when they lay both on the ground Arundell Mann was striking at them as they lay on the ground which your depont seeing caught him by the Arme and pulled him off your depont not being able to testify which of them hee strooke the company being soe close uppon them One crying beat out his eyes, another beat him blind and doe not let him breath and when they were both on the ground one of them did take hold of them & pulled them over and over soe that with their blood & dust and the thronging of the people about them your depont was in feare that the said Fortune would have been smothered the company still striving to hinder those that would have parted them but at last they were parted and then this company went all away with the said Ben Bucke and further saith not.

Robt Cobbs

Thomas Bromfield aged about 30 yeares saith the same with Robert Cobbs And saith further that when the plt and deft were both downe Robert Howles did lay

hands on the plt Perkins and said beat out his eyes and doe not let him breath & further saith not.

Thomas Bromfield

Both sworne in court 26 August 1661

(DOW (3)127)

Six men against one and the severity of the beating suggest that the "broile" was the action of a vigilance committee, rather than caused by a personal feud. Perhaps the courts did not mediate all disagreements for all people. It is interesting to note that, of the six men, only Belben is given the honorific title of "mister." Were the rest some of the indentured servants that would flood into York County in this decade? As indentured servants, they would have no property at stake and therefore little reason to have recourse to the law. Or, if they were not indentured servants, perhaps they were not as prone as the Woodses to using the court to settle disputes and, instead, preferred handing out summary punishment. And had Fortune Perkins, in an attempt to outwit them, deliberately sought a form of sanctuary with Churchwarden Cobbs, the highest ranking church official in Marston Parish?

Twenty years later on 2 December 1681, Cobbs, by then a justice, would take a deposition about another brawl that did involve three servants:

Deposicon of George Burley aged 30 yrs sayth, on the 6th of this instant Nov I was at the house of Mrs. Elish Vaulx in Company with John Mecartye & Peter Wells servt unto Mr Humphrey Browning & a Negro of Mrs Vaulx's I came into the Kitchin on Purpose to light my Pipe, going to the fire I could not hastily gett itt, but on a sudden I heard a combustion behind mee in the house & turning my self I saw Mr Brownings Taylor John Mecarteye & Mrs Vaulx's Negro all in a heap on the Ground together, & with that I putt up my Pipe and layd hold of the first I could, & that happned to bee the Negro & itt was as much as I could doe to keep him off of Jno Macartie but at last he burst out of the dore from mee, & tore my shirt sleeve half of I went forth into the yard & there was Jno Macartie standing & Mr Brownings tayler lyeing on the Ground, & I asked Macartie to goe home, soe hee went with mee homewards but wee were not got three hundred paces from the house, but the Negro had stript himself naked only to his Drawers & came running after Macartie with a great Clubb on his back & said now I will be

for you, & throwing downe the Clubb they had some blowes & further sayeth not
 George Burley
 Exam & sworne to this 26th Nov. 1681 Robert Cobbs (DOW (6)363)

This brawl is quite different from the 1661 "broile." The participants were three servants, who were fighting amongst themselves, rather than a mob, who was beating up one man. Although Wells was knocked down, nothing like the brutal blinding and smothering that was inflicted upon Perkins occurred.

The 1681 deposition is different from the mid-seventeenth century depositions because of the precise details about who owned each servant. Again, this is possibly due to the influx of indentured servants and of blacks and the corresponding segmentation of society. With the growth of slavery, it could have been that the indentured servants, too, were increasingly regarded as valuable property. Or, because they were dealing with a larger and more transient population, perhaps the Justices of York County could no longer be expected to know to whom each servant belonged.

There is certainly an element of racial stereotyping in the description of an almost barbaric, extremely strong, half-naked Negro. This picture is mitigated by two statements given by Burley: it was by accident that he "layed hold" of the Negro and the Negro played fair by "throwing down the Clubb." Burley does not single out the Negro; he holds all three responsible for the fight. Although the Negro kept the fight going, he was almost a gentleman in the way he leveled the playing field by not using his club. Perhaps the seemingly racist statements constitute an accurate description. Nonetheless, it is apparent that Burley found the Negro's near-nakedness unusual behavior.

Grim believes from this deposition that Elisheba Vaulx was keeping an ordinary. In this, he fails to take into account the organic nature of society at that time. If the record in

the libel case makes nothing else clear, it does illustrate that people were always entering each other's houses. Furthermore, as the guardian of wealthy orphan, Baldwin Mathews, it is unlikely that Elisheba kept a tavern for servants.

In 1662, Thomas Bromfield was in court again. On 24 April, Major Joseph Croshaw had been commissioned to settle Bromfield's difference with Croshaw's fellow judge, Captain Daniel Parke (DOW (3)161). Parke was one of the most important men in York County. His name would live on: Martha Washington's first husband was Daniel Parke Custis and her children by him were named John Parke Custis and Martha Parke Custis. When Parke died in 1679 and Robert Cobbs was appointed as administrator of Parke's Virginia estate, it was surely a mark of the high public esteem Cobbs had earned. As executor, he won one judgment against Thomas Taylor, who had married Joseph Croshaw's daughter, of £1,200 sterling and £2,400 penalty with interest (DOW (7)219). This must have been a heady victory for Cobbs, who would die in 1682 with an estate worth £80 12.01.

Parke's and Bromfield's difference concerned the actions of Bromfield's servant, William Lewis.

"It appearing as well by the Confession of William Lewis as otherwayes that the said Lewis (who is servant to Thomas Bromfield) both unlawfully kept Company wth Jane a servant of Capt. Parke & caryed hir to James Citty whereby she neglected hir Masters service It is ordered that hee [remaiue?] in the Sherr custody till hee give good security for his good behaviour [illeg]"
(DOW (3)161)

Elizabeth Wade, a witness, appears to have done the seventeenth-century equivalent of taking the Fifth Amendment: she denied everything. Wade, "being sworne,

answered all the Interrogatories Administered to hir in the Negative as to hir knowledge" (DOW (3)165). Jane did not testify, nor did Lewis. When Lewis was ordered to "stand bond for his good behaviour," Bromfield stood bond for him "in the some of £20 sterl to the Comr of Yorke for his Maties to use that hee the said William Lewis shall carry himselfe quietly & peaceably to all..." (DOW(3)165). Whether the guilty party was a man's libeling wife or lacivious servant, the man was held responsible by the court. It was his job to make those subject to him conform to the community's standards of behavior.

And Bromfield would, apparently, be rewarded for doing his duty in regards to his servant. On 24 June 1662, he was discharged from the bond for Lewis' behavior "By consent with Capt Daniel Parkes" (DOW (3)167) , and, in a separate action, he was appointed surveyor of highways in Marston Parish. Bromfield had ascended the ladder from landowner to juror to vestryman and surveyor. His neighbor would not.

John Woods was back in court on 24 April 1665.

Whereas Mr. Jonathan Newell by bond under hand became security for Mr. John Woods true & faithfully discharge the place of undersheriff wherein the sd JW having failed, it is the cts opinion that the sd Newell hath forfeited his bond & therefore ordered to pay to Capt DP high sherr what damage he hath & may sustain by reason of the sd JW being his undersheriff & that Mr. Newell pay cost alies exec. (DOW (4)10)

The Rutmans have ranked office holding and wealth in Middlesex County, Virginia, from 1650 - 1750. The first, and least wealthy, level is comprised of jurors, appraisers, patrollers, tobacco counters and processioners. The second level includes constables, undersheriffs and surveyors of the highways. On the third level are the clerks of court, vestrymen, churchwardens, justices, coroner, sheriff, King' s attorney and

burgesses. The fourth level was reserved for those who "achieved colony-wide office" (Rutman 1984:147). Most of the men involved in the libel case had held offices of at least the first level and would have had a vested interest in preserving the legal institution and its hierarchy. For John Woods, who had hitherto only served as a juror and appraiser, the position of undersheriff was an advancement (Figures 8 and 9).

Mr. Jonathan Newell was a wealthy York County merchant-planter (Grim 1977:164). Why he stood bond for Woods is not known. What matters is that John Woods "failed" and, two months later, in June 1665, he was granted a license to keep an ordinary in his house (DOW (4)18). This was the same month that he acknowledged in court seven of the nine debts that he would have on record that year. Woods owed £1,828 and 6,173 pounds of tobacco. It would appear that he had attempted to become a merchant, because he owed Horsington cloth and Huberd a manservant. If Woods were running the Marston outlet of Newell's import business, it would perhaps explain why Newell posted security for him and the reason why, in a playing out of the Peter Principle, Woods rose to the level of his incompetence.

On 20 December 1666, Clerk of Court John Baskerville recorded that "JW of the psh of Marston in YC appoints my well beloved wife EW my attor [to collect debts etc] Dtd 14 Nov 1666" (DOW (4)123). It is easy to imagine Elizabeth relishing her appointment as his attorney; she had been very successful in her legal dealings. In the premodern seventeenth century, Ulrich (1980) proposed that role was more important than task or gender. But Elizabeth Woods would always challenge the limits of gender-

FIGURE 8

COUNTY AND COLONY LEVEL OFFICES 1654-1674

	<u>MARSTON BURGESSES</u>	<u>KNOWN DATES</u>	<u>MARSTON JUSTICES</u>
1654	MAJOR JOSEPH CROSHAW		1652 RICHARD THORPE
1658	MAJOR JOSEPH CROSHAW		1655 RICHARD BOURNE
1659	MAJOR JOSEPH CROSHAW		1655-66 MAJOR JOSEPH CROSHAW (SUSPENDED 1659)
1661	MR DANIEL WYLD		1665 MR. DANIEL WYLD
1663	RICHARD THORPE		1666 CAPTAIN DANIEL PARKE
1666	CAPTAIN DANIEL PARKE		1669 CAPTAIN PHILIP CHESLEY
1670-1	MR. DANIEL WYLD		1669 CAPTAIN FRANCES MATHEWS
			1670 MR. JAMES VAULX
			1674 OTTO THORPE
			1677 ROBERT COBBS (1681 SHERIFF)

	CLERK OF COURT	SHERIFF	SUBSHERIFF
1654	ROBERT BOUTH		
1655	ROBERT BOUTH		
1656	ROBERT BOUTH	MAJ JOSEPH CROSHAW	
1657	THOMAS BALLARD	RALPH LANGLEY	
1658	THOMAS BALLARD	JEROME HAM	JAMES BRAY
1659	THOMAS BALLARD	DANIEL PARKE	ANTHONY HAYNES
1660	THOMAS BALLARD	DANIEL WYLD	JOHN UNDERWOOD
1661	THOMAS BALLARD	DANIEL WYLD	RICHARD ROBERTS
1662	THOMAS BALLARD	HENRY GOOCH	DAVID DUNBAR
1663	THOMAS BALLARD		
1664	THOMAS BALLARD	DANIEL PARKE	
1665	JOHN BASKERVILLE	EDMUND PETERS	JOHN WOODS / DAVID DUNBAR
1666	JOHN BASKERVILLE	RALPH LANGLEY	THOMAS READE
1667	JOHN BASKERVILLE	WILLIAM HAY	THOMAS READE
1668	JOHN BASKERVILLE	WILLIAM HAY	THOMAS READE
1669	JOHN BASKERVILLE	MAJ ROBERT BALDREY	JOHN ROGERS
1670	JOHN BASKERVILLE	CAPT JOHN UNDERHILL	JOHN ROGERS
1671	JOHN BASKERVILLE	CAPT JOHN UNDERHILL	JOHN ROGERS
1672	JOHN BASKERVILLE	JOHN UNDERWOOD / DANIEL WYLD	GIDEON MACON
1673	JOHN BASKERVILLE	CAPT PHILIP CHESLEY	GIDEON MACON
1674	JOHN BASKERVILLE	JOHN SCARBROOK	GIDEON MACON

FIGURE 9

MARSTON HOLDERS OF LOCAL LEVEL OFFICES 1654-1674

	CHURCHWARDEN	SURVEYOR	CONSTABLE
1654			
1655			
1656			SAMUEL FENNE
1657			SAMUEL FENNE
1658	ROBERT COBBS		WILLIAM MORRIS
1659			THOMAS PINKETHMAN
1660	JOHN DAVIS		GEORGE POINDEXTER
1661		CAPT PHILLIP CHESLEY	JOHN HORSINGTON
1662	ASHAELL BATTEN & THOMAS WHALEY	THOMAS BROMFIELD	WILLIAM JACKSON
1663	"		
1664	"	THOMAS WILKINSON	
1665	"	CHRISTOPHER PIERSON	
1666	"	JOHN RUSSELL	ADAM STRAUGHAN
1667	"	RICHARD PAGE	RICE JONES
1668	CAPT FRANCIS MATHEWS & SAMUEL CRABTREE	JOHN DAVIS	BENJAMIN LILLINGTON
1669	"	RICHARD PAGE	BENJAMIN LILLINGTON
1670	"	JOHN DAVIS	ROBERT BEE
1671	"		GEORGE BATES
1672	"		JOHN TAYLOR
1673	"		PETER GLENISTER
1674	CAPT PHILIP CHESLEY		RICHARD PAGE & THOMAS COBBS

MARSTON JURORS: KNOWN DATES

1658, 69, 74 ROBERT COBBS
 1658, 66, 67, 68, 70 HENRY WHITE
 1659, 61, 62 THOMAS BROMFIELD
 1659 RICHARD BURNETT
 1659, 61, 68 JOHN DICKENSON
 1659 JOHN MARGARETTS
 1659 ADAM STRAUGHAN
 1659, 69 MR JOHN WOODS
 1660, 61, 68 ROBERT HORSINGTON
 1660, 61, 68, 73 THOMAS WHALEY
 1661, 65 ASHAELL BATTEN
 1662 RICHARD CROSHAW

1661, 67 JOHN DAVIS
 1661, 62 PETER EFFARD
 1661, 62 JOHN HORSINGTON
 1661, 69, 1674 CHRISTOPHER PIERSON
 1661, 62 JOHN RUSSELL
 1661 JOHN SMITH
 1661 OTTO THORPE
 1661 JOHN THOMAS
 1661 ROBERT WILKINSON
 1662, 66, 67, 68 CAPT PHILIP CHESLEY
 1662 ROBERT HORSINGTON
 1662 ROBERT WHITEHAIRE

1662 MR DANIEL WYLD
 1665, 66, 69-70 BENJAMIN LILLINGTON
 1666, 69, 70 THOMAS HOLDER
 1667, 68 SAMUEL CRABTREE
 1667, 69, 1674 THOMAS PINKETHMAN
 1667 HENRY TOWNSEN
 1667-70 JAMES VAULX
 1669 ROBERT HOLDER
 1670, 73 JOHN DANIEL
 1671 ROBERT BEE
 1674 PETER GLENISTER
 1674 MORRIS HURD

appropriate behavior. By becoming what Ulrich called "a deputy husband" (1980:238), she was following in the footsteps of Elizabeth Burwell Vaulx, the other great Marston female litigator. They were, in fact, following the path laid down by Englishwomen during the Civil War. Customs had changed during those years; of necessity, women had to act as petitioners and attorneys (Fraser 1994:205).

Meanwhile, Thomas Bromfield was in court again on 24 August 1665. He, Major Joseph Croshaw and William Jackson "stand endebted to his Masties Justices full sum £100 sterl" (DOW (4)27). As an overseer of the estate of John Margaretts, who had died in 1661, Bromfield had to give an account to the court of a mare that he had bought, in accordance with Margaretts' will, for the use of Margaretts' daughter, Anne.

Mares and orphans form a leitmotif in Marston Parish. Unlike Woods, who was able earlier to fend off the court by bartering cows, servants and future tobacco crops, Bromfield, in the mid-1660's, faced a substantial cash penalty. Currency was becoming important in the legal system. It is possible, too, that Woods was given a lighter punishment because he was Joseph Frith's stepfather as well as guardian, or because he had few assets other than those that belonged to young Frith.

On 1 November 1665, Woods was ordered to appear at the next orphan's court to give an account of the cattle and estate of Joseph Frith and to give security (DOW (4)38). In 1666, the orphan's court recorded Joseph Frith's disbursements as 1,924.5 pounds of tobacco, 350 of those to go to Daniel Parke "for rights for Land" (DOW (4)68). In June, the court ordered Frith's estate to pay Woods 1,929 pounds of tobacco for Frith's disbursements (DOW (4)70), then suspended the order in February 1666/67 because Woods appeared to be "debted by bill to the orphan 1 cow 4 yrs old one 2 yrs old heifer &

1 bull" (DOW (4)126a). Did Elizabeth report Woods' debt to the court? On 10 April 1667, the court seems to have balanced Frith's account by charging off the cattle against the tobacco. (DOW (4)128). Also, at that same session, the following order was entered:

In consideration of Mr John Woods care, pains & trouble in looking after the estate of Joseph Thrift, orphan, is from this time ordered to have $\frac{1}{2}$ the male increase of horses & cattle Mrs Elizabeth Woods, mother of the sd orphan here unto consenting the sd Woods to educate the orphan according to his estate & to keep him to school
DOW (4)128

Thus, with Elizabeth's consent, Woods finally began to invade Frith's estate. The importance of the clause about the increase of horses and cattle can be seen here; it is a separable right. It was also important that Elizabeth give her consent to the arrangement and that the consent be placed in the record. Perhaps Elizabeth was trying to ensure the success of Woods' ordinary by allocating him a source of easy income with which to buy inventory. Possibly, they were genuinely reconciled over the use of Frith's estate.

John Woods' fortunes continued to decline. On 24 April 1666, the court granted clerk Thomas Ballard an attachment against Woods for £490. "Small landowners such as ... John Woods, who owned and operated their own ordinary or tipling house, probably as their primary investment, ... only engaged in agricultural activities as a supplement to their income" (Grim 1977:255-256). Woods lived in what, in later years, would be called the Parke's Mill area, "probably on one of the roads northwest of Middle Plantation near the peninsula's divide" (Grim 1977:296-297). Woods' ordinary, as the only commercial establishment in Marston Parish, would have been a major feature in the community, or, at least, in the neighborhood.

On 26 January 1668/69, John Woods was fined 2,000 pounds of tobacco for

selling liquor without a license. The woman who reported him, "Martha Ballard, wife of James Ballard," received half of the fine and the other half was given "to the public" (DOW (4)220). Although ordinary keepers did not have to renew their licenses yearly until the eighteenth century (Grim 1977:248), they did apparently have to renew them. John Woods failed to do so and was caught, even though "the regulations pertaining to ordinaries were not strictly enforced during most of the seventeenth century" (Grim 1977:250).

A month and a half later, on 10 March 1668/69, Woods' fortunes took a rapid turn for the worse. County Clerk Baskerville recorded:

Mr John Woods representing to the court his poor condition occasioned by his losses by fire & sickness & by petition desiring he might have liberty to vend what drink he hath in his house for discharge of his creditors dues whose condition the court taking into consideration & compassion do grant him liberty to retail what drink he hath at this present in his house provided he vend it by the last of June & in the interim keep good order in his house & in consideration of his sd losses have omitted the fine of 1000 lbs. of tob. due to the county [lately] imposed on him for retailing of drink & keeping ordinary without a license [illeg line]

(DOW (4)228)

Woods, once again, had managed to nullify another court penalty. On 27 July 1669, he served as a juror (DOW (4)252), but, a year later, on 25 July 1670, Woods was ordered by the court to pay Richard James 4,223 pounds of tobacco (DOW (4)296). Also, in July of that year, Woods wrote an account of Joseph Frith's estate and attached a petition:

Worshipfull Gentlemen

My petition is that you would take that Estate into yor. Custody allowing mee what is my due according to yor. woppes. Order about three yeares since which yor. woppes. finde due to mee, One horse foale & ½ a horse foale besides that which is sold to Holder & two Steares or Bulls [else] but should have very gladly waited on yor. woppes. if I had bin well this [][take an] exact account and I shall bee ready to make oath when I am able to goe abroad A suite of green Curtaines &

Vallaines yor. servant to Comand John Woods.
 Jur in Cur [vicessind quinto die] July Anno 1670

(DOW (4)319)

The petition and the inventory were not entered into the court record until 24 February 1670/71, by which time, John Woods had died at thirty-nine years of age. On that same day in February,

"Mrs. Elizabeth Woods ordered to bring a true & perfect inventory of the estate of John Wood her husband decd to the next court that all things relating to the sd decds estate may be settled the [] made by the sheriff is tooke of her to be pd proportionable with the rest of the creditors & liberty is hereby given to the sd Woods to dispose of some small things for the [y] corne toward the maintenance of her children.
 (DOW (4)312)

A separate order removed the sheriff's attachment of Woods' goods: "The seizure made by the sheriff upon the goods of John Woods is took off and the sheriff with the rest of the creditors to be pd proportionably." (DOW (4)313). Finally, Clerk Baskerville recorded John Woods' inventory and petition. Had Elizabeth waited until now to present it because she did not want Woods to turn Frith's estate over to the court, that is, to emulate what she herself had done in 1661? Yet, at the bottom of Woods' petition appears the familiar Latin phrase "Jur in Cur," sworn in court so it must have been received by a justice when Woods was still alive. It is also unusual that Elizabeth, a woman, was ordered to inventory her husband's estate alone; perhaps, again, it reflects her high degree of literacy.

There is no record of the inventory Elizabeth made of John's property, if she did indeed make one. It would not be an unusual omission: only twelve percent of white, adult, free males in Poquoson Parish who died between 1665 and 1680 had estate inventories recorded (Grim 1977:108). However, it is possible to analyze how Elizabeth conserved her son's inheritance and to infer that Woods did not leave Elizabeth very much

if she had to make such inroads on Frith's heritage.

Woods' 1670 account of Frith's livestock estate listed four cows, including the cow named Browne, six steers, three heifers, four horses and three mares, four calves and a "suite of green Curtains & Vallaines" (DOW (4)319). In 1673, the year that William Cooke was appointed to be Marston Parish's first full-time minister (Grim 1977:245), Elizabeth Woods gave an account of Joseph Frith's estate. On 24 April Clerk Baskerville recorded:

An account of the estate of John Frith orphan as followeth:

To 13 head of cattle whereof there is 3 cows, 2 heifers and alsoe 4 steares and likewise 3 calves two of them cow calves and one bull calfe and alsoe one suite of curtaines and vallaines and also an accompt of what cattle was killed by Mr John Woods decd and sold by JW 1 cow with calf 1 3 yrs old heifer with calfe and alsoe two yeare old heifer and 2 cows killed for beefes and alsoe one steare abt 4 yrs old and one bull abt the same age and one two yeare old heifer and alsoe four fatt calves [] satisfied.

To the orphand and alsoe of the est which did remaine in my hands after the decease of JW [] 2 cows and one 3 yr old heifer bigg with calfe and two gone astray one cow and one steer. There was also sold by sd JW one horse that did not blong to the other orphant Anne Frith one cow calfe [fallen] suit dtd 21 April 1673

Elizabeth Woods

(DOW (5)42)

Only twelve cattle, including three cows, two heifers, four steers, three calves, and the curtaines and vallianes remained. Elizabeth asserted that John Woods had killed or sold five cows, six calves, three heifers, one steer and one bull. Either Elizabeth is blaming Woods for her own later depredations or Woods must have been very busy in the last months of his life. Woods had also sold a horse that, in an odd phrase, did not belong to Elizabeth's daughter, Anne Frith. Elizabeth claimed that all that was left, presumably of Woods' estate, was three cows, one pregnant heifer and a calf. Two cattle had gone astray.

From 1658 until 1705, the price of cows, calves, heifers and bulls ranged from £1-

2 and that of horses from £5-15 (Grim 1977:125). Taking a value of £1 for cattle and £10 for horses, Joseph Frith's livestock in 1670 was worth £87; he also had approximately 150 acres of land. By comparison, Jonathan Newell, the wealthy merchant-planter had, in addition to land and inventory, twenty-one cattle, two draught oxen, seven horses and eleven goats that were valued at £99 when he died in 1672 (Grim 1977:167) Frith's estate was certainly worth the energy Elizabeth expended on safeguarding it.

By 1673, although the estate was presumably under her sole control, the livestock was worth £12 and all the horses were gone. From Woods' estate, she had livestock worth £5 and she had lost two cattle. Clearly, Elizabeth was not a success as an overseer of an estate, and her fortunes fell, as her husband's had. Also, she shows much less fluency in this letter than she did in her libel, which raises the suspicion that perhaps Poynter and Woods had helped compose it. Writing about wives in seventeenth century New England, Ulrich stated: "because women by nature were less stable, more easily misled or beguiled, their husbands could pass the whole thing off as a momentary lapse of patriarchal control. Wives could act out a rebellion which men might formally deny" (1980:193). Married seventeenth-century women were as incompetent as juveniles are judged to be today; their crimes were usually status crimes.

In 1674, the year that Marston Parish joined Middletown to become Bruton Parish, Elizabeth was ordered on 26 November to pay Mr. Richard Awborne 1,000 pounds of tobacco (DOW (5)90). Possibly she was in the process of paying him this, when events occurred that caused her to bring suit against Awborne on 24 April 1675. This time she filed in chancery.

[In the] difference betweenne Mrs Elizabeth Woods & Mr Richard Awborne in chancery concerning an Acct of [] at the sd Awbornes house, she conceiving herselfe illegally chardged & desiring hee may be compelled to [] to the same whereupon the sd Awborne making oath to the justness thereof as alsoe on oath declaring the she knew viewed & accepted the Acct before she passed her bill only would have 35 pound abated wch was above the one thousand for wch she passed her sd bill the cause is dismist & the sd Woods nonsuited with chardges in such cases provided & alsoe pay costs als exec. (DOW (5)110)

Elizabeth was literally pinching pennies. Grim's adjusted rate for tobacco prices after 1662 is 1.2 to 1.5 pence a pound (Grim 1977:109). By claiming that future clerk of the court, Awborne, had undervalued her bill by 35 pounds, Elizabeth was stating that he had cheated her of between 42 and 52.5 pence. Elizabeth was nonsuited with the charge either due to her inability to prove her case or, possibly, because the sum involved was so small. It was foolhardy to risk losing more in nonsuit charges than she would have gained from the thirty-five pounds of tobacco. Elizabeth not only lost; she had to pay court costs. Prior to this case, Elizabeth had prevailed in court; she immediately appointed an attorney, "my loving friend Mr. William Swinnerton" (DOW (5)111), to appear for her at the next court. Her son, Joseph Frith, and the Court Clerk, John Baskerville, witnessed the document.

By the time court convened on 24 August 1675, Elizabeth had Mr. Bryan Smyth as her attorney. She was facing five different suits in court. Apparently, she had contested the August judgment against her in her suit against Awborne, because she was again charged with nonsuit: she had not shown any cause for legal action (DOW (5)122). This time, though, instead of just ordering her to pay court costs, the court ordered Elizabeth to pay 50 pounds of tobacco in damages to Awborne.

The next case was different.

Whereas Major John Scasbrooke this day comenced suit agt Mrs Elizabeth Woods for 215 lbs. of tob. & ca. due per bill & Acct & whereas Mr Gideon Macon sett the broad Arrow one a hhd of tob at the sd Woods her house & belonging to her whereby it is still indisposed of It is therefore ordered that the sd hhd by weighed & the one halfe being deducted from the above sume the remainder to be pd with costs als exec (DOW (5)122)

Mr. Gideon Macon must have been a tobacco viewer or warehouse officer. When he had "sett the broad Arrow" on Elizabeth's hogshead of tobacco, he had marked it as British government property; when Scasbrooke filed suit against Elizabeth for 215 pounds of tobacco, someone had informed the court about the hogshead, which she had retained. Presumably, she had not yet been paid by the British government for it, so, to settle Scasbrooke's suit, the court ordered it to be weighed and 107.5 pounds of tobacco to be given to Scasbrooke with costs. Either the court had concluded that Elizabeth did not owe Scasbrooke as much as he had claimed or the court was arranging for Elizabeth to make a partial payment based on her ability to pay.

While Elizabeth did not win these two cases, and, in fact, now owed 157.5 pounds of tobacco, she would be more successful in three other cases decided that day. These cases, like the adjusted payment to Scasbrooke, not only reflect Elizabeth's diminished socioeconomic status, but her proclivity "to scold & brawle & feud prove among the neighbours," as Adam Straughan had complained seventeen years ago during her libel trial. These were women's traditional faults (Fraser 1994:203). Conversely, women's powers of moral persuasion, that is, to scold, was one of the chief, albeit hidden, regulators of communities. Thus, like many ascribed female traits, whether scolding was good or bad lay in the ear of the listener.

The three charges concerned her differences with her neighbor, Nicholas Tooep, a

tanner and a shoemaker. Mr. William Sherwood appeared as Toope's attorney. In the first disagreement with Toope, the nature of the case is not known. Elizabeth was granted a nonsuit and Toope had to pay her 50 pounds of tobacco in damages because there was "no cause of action shown" (DOW (5)122). The second case that was recorded by County Clerk Baskerville concerned Elizabeth as a victim of trespass.

Whereas Isaac Vaden and John Vaden his brother comitted severall trespasses agt Mrs Elizabeth Woods as breaking her glasse windows & splitting her doores & did her severall other damadges ordered that Nicholas Toope &(who hath undertaken the same) pay her 5 pound sterl or 1000 lbs of tob. & ca. towards reparacon of her sd damadge but execucon is suspended whilst Christmas next or till the sherriffe is about the collection Toope to pay costs als exec
(DOW (5)122)

Nicholas Toope apparently stood in some relationship of legal responsibility to Isaac and John Vaden, possibly either that of a stepfather or guardian, because, when Nicholas Toope died in 1679, a year after Elizabeth died, John Vaden was appointed administrator of his estate. This deposition gives good details about Woods' house; it had glass windows and several doors. Failure to replace these before Christmas could drive Woods out of her house and out of the neighborhood. The crux of the report is the repeated acts of major vandalism that are reminiscent of how hooligans in other cultures tease and torment outcasts in the community, such as witches.

That same day, Toope had sent a note to court.

"To his Maties Justices for Yorke Co.

The Informacon of Nicholas Toope sheweth that Mrs Elizabeth Woods doth contrary to Act of Assembly sell drinke in her house & without license.

Your petitioner humbly craves the benefitt of the act in
the case made & provided

And he shall pray &c." (DOW (5)124)

Toope was emulating Martha Ballard, who had filed information about John

Woods selling liquor without a license in 1668/69. If Elizabeth were found guilty by the court, Toope, as the informer, could collect half of the mandatory fine of 2,000 pounds of tobacco. That amount was, oddly enough, exactly what the court had ruled Toope owed Elizabeth for the Vadens' trespass. But if this were an attempt to recoup or to get even, it did not succeed. When the case was brought in front of the court on 25 October 1675, the charge was dropped because Toope did not appear in court (DOW (5)126).

On the same day, but six pages later, the Clerk recorded a request from Toope.

"I would desire you to crave a ref. for me in the diff btwn Mrs. Woods and I me [sic] if not being well myselfe, nor my witnesses not able to come to Ct & likewise in the diff. betweene Richard Page & I desire a ref to the next Ct & in so doing you will oblige your loving friend Nicholas (X) Toope" (DOW (5)132)

Toope had changed his attorney, just as Elizabeth had done in August. Either his request for rescheduling the court date for the two cases he was involved in was denied, and the case against Elizabeth had proceeded, or, more likely, his request reached the court too late: the case had already been heard. Since he signed his name with an X, Toope was quite likely illiterate; he must have had someone else write his note to the court concerning Elizabeth's illegal liquor sales.

On 1 March 1675/76, Elizabeth lost another case. This time her opponent was another neighbor, Christopher Peirson. She was ordered to pay several witnesses 50 pounds of tobacco apiece. It is hard to accept that witnesses, who knew that they were going to be paid by the loser, would be free of bias. Yet, payment of witnesses became frequent during the 1670's. Would paid witnesses have affected the outcome of the 1658 libel case?

The difference with Peirson would cost her more than just witnesses' fees. Again, Toope played a role.

“The dep. of Mary Toope aged 46 or thereabouts wife of Nicholas Toope taken and examined before me on the 29th day of Feb in the yr 1675 saith that Mary Wood the daughter of Elizabeth Wood coming to this dep's house on the 14th of this Feb instant or thereabouts, she this dep spake to the sd Mary Woods, words to the effect (vizt) What your Mother is in prison againe, she the sd Mary replied, that it was because the sonne of Elizabeth Woods had killed a hogg of Peirsons, but she replied that the sonne of the sd Elizabeth said to her the sd Mary that it was a Deare that he had killed at which time alsoe desired this depont not to say any thing of it This is all that this depont can say 29 Feb 1675/6
Sworne before me the day & yr above written Mary (O) Toope"
Otto Thorpe (DOW (5)159)

Mary Woods was only about ten years old when this incident occurred, but Mary Toope did not mince her words. The Toopes, and possibly the rest of the neighborhood, regarded Elizabeth as a bad woman. The irony was that Elizabeth, whose days in court had begun with a libel suit, should herself become an object of scandal. As in a morality play, what she had attempted to do to others had come round to harm her. Libel and slander were serious crimes against the members of a society for one major reason: a bad reputation left its owner open to other accusations (Sturtz 1987:41). Also, "there is something unfeminine in independence. It is contrary to Nature and so it offends" (Sanford in Koehler 1980:210). It is easy to speculate that Elizabeth's reputation was a reason why, in a society with so few women, especially women of some property, she never remarried after Woods' death in 1670. Perry found that, on the Eastern Shore of Virginia, the vast majority of widows remarried within a year; "thus haste prevented any deterioration of the estate" (1980:81).

In this case, as in the libel case, Elizabeth Woods was probably guilty. Although she did not steal the hog, her son had shot it. The court viewed Elizabeth as responsible

for her nineteen-year-old son's actions; he would not legally come of age and receive his estate until 1677. Not only was Elizabeth legally responsible for his actions, she herself was a "receiver and concealer."

"Whereas Matthew Edwards constable did by vertue of a Warrant from Mr Daniel Wyld make search for a hogg wch Christopher Peirson had lost & Found one in the house of Mrs Elizabeth Woods wch was shott by her son Joseph but no ears to be found & the sd Edwards & John Cole declaring in open Ct that they did believe in their consciences it was Peirsons hogg as also the sd Woods & her son having owned that they had not a hogg or a pigg of their owne w/several other circumstances, it is the Cts judgmt that the sd Woods is guilty of hoggsteling as receiver & concealer & therefore ord that she pay the sd Peirson accord. to act being two thousand lbs of tob & costs als exec" (DOW (5)154)

Even when she was reduced to hog stealing, Elizabeth remained as clever as she had been when she had targeted the wives of the prominent churchmen, Cobbs and Bromfield. In this instance, she removed the ears of the hog; hogs' ears had brands on them which would have made absolute legal identification possible. Still, there was strong circumstantial evidence to convict her, in addition to the way the law was framed.

"... and no person being required thereunto, upon paine of vehement suspition, may at anie time refuse to declare and manifest the markes of any hogg or hoggs lately killed or otherwise denie to be aydeing and assistinge in the inquiry after any hoggs soe stollen or unlawfully killed as aforesaid ..." (Hening 1647 Act XIX)

Elizabeth was convicted and ordered to pay Captain Otto Thorpe, the justice who had taken so many of Toope's statements, 2,124 pounds of tobacco, "but all just discounts to be allowed" (DOW (5)154). Was this again to be a partial payment, one that had been adjusted to Elizabeth's ability to pay?

Elizabeth was not the only woman who was convicted of hog stealing. In seventeenth-century New England, "crimes which required activity [were] considered more extraordinary for a woman than a man [and they] therefore entailed some violation

of the female sex role. Theft often involved planning, danger, and on occasion some aggressiveness" (Koehler 1980:191). There would be only two cases of women hog stealers in York County in the seventeenth century.

Six months before Elizabeth's conviction, on 18 September 1674, Thomas Evans' wife helped kill one of her husband's hogs for Richard Jones' wife and her sister. Mrs. Evans also tried to clean up the blood. Undoubtably, she was not regarded as a dutiful wife. All three were convicted (DOW (5)98). For some people in York County, especially women, hunger seemed to be a problem during that six-month period. Also, pigs were scarcer; a major plague had killed thousands of cattle and swine in the early 1670s (Miller 1988:178).

There would be one last round in court for Elizabeth Woods. In 1676, she was accused of horse stealing. Unlike the hog case, hunger could not have been Elizabeth's motive for stealing a horse. Perhaps the mare symbolized her former status in the community, and, by stealing it, she was making one last vain attempt to reestablish herself, to literally recapture her past. Or perhaps she had become accustomed to battling over mares. In the matter of this mare, Elizabeth played for time just as John Woods had. On 1 March 1675/76, the difference about a mare between William Stevens and Elizabeth Woods was referred to the next court session "that the mare may be brought hither for the witnesses clearer testimony" (DOW (5)154).

On 24 April 1676, the case "conc a mare belonging to William Stevens and took up by Elizabeth Woods" (DOW (5)160) was referred to the next court session, because Elizabeth had not brought the horse to court. The judges showed less patience with

Elizabeth, as an accused horse thief, than they had with Woods, who had cheated an orphan. The court warned Elizabeth that if she did not produce the horse next time, they would find her guilty and she would owe the "value of mare" (DOW (5)160).

The court paid a witness, George Moncklins, who had come to testify, and they took his statement. Moncklins' master, Daniel Wyld, was the same man who had issued the warrant for Constable Edwards to search Elizabeth's house for the missing hog.

“The deposition of George Moncklins Whereas Mrs. Elizabeth Woods the last fall come to my masters house namely Mr Wyld telling of him she had a young Mare used his plantation & Gauge of horses desired to helpe to take the sd mare, whereunto my master consented and sent me & one more along with her sonne, but could not at that time take the mare, not long after it happened the same mare came into my masters yard, where my selfe with the help of some negroes tooke her, upon which I sent Mrs Wood word thereof, she sending only a girle for the sd mare I askt leave of my Master to help the girle home with her, and in my goeing tooke notice of these markes she had, that is a cropp or nicke in each yeare [sic] upon her neare buttock, a skarr or [Race] resembling a halfe moone or horseshoe, this is all your depont can say at this behalfe. Geo: Moncklins” (DOW (5)162)

Did Elizabeth take Stevens' horse from Wyld's property in retribution for being arrested for hogstealing? There is no further record of this case; Elizabeth, like John before her, must have finally produced the mare. But, in Elizabeth's case, there was no spouse to do for her what she had done for Woods, when she had sweetened defeat by allowing him to invade Frith's inheritance. For her, there was only defeat.

By 24 April 1678, Elizabeth Woods was dead at the age of thirty-seven. Her son had turned twenty-one the previous year; Elizabeth had lived long enough to administer his estate until he was old enough to inherit. That she had been simultaneously so obdurate and inept is not surprising, because she was first young, then she and her husband had faced increasing financial difficulties, and then she was alone, with children to support, and

in the unenviable position of being a widow running a ordinary. What is surprising is that she attempted it at all. Perhaps it gave her another chance to flaunt her literacy, the way she had when she had written the libel. Perhaps she was just being a "scold," as Straughan had said. But all of her legal actions, because they are not the norm, serve to define the boundaries of society in seventeenth-century Marston Parish: the boundaries that she defied were strong yet elastic enough to contain her, because of the mediating role that the courts played on a direct and quotidian level.

Her death, as had her life, revealed the complexity of the small neighborhood group that made mediation so necessary. Captain Otto Thorpe, to whom Elizabeth had been ordered to pay 2,124 pounds of tobacco in March 1675/76, assigned the administration of her estate to her son, Joseph Frith. It was finally his turn to look after her.

Frith, in turn, petitioned the court to have Elizabeth's estate appraised. The court appointed neighbor James Wilkinson; Matthew Edwards, who was the husband of John Dickenson's daughter, Frances, and also the constable who had searched Elizabeth's house for the hog; and Elizabeth's old enemy, Nicholas Toope, to appraise the estate. By 1679, Joseph would marry Anne, the daughter of Thomas and Hannah Bromfield, whom his mother had libeled. The property, 150 acres, that the loving and dutiful Hannah "died seized of & was lately found to escheat" (DOW (7)360) was granted to Joseph Frith; Hannah's late enemy's son had become her son-in-law. Elizabeth and the rest of her former Marston Parish neighborhood would not have been surprised. Proximity within the neighborhood was the key to the formation of kinship relationships. From them arose a less institutional, more organic, source of social order.

CHAPTER V

CONCLUSION

When Elizabeth Woods died, Marston had ceased to exist as a parish. The settlement pattern of the neighborhood at the head of Queens Creek would continue to change: the Cobbs family would acquire more land and Daniel Parke would purchase much of the surrounding land by 1704. The decrease in population density fits David Muraca's archaeological evidence that a "truly dispersed settlement pattern did not exist until the second half of the [seventeenth] century for Tidewater Virginia" (1993:111). As Willey proposed, the changes in the Queens Creek neighborhood can be described in terms of how changing cultural needs shaped settlement patterns.

The development of the Marston area of York County began in the 1630s and 1640s. Lying on the frontier, outside the protected, palisaded area of the lower peninsula, the land was originally held in large, speculative patents, primarily by members of the defunct Virginia Company. By midcentury, when Marston Parish was created, the land had been divided into increasingly smaller parcels, due to death or commercial disposal. These small properties were concentrated in two areas located at the heads of Queens and Skimino Creeks. Although the large properties along the York River were also divided, they remained relatively large, but because they were owned by orphans, they did not become the loci of power that they might have been in other Chesapeake areas or in England.

Marston faced changing cultural needs as it ceased to be the contested frontier and

became a settled area. The frontier was a borderland where individualism interacted with the formulation and transformation of cultural structures. The northern part of Marston reflected its continuing status as an unsettled frontier because it failed to form a neighborhood until the 1670s. Its people never fully participated in Marston Parish, or in the York County court system. It was free of supervision and structuring institutions, and, in their absence, the neighborhood would finally coalesce as a Quaker community. The rest of Marston Parish was created by Joseph Croshaw to fit his ambition as a son of the Virginia Company who wished to establish his own fiefdom. These two cultural models necessarily conflicted. Although Croshaw meddled in church and court affairs, he was, on the whole, an unrestrained individual, who was interested in personal profit and power more than in erecting and supporting the superstructure of church, county and colony. As the dominant inhabitant of Marston Parish, his self-involvement created an atmosphere of *laissez faire* in which the neighborhood at the head of Queens Creek was formed and its residents became local level leaders, who began developing their own commercial interests, such as Woods' ordinary and Toope's shoemaking and tannery.

This face-to-face neighborhood came into existence when another Virginia Company man, Captain David Mansell, sold his York County land in small parcels. Whether Mansell needed the money or had depleted the land, those who bought the properties would have been unable to sustain the monoculture of tobacco. As they formed ties based on proximity and kinship, they united into a self-governing neighborhood that acted to suppress any remaining frontier crudeness. The neighborhood at the head of Queens Creek could not sustain the population density that it had achieved during the Marston years; it had become neither rural nor urban. That density would transfer itself to

Williamsburg, which would become the first real urban center in Upper York County. After 1674, Marston would always be a part of what would become the capital of Virginia. Croshaw's gerrymandering, to use an anachronism, did not survive his heirs. When the populations of Queens Creek and Williamsburg merged, they were adhering to a natural geographic division that placed them together at the watershed. Marston parishioners also shared a historical affinity with Middletown. Perhaps it was the population at the head of Queens Creek that, in conjunction with the ambitions of the Ludwells and the Pages, provided the critical mass for the development of Williamsburg as a viable site for the capital.

While the Marston settlement pattern, in general, matches the Chesapeake pattern, it has variations, especially in regards to the formation of the Queens Creek neighborhood and of Williamsburg, that justify Trigger's conclusion that there are no simple correlations between settlement patterns and organization on the political or kinship level. Marston was created for Croshaw's political reasons. Proximity within the settlement patterns led to the kin relations. After Croshaw, a natural, shared environmental area and a historical affinity led to Marston's reincorporation into the new political and ecclesiastical district of Bruton.

The story of Elizabeth Woods is part of the story of a neighborhood, both in the sense of a geographical location and of Perry's place for social interaction. Just as the life of a person is an event bounded in space and time, so, too, is the life of a parish an event. Marshall Sahlins cited Geertz's observation that "an event is a unique actualization of a general phenomenon, a contingent realization of the cultural pattern" (1985:vii). Elizabeth

Woods' aggressive individual actions against her community and its establishments constitutes a female parallel to the rapacious men of the Virginia Company. The county and the colony were stronger than Croshaw, but he ignored them; the hegemonic male superstructure was stronger than Elizabeth, but when she ignored them, she was restrained. The court showed a necessary flexibility in deviance defining. Joseph Croshaw's and Elizabeth Woods' defiance was tolerated for the sake of the general stability of the community. Croshaw was too strong to be punished and Elizabeth was too weak. She lacked effective agency. It was more important for the society to constrain the Joseph Croshaws. It was necessary to control excessive individualism in order that the colonists might colonize themselves.

Paul Boyer and Stephen Nissenbaum pointed out that, "In an age about to pass, the assertion of *private will* posed the direst possible threat to the stability of the community; in the age about to arrive, it would form a central pillar on which that stability rested" (1974:109). They referred to New England and, in particular, Salem, where enemies were defined as deviants, as witches, and were executed. The reasons that such deviance-defining never quite occurred in the southern colonies can be seen in Elizabeth Woods' case: The men who settled Virginia brought a spirit of individualism; the church, a major influence in deviance-defining, did not become established in the superstructure; the settlement pattern, the monoculture of tobacco, and demographics mitigated against communities. By the time neighborhoods began to form, they were different from those in New England, which had been established immediately. A community in Virginia was hard-won, an ideal to be cultivated and conserved, whether it was the community of large planters, who maintained ties, especially marital ones, while jousting for power, or the

neighborhood of small planters at the head of Queens Creek. A certain tolerance for rogues was necessary, although it was also necessary for the community to bend these individuals into conformity. It was easier in Virginia for communities to tolerate disruptive individualism because of a common consciousness of the fragility of life and fortune, which made people aware of their individuality, of their needs. In Virginia, communities were composed of individuals from the beginning; in New England, the organic, interdependent community changed towards individualism and mercantilism. This was where Virginia had started. It was the edginess and tension in the neighborhoods composed of individuals that kinship networks finally overcame. It would be kinship that formed the superstructure of the rural, agrarian south in the following centuries.

Marston Parish is not a microcosm and Elizabeth Woods is only representative of herself. The problems they faced, however, in the New World were common throughout the seventeenth-century Chesapeake area. Just as York County was in a state of flux during the Marston Parish years, so were concepts of democracy, capitalism, institutions and individualism being refined as the frontier pushed west. In so far as she disregarded social and gender distinctions, the life of Elizabeth Woods takes its meaning from her opposition to her assigned role in her community. Like the men of the Virginia Company, she took increasing risks, and, in a burlesque of male upward mobility, she invaded successive public bastions of male power: the church, the court, the commercial and the criminal worlds.

Woods' insistence on her rights posed no real threat to the body politic. That there was no social breakdown proves the strength of the growing authority of the local

government and of the landed elite who constituted it. Yet, the freedom of the local county government from English oversight and the depth of popular participation in the affairs of the county led toward a democratic form of government. Conversely, the lack of oversight by the Anglican church and, in the case of Marston, the ephemeral nature of the church once the driving force behind it, Joseph Croshaw, died, led to a weak parish with no sense of self-identity or cohesion. Marston remained divided into two sectors or neighborhoods. The northern Skimino community was just coming into being during the Marston years; it would reach its fruition as a Quaker community. The southern neighborhood at the head of Queens Creek would be drawn towards Middle Plantation and be incorporated as Lower Bruton Parish with the city of Williamsburg. Living on small landholdings that had probably been long since depleted by tobacco crops, the Queens Creek community would increasingly turn, as the Woodses had, to commercial endeavors, while the area along the York River remained divided into large plantations that, due to a demographic fluke, were primarily owned by orphans, who did not constitute a power base to rival Williamsburg. The freedom to change occupations in search of a better income or to fill a need is a major step on the road to both individualism and capitalism.

The excessive nature of Woods' transgressions might have posed a problem to a group of people who had not formed themselves into a community, a neighborhood. In this respect, the organic nature of preindustrial society aided the formation of close neighborhood ties, as did the high mortality rate. Women like Mary Toope and Martha Ballard and Goodwife Goodgame served as moral agents in the neighborhood and as liaisons with the county court where they acted as informants and deponents. Such moral

agency was regarded as feminine. Governor Berkeley connected unfeminine behavior with sexual promiscuity (Westbury 1992:42), which Elizabeth Woods was never accused of, despite her actions.

The concept of gender had been challenged both in England and the Chesapeake. Richter, following Joan Scott, defines gender “as a means of referring to the social organization of the relationship between the sexes” and, following Linda K. Kerber, “as ‘the social construction of the gendered subject’” (1992:297). Yet the Civil War in England and life on the frontier in the colony had created new opportunities, even new requirements, for women’s behavior. Women could not be passive in such acute circumstances. In England, the elite women became petitioners and defended castles; other women fought with the armies. On the frontier, the high mortality rate and age difference at marriage meant that women were often left as widows and had to manage their business affairs until they remarried. Conversely, the imbalance in the sex ratio meant that almost any woman could marry, despite her reputation. Even bearing an illegitimate child did not disbar a woman from marriage (Richter 1992:309). So, there was, indeed, great freedom for women on the frontier because traditional limitations on women’s behavior were in abeyance.

In England, the restoration of Charles II brought a backlash against the power that women had gained during the Civil War; “no one would marry an educated woman” (Fraser 1994:324). The cultivation of domestic arts by women became the ideal; division of labor by sex was once again codified. On the Continent, upper class women continued to receive an education. Natalie Davis (1995) wrote of three such seventeenth-century women. She pointed out that all three lived on the margins, outside of academia and

institutions, yet they “embraced a marginal place, reconstituting it as a locally defined center ... [in which] the individual freed herself somewhat from the constrictions of European hierarchies by sidestepping them” (1995:210). Davis continued: “Centers and hierarchies cannot be escaped entirely. Michel Foucault had a good insight about the locus of power in the seventeenth century when he said it should be conceptualized not only ‘in the primary existence of a central point, in a unique source of sovereignty,’ but as omnipresent in ‘force relations’ throughout societies” (1995:211). Foucault viewed power as existing not only in centers like Walsh's focal points for neighborhoods, but also in ramifications.

The freedom that women had gained on the frontier disrupted gender “force relations” and partially explains why, in Bacon’s Rebellion, both sides attacked women and children. This “indicates that the conflict was not a matter of soldierly skirmishes but one of acute social disorder that cannot be adequately explained by describing it in terms of elites maneuvering for political position” (Westbury 1992:45). Westbury found that it was the loyalist women who adhered to “the restrictive standards of feminine behavior prescribed by English society. In that society, political action was almost inconceivable for women” (ibid). It was the rebel women who acted unconventionally. Because crime is a social construct, it defines a culture’s boundaries; by circumscribing the norm, the deviant act reveals it as well as the patterns of dominance. Edwin Schur posited a dominance-immunity subordination-vulnerability thesis:

“Built around the ideas of deviance-defining as a response to threat, stigmatizing reactions as a device for subordinating and segregating, and differential power as the major determinant of ‘outcomes’ in deviance situations, these emerging formulations inevitably view deviance in conflict terms ... Power, then, has become a central focal point ... The other side of this dominance-immunity pattern, of

course, is that subordinate groups are likely to be especially vulnerable to deviance-defining and processing. Many of the 'offenses' of women in our society can be seen in this light" (Schur 1979:152-3).

The rebellion of men against their government and women against gender conventions grew from the lives they led in the parishes and neighborhoods of Virginia. The rugged individualism, materialism and egalitarianism of the Virginia Company continued to be manifested fifty years after the company was dissolved. It would never entirely disappear.

This individuality is antithetical to the ideal of community. Cusick mentioned "a tradition in social history that saw community as a spiritual bond" (1995:66). It is also a normative ideal, "designating how a social relationship ought to be organized" (Young 1990:320), as well as a sociological description. In the political sense, community, according to Iris Young (1990), is an oppositional differentiation made by an homogeneous group that shares common attributes and goals. Marston was undoubtedly created as an oppositional differentiation. Young did not address the gradations of female hierarchy; like Marc Bloch, she saw gender as the "basis for all types of ideological schemes" (in Yentsch 1991:196). For Young, community is identified with the female in the following binary oppositions: male/female; public/private; individual/ community; calculative/affective; instrumental/aesthetic; competitive/relational; ethics of rights/ethics of care. Young's polarizations represented another type of normative ideal, which she deconstructed. She also warned about privileging face-to-face as a definition of community because it denies communities, like that of the Virginia elite, that exist despite distance and infrequent association.

The colonial elite constituted one such dispersed community; it ultimately failed because the premise of homogeneity was unfounded. Young also cautioned against construing face-to-face as self-sufficient; communities have ties to each other. Institutional arrangements “nurture the specific experience of mutual friendship, which only relatively small groups interacting in a plurality of contexts can produce” (Young 1990:316). Young’s goal, of course, was a politics of difference, but her argument is a useful tool for analyzing the tensions inherent in communities and neighborhoods in general and the process of change in Marston in particular.

According to Young, there are three stages in the relationship of the individual and society:

- 1) Communal where the individual is subjected to the collective;
- 2) The hegemonic individualism of capitalist, patriarchal society;
- 3) A transcendent synthesis of the individual and society in a shared difference, not in a shared subjectivity.

Only the first two stages are important for this study, because, according to the Turner frontier thesis, conditions were excellent in Marston for the community to progress from stage one to stage two and because cultural institutions themselves were in a state of structural transformation.

The reality of social change is not as seamless as the theory of it, due to the false set of assumptions in Young’s dichotomization. The desire to be a part of a community and, at the same time, to be recognized as an individual are not gendered needs; they are universal needs. If stage one seems to correspond to all that is female, then stage two would appear to be all that is male. Yet in Marston, the institutions that tried to mold it into a community were male. Women, like Elizabeth Woods and the women who

supported the rebels in Bacon's Rebellion, defined themselves in their opposition to the male concepts of community and institutions. The women, in turn, were part of a community of hegemonic individualists, not of communal egalitarians. In order to restore the patriarchy that is obscured by the ideal of community, but that, in fact, was always present in English culture, it became necessary to shore up the polarization between men and women. Out of this flows all the other oppositions. To equate the pursuit of domestic arts with great status, to make female education a disadvantage, to reward the neighborhood busybodies for their moral fervor insured that, at the political and material level, patriarchy would not only persist, but be defended by the women as the norm.

Yet, for a few decades in Marston Parish, in lieu of the centralizing forces of the institutions of the church and court and due, in part to demographics, the possibility of higher status and more equal opportunity for women began to emerge along with capitalism, democracy and individualism. Women formed the kin networks; women controlled property; women competently conducted their husbands' business and their own in court. Life on the frontier led to the mutability of gender roles, just as for Davis' three women, "hierarchal prescriptions for the wife's obedience were somewhat eroded by the experience of shared enterprise" (1995:207). The examination of the roles of individual males and females within their societies demonstrates that the transition between the first two stages of the relationship between individuals and society did not go either uniformly or uncontested. Nor was the outcome inevitable in either the culture or its history. "The synthesis of [the cultural ordering of history and historical ordering of cultural schemes] unfolds in the creative action of the historic subjects, the people concerned" (Sahlins 1985:vii). On the Virginia frontier, women were, for that moment, in a position of

potential strength that they would not occupy again until the twentieth century.

APPENDIX 1

BRUTON PARISH [MARSTON] BURIAL REGISTER 1662-1674

MO/DAY/YR	NAME	RELATION	RELATED NAME
4/18/1662	RUSSELL, BRIDGETTE	WIFE	RUSSELL, JOHN
7/19/1662	PARKE, FEILDING	SON	PARKE, DANIEL CAPTAIN
8/1/1662	WALKER, FRANCES	WIFE	WALKER, ALEXANDER
9/24/1662	VINCENT, WILLIAM	SERVANT	BATTEN, ASHAELL
12/10/1662	BATTEN, URSELA	WIFE	BATTEN, ASHAELL
2/13/1662/63	ROBERTS, JANE	BASE BORN DAU	ROBERTS, ANNE
2/14/1662/63	TAPPER, EDWARD	SERVANT	VAULX, ELIZABETH MRS.
5/17/1663	HAWTHORNE, MARY	DAUGHTER	HAWTHORNE, JARRAT
7/4/1663	BROOKES, WILLIAM	SERVANT	CROSHAW, MAJOR
7/5/1663	WALTERS, ROBERT	SON	WALTERS, MRS. MARY
7/8/1663	GILBEY, ELIZABETH	WIFE	GILBEY, WILLIAM
7/12/1663	WEBB, RICHARD	SERVANT	PINKETHMAN, THOMAS MR.
7/12/1663	JONES, JOHN	SERVANT	WHITE, HENRY
7/18/1663	TINLEY, MR		
7/20/1663	CROSHAW, ANNE MRS.	WIFE	CROSHAW, MAJOR
7/22/1663	BARNHAM, ANN	SERVANT	RUSSELL, JOHN
7/28/1663	ALEXANDER, WILLIAM	SERVANT	CROSHAW, MAJOR
8/8/1663	OLIVANT, RALPH	SERVANT	CROSHAW, MAJOR
8/8/1663	BOYDON, ROBERT		
8/15/1663	SPENSER, MARY	SERVANT	CROSHAW, MAJOR
8/21/1663	DAVIS, ANNE	DAUGHTER	DAVIS, WILLIAM & JANE, HIS WIFE
8/22/1663	FOLIOT, MARY	DAUGHTER	FOLIOT, EDWARD MR.
8/28/1663	WINTER, JOHN	SERVANT	FOLIOT, EDWARD MR.
8/28/1663	BINGAM, THOMAS	SERVANT	CROSHAW, MAJOR
8/30/1663	BASILL, JOHN	SERVANT	VAULX, ELIZABETH
8/31/1663	WHITAKER, MARY	SERVANT	HAWTHORNE, GARRETT
9/3/1663	WATTS, JOHN	SERVANT	PINKETHMAN, THOMAS
9/6/1663	BRADSHAW, GEORGE	SERVANT	WYLD, DANIEL MR.
9/15/1663	FFLOYD, EDWARD	SERVANT	WYLD, DANIEL MR.
9/19/1663	HOBKINS, WILLIAM	SERVANT	DAVIS, JOHN

9/20/1663	CLERKE, LEONARD	SERVANT	MEEKINS, THOMAS
9/22/1663	DANIEL, BENJAMIN	SERVANT	WYLD, DANIEL MR.
9/28/1663	DAVIS, JOHN	SON	DAVIS, JOHN
9/28/1663	ANDREWS, JOAN	SERVANT	VAULX, ELIZABETH MRS.
10/2/1663	WATSON, PHILIP	SERVANT	VAULX, ELIZABETH MRS.
10/5/1663	COLLOY, GEORGE	SERVANT	CROSHAW, MAJOR
10/8/1663	BARTLETT, MARY	BASEBORN CLD	BARTLETT, ROBERT
10/8/1663	WYLD, DANIEL	SON	WYLD, DANIEL MR.
10/14/1663	SOUTHWELL, JOHN	SERVANT	DICKISON, JOHN
10/25/1663	PARKE, DANIEL	SON	PARKE, CAPT DANIEL
10/30/1663	HARDING, JOHN	SERVANT	DICKISON, JOHN
11/1/1663	PALMER, HENRY	SERVANT	CROSHAW, MAJOR
11/25/1663	CRADDOX, JOHN	SERVANT	RUSSELL, JOHN
1/23/1663/64	PHRODERO, HENRY		
1/31/1663/64	LUCAS, ROBERT	SERVANT	CHESLEY, PHILIP MR.
2/5/1663/64	ARNALL, AMEY	SERVANT	CHESLEY, PHILIP MR.
3/14/1663/64	THOMAS, ROBERT	SON	THOMAS, JOHN & KATHERINE
3/23/1663/64	DAVIS, RACHEL	DAUGHTER	DAVIS, JOHN & MARY
5/21/1664	WHITE, MARGARET	DAUGHTER	WHITE, HENRY
7/2/1664	LANE, JOHN	SERVANT	PARKE, CAPT. DANIEL
7/10/1664	GENTLE, SUSANNA	SERVANT	PARKE, CAPT. DANIEL
7/12/1664	WALKER, WILLIAM	SERVANT	WHALEY, THOMAS
7/15/1664	PARKER, THOMAS	SERVANT	WYLD, DANIEL
7/23/1664	CANDUM, JOHN	SERVANT	CHESLEY, PHILIP MR.
8/5/1664	FOLIOT, REBECKA	DAUGHTER	FOLIOT, EDWARD MR.
8/28/1664	WELLS, JOHN	SON	WELLS, JOHN & KATH., HIS WIFE
9/13/1664	BANISTER, HENRY MR.		
9/15/1664	HARVEY, ROBERT	SON	HARVEY, VALENTINE
9/15/1664	HARVEY, RICHARD	SON	HARVEY, VALENTINE
9/18/1664	DAVIS, JOHN		
9/18/1664	SALMON, ELIZABETH	SERVANT	DAVIS, JOHN
9/30/1664	CROSHAW, MARGARET MRS.	WIFE	CROSHAW, MAJOR
10/4/1664	JOHNSON, ELIZABETH	DAUGHTER	JOHNSON, JOHN
10/28/1664	ROBERTS, ANN	SERVANT	WOODS, JOHN MR.
1/2/1664/65	PHILIPS, THOMAS		
1/2/1664/65	DUNCOMB, NICHOLAS		
1/23/1664/65	WELLS, KATHERINE	WIFE	WELLS, JOHN
1/26/1664/65	WARD, ANN	SERVANT	WHITE, HENRY
2/15/1664/65	AUSTIN, THOMAS	SON	BROMFEILD, MARY MRS.

3/31/1665	HOPE, WILLIAM		
5/10/1665	NONAME, ROBERT	SERVANT	HORSINGTON, JOHN MR.
6/2/1665	NONAME, RICHARD	SERVANT	GRAVES, RALPH MR.
7/15/1665	EVANS, JOHN		
7/25/1665	BOND, JOHN	SERVANT	WYLD, DANIEL MR.
8/1/1665	FISHER, CAPT JEREMIAH		
8/12/1665	WYLD, ELIZABETH	DAUGHTER	WYLD, DANIEL MR.
8/20/1665	BROMFIELD, THOMAS MR.		
9/20/1665	WHITE, THOMAS		
10/8/1665	MORRIS, ROSAMOND	BASEBORN SON	MORRIS, SARA
10/9/1665	THOMAS, JOHN		
11/3/1665	STRAWHAIRNE, ADAM	SON	STRAWHAIRNE, ELIZABETH
1/25/1665/66	THOMPSON, RALPH	SERVANT	VAULX, ELIZABETH MRS.
3/5/1665/66	ANDERSON, MARY	SERVANT	WYLD, DANIEL MR.
3/6/1665/66	HAWTHORNE, FRANCES	DAUGHTER	HAWTHORNE, JARRAT & MARY
5/7/1666	NONAME, JANE	SERVANT	RUSSELL, JOHN MR.
5/8/1666	LANGFORD, JOHN	SERVANT	WYLD, DANIEL MR.
5/9/1666	WILKINS, JAMES	SON	WILKINS, JAMES
6/2/1666	GRAVES, JOHN	SERVANT	CHESLEY, PHILIP MR.
9/1/1666	BERKLEY, JANE		
9/1/1666	LURKEY, ANN		
9/1/1666	WILSON, THOMAS		
9/4/1666	BUTLER, ROBERT	SERVANT	VAULX, ELIZABETH MRS.
9/7/1666	SHEARER, AGNIS	SERVANT	
9/7/1666	ARTHUR, JAMES	SERVANT	
9/7/1666	JOHNSON, MARGARET	SERVANT	
9/13/1666	KEMPE, ROBERT		
9/25/1666	TAYLOR, MARGARET	SERVANT	VAULX, ELIZABETH MRS.
9/25/1666	BATTEN, ASHAELL MR.		
10/5/1666	VAULX, ELIZABETH MRS.		
10/8/1666	JOPH, WILLIAM		
10/16/1666	DENNIS, HENRY		
12/5/1666	DAVIS, ELIZABETH		
12/27/1666	GRAVES, MARTHA		
1/10/1666/67	BINGFEILD, FRANCES	DAUGHTER	BINGFEILD, HENRY
1/19/1666/67	PRIDIE, THOMAS		
2/14/1666/67	MARTIN, JOHN		
2/24/1666/67	TODERICK, JAMES		
4/10/1667	CROSHAW, MAJOR JOSPEH		

4/15/1667	STRAWHAIRNE, ADAM		
4/17/1667	WHITE, HENRY	SON	WHITE, HENRY
5/6/1667	WILKS, ANNE	SERVANT	FOLIOTT, EDWARD MR.
5/7/1667	MAVEN, JOHN	SERVANT	MEAKINS, THOMAS MR.
5/8/1667	JACKSON, WILLIAM		
5/9/1667	GRAVES, RAPLH		
5/22/1667	GWYN, EDWARD		
6/29/1667	MORGAN, JOHN		
6/30/1667	FFLOWERS, PHILIP	SERVANT	CHESLEY. PHILLIP MR.
7/18/1667	WANSLEY, BARBARY	SERVANT	CHESLEY, PHILLIP MR.
7/20/1667	ASHLEY, JOHN	SERVANT	PINKETHMAN, THOMAS MR.
8/17/1667	KERKE, RICHARD	SERVANT	VAULX, MR.
9/16/1667	KING, JOHN		
9/28/1667	HUGHES, VILLEVELL		
10/1/1667	TODD, RICHARD		
11/19/1667	COLLOT, HENRY	SERVANT	VAULX. MR.
11/28/1667	HUDSON, JOHN	SERVANT	RUSSELL, MR.
11/30/1667	RUSSELL, JOHN MR.		
12/27/1667	HAWTHORNE, WILLIAM		
2/7/1667/68	CRANTHER, WILLIAM	SERVANT	GRAVES, RUTHEL MRS.
2/22/1667/68	PARTRIDGE, ROBERT		
2/24/1667/68	PARTRIDGE, KATHERINE	DAUGHTER	PARTRIDGE, ROBERT
3/11/1667/68	HORSINGTON, SUSAN	WIFE	HORSINGTON, ROBERT
4/5/1668	HANTEY, JAMES	SERVANT	HALL, MRS.
4/8/1668	PINKETHMAN, THOMAS	SON	PINKETHMAN, THOMAS
4/20/1668	SAMMON, DAVID	SERVANT	PARKE, MAJOR
4/25/1668	WILKINSON, THOMAS		
7/11/1668	WOODS, GEORGE		
7/18/1668	COOPER, HUGH		
7/23/1668	FODDELL, WILLIAM	SERVANT	BOWLER MR.
8/8/1668	SHARPE, PETER		
8/13/1668	HARRISON, PHILLIP	SERVANT	WHITE, HENRY MR.
8/24/1668	ARNALL, JOHN	SERVANT	GRAVES, MR.
9/12/1668	GRAVES, MARY	DAUGHTER	GRAVES, MR.
12/19/1668	DAVIS, SARA	WIFE	DAVIS, JOHN
12/21/1668	DASHE, JOHN	SERVANT	HOLDER, THOMAS
12/21/1668	DAVIS, BENJAMIN	SON IN LAW	HOLDER, THOMAS
12/27/1668	HOLDER, MARY	WIFE	HOLDER, THOMAS
2/8/1668/69	STEPHENS, JOHN	SON	STEPHENS, JOHN
2/17/1668/69	STEPHENS, WILLIAM	SON	WYLD, DANIEL MR. &

			MARGARET UX
2/23/1668/69	TRITT, ELIZABETH	WIFE	TRITT, JAMES
2/25/1668/69	CRABTREE, SAMUEL MR.		
3/9/1668/69	GRAVES, ANN	DAUGHTER	GRAVES, RALPH MR.
3/10/1668/69	FERGISON, JAMES	SERVANT	WHITE, HENRY MR.
3/10/1668/69	PRESTON, KATHERINE	WIFE	BATES, MICHAEL
4/8/1669	CROSHAW, MARGARIT	DAUGHTER	CROSHAW, CAPT & ELIZA., HIS WIFE
4/11/1669	CROSHAW, CAPT		
4/20/1669	BARNES, RACHELL	WIFE	BARNES, RICHARD
4/23/1669	COMON, JOHN		
7/30/1669	IRELAND, MARTIN		
7/30/1669	BUCKSTONE, SIMON	SERVANT	PINKETHMAN, MR.
8/4/1669	HURST, CHARLES		
8/8/1669	NONAME, MARTHA	SERVANT	CROSHAW, ANN MRS.
8/14/1669	DURFEY, REBECCA	WIFE	DURFEY, FFRANCIS
9/6/1669	ORRILL, ELLINOR	SERVANT	PARKE, COL.
9/6/1669	DANIEL, JOHN	SON	DANIEL, JOHN & MARY
9/14/1669	SOMMERTON, SUSANNA	DAUGHTER	SOMMERTON, DANIEL
10/17/1669	WHITE, ANN	DAUGHTER	WHITE, HENRY & MARY
11/8/1669	BROWNE, DOROTHY	SERVANT	JONES, RICHARD
11/16/1669	GREGORY, THOMAS		
12/2/1669	WHITEHAIR, RICHARD		
12/8/1669	WELLS, JAMES		
12/16/1669	KEMPE, DANIEL	SON	KEMPE, RICHARD & SARAH
1/28/1669/70	NONAME, MICHAEL	SERVANT	LEDERER, DR.
2/6/1669/70	RYLEY, EDWARD	SERVANT	BOWLER, JOHN MR.
3/17/1669/70	GILLHAM, RICHARD	SERVANT	HAWTHORNE, JARRAT
3/21/1669/70	BURLEY, GEORGE	SERVANT	LILLINGSTON, MR.
4/1/1670	STURMEY, HENRY	SERVANT	WYLD, DANIEL MR.
4/13/1670	SMITH, JOHN		
4/14/1670	MERRILL, THOMAS	SERVANT	HORSINGTON, JOHN MR.
4/17/1670	STEPHENS, WILLIAM	SERVANT	HURD, MORRIS
4/20/1670	HAMBLETON, THOMAS	SERVANT	WYLD, DANIEL MR.
5/3/1670/71	SMITH, THOMAS	SON IN LAW	MILTON, THOMAS
6/10/1670	PHILLIPS, WILLIAM MR.		
7/13/1670	VIGARS, STEPHEN	SERVANT	WHITE, HENRY MR.
7/18/1670	EQUO, ELIZABETH	DAUGHTER	EQUO, JOHN & ELIZABETH
8/14/1670	ABELL, WILLIAM	SERVANT	WHALEY, MR.
8/26/1670	WHEELER, CHARLES		[KILLED WITH CART]

8/31/1670	WORKMAN, ARTHUR	SERVANT	WHITE, HENRY MR.
9/2/1670	SANDS, ANN	DAUGHTER	SANDS, ANTHONY & MARGARET
9/15/1670	WOODS, JOHN MR.		
12/21/1670	PETERS, JOHN MR.		
2/16/1670/71	HAWTHORNE, JARRAT		
3/10/1670/71	MATHEWS, FRANCES	DAUGHTER	MATHEWS, CAPT. FRANCIS
3/15/1670/71	JONES, JOHN	SERVANT	WHITE, HENRY MR.
4/17/1671	HARMON, THOMAS	SERVANT	CHESLEY, CAPT.
4/24/1671	WAGGSTAFFE, NONAME	SERVANT	CHESLEY, CAPT.
5/13/1671	WHALEY, ELIZABETH	WIFE	WHALEY, THOMAS MR.
5/25/1671	HAZELL, WILLIAM		
6/2/1671	COOKE, JOHN	SERVANT	LEE, GEORGE MR.
6/2/1671	BORLAND, ANTHONY	SERVANT	LEE, GEORGE MR.
6/13/1671	COOKE, HANNAH	WIFE	COOKE, GEORGE
6/13/1671	SANDERSON, ROBERT	SERVANT	WILKINS, JAMES
6/13/1671	MEW, ROBERT	SERVANT	VAULX, JAMES MR. [BELONGED TO]
6/13/1671	BULLOCK, MARTHA	WIFE	BULLOCK, JAMES
6/13/1671	STEPNEY, ESTHER	SERVANT	CORKER, CAPT. WILLIAM
7/17/1671	COLE, THOMAS	SON	COLE, JOHN & JANE
7/24/1671	COX, JUDITH	SERVANT	WILKINS, JAMES MR.
7/25/1671	SANDS, ANTHONY	SON	SANDS, ANTHONY & MARGARET
8/26/1671	MATHEWS, ELIZABETH	DAUGHTER	MATHEWS, CAPT. FRANCIS
8/31/1671	SHIRLEY, RICHARD	SON	SHIRLEY, RICHARD & ELIZABETH
8/31/1671	JONES, LETTICE	DAUGHTER	JONES, RICE & ELIZABETH UX
9/2/1671	TUCKER, SARAH	DAUGHTER	TUCKER, WILLIAM & ELIZABETH UX
9/4/1671	IVORY, EDWARD	SON	IVORY, EDWARD & BRIDGET UX
9/19/1671	MORGAN, WILLIAM	SERVANT	CHESLEY, CAPT.
9/28/1671	LANCASTER, WILLIAM		
10/5/1671	COOKE, JOHN	SERVANT	LEE, GEORGE MR. [LONDON]
11/1/1671	FLEMING, ROBERT	SERVANT	WHITE, HENRY MR.
11/17/1671	PINKETHMAN, JOAN	WIFE	PINKETHMAN, THOMAS

12/14/1671	CLARKE, PAUL JOHNSON MR.		
1/6/1671/72	WHITE, HENRY MR.		
1/15/1671/72	BOYLES, DANIEL	SERVANT	WHITE, HENRY MR. WIDOW
2/5/1671/72	HORSINGTON, ROBERT		
2/9/1671/72	GUTTERIDGE, JOHANNA	DAUGHTER	GUTTERIDGE, FRANCIS
2/26/1671/72	BINGFIELD, ANNE	WIFE	BINGFIELD, HENRY
3/11/1671/72	SANDS, DOROTHY	DAUGHTER	SANDS, ANTHONY
3/13/1671/72	HORSINGTON, JOHN		
4/12/1672	JONATHAN, WILLIAM	SON	JONATHAN, CORNELIUS
4/22/1672	CASELY, HENRY	SERVANT	BEE, ROBERT
6/23/1672	MARSH, ROBERT	SON	MARSH, CLEMENT MR.
7/2/1672	DRAPER, DAVID	SERVANT	CLARKE, MR. RICHARD
7/17/1672	ROBINSON, MARTHA	WIFE	ROBINSON, ROBERT
11/3/1672	MARSH, CLEMENT MR.		
11/6/1672	PINKETHMAN, THOMAS MR.		
7/7/1673	SNOREY, EDWARD	SERVANT	PARKE, COL.
7/11/1673	HACKETT, WILLIAM MR.		
8/29/1673	ELLIOT, THOMAS	SERVANT	DAVIS, JOHN
1/26/1673/74	DURFEY, SUSANNA	WIFE	DURFEY, FRANCIS
2/12/1673/74	SANDS, MARGARET	WIFE	SANDS, ANTHONY
2/12/1673/74	EVANS, THOMAS	SERVANT	PARKE, DANIEL COL.
2/29/1673/74	COTTEN, PHILIP	SERVANT	PARKE, DANIEL COL.
2/29/1673/74	MATHEWS, MARY	DAUGHTER	MATHEWS, FRANCIS CAPT.
7/2/1674	EMOT, ROBERT	SERVANT	BARNES, RICHARD
10/25/1674	BELL, WILLIAM		
10/28/1674	WHARTON, ROBERT		
11/10/1674	SIMPKINS, MARY		
11/19/1674	BISIT, JAMES		
12/10/1674	HARVEY, VALENTINE		
12/15/1674	BISIT, JOHN	SON	BISIT, JAMES
12/16/1674	AYLETT, SEBELLA MRS.		
12/18/1674	CHESLEY, CAPT PHILIP		
12/20/1674	SIMPKINS, THOMAS		
12/25/1674	TOWNSEN, HENRY		
12/29/1674	TURNER, RICHARD		

APPENDIX 2

COMPUTER ENCODING FORM FOR MERGE DOCUMENTS

1	NAME; [ENDFIELD]	2	PARISH; [ENDFIELD]
3	DEBTORS (\$); [ENDFIELD]	4	CREDITOR (\$); [ENDFIELD]
5	SECURITY FOR; [ENDFIELD]	6	SECURITY BY; [ENDFIELD]
7	ESTATE APPRAISAL; [ENDFIELD]	8	WITNESSED WILL OF; [ENDFIELD]
9	IN WILL OF; [ENDFIELD]	10	EXECUTOR/ADMNSTRATOR; [ENDFIELD]
11	GUARDIAN OF; [ENDFIELD]	12	FATHER; [ENDFIELD]
13	MOTHER; [ENDFIELD]	14	MARRIED (DATES); [ENDFIELD]
15	CHILDREN; [ENDFIELD]	16	SUED; [ENDFIELD]
17	SUED BY; [ENDFIELD]	18	INHERITED; [ENDFIELD]
19	ADJ LAND; [ENDFIELD]	20	SOLD LAND TO; [ENDFIELD]
21	HELD LAND; [ENDFIELD]	22	HELD LAND W/; [ENDFIELD]
23	WITNESS FOR; [ENDFIELD]	24	HELD OFF (DATES); [ENDFIELD]
25	HELD OFF W/; [ENDFIELD]	26	HEADRIGHTS (DATE); [ENDFIELD]
27	BORN (REF); [ENDFIELD]	28	PLACE; [ENDFIELD]
29	DIED (REF); [ENDFIELD]	30	OCCUPATION; [ENDFIELD]
31	STATUS; [ENDFIELD]	32	WILL DATED; [ENDFIELD]
33	WILL PROBATED; [ENDFIELD]	34	WILL REF; [ENDFIELD]
35	LEGATEES; [ENDFIELD]	36	WITNESSES; [ENDFIELD]
37	EXEC/ADMIN; [ENDFIELD]	38	REMARKS; [ENDFIELD] [END RECORD]

After stripping the York County records for biographical facts on 182 Marston households, the information was entered into these thirty-eight fields in a data document using Word Perfect for Windows. I could either merge by name and specific field or print an entire bibliographical file. It was also possible to gather all the information on a desired field from all records. For example, by merging the Name (field 1) with Sold Land (field 20), Held Land (field 21) and Held Land W/ (field 22) with a blank format, I was able to generate a list of all land transactions that my research had uncovered. The merge files revealed patterns that would have not been readily apparent otherwise.

APPENDIX 3

LAND TRANSACTIONS & PATENTS

??? George Tindall bought 70A from Thomas Wade
 ??? James Bates inherited 117A from father and had home there
 ??? John Burnett bought 100A from Captain David Mansell land lately in possession of
 Christopher Peirson
 ??? George Lee held land with Daniel Wyld

1630s

11/24/37 John Broach patented 400A
 5/22/38 Joseph Croshaw patented 600A
 4/2/39 By joint patent to John Davis 450A and John Bates 300A at head of Queens Creek

1640s

6/18/40 John Davis patented 450A
 7/3/40 John Bates sold 300A to Stephen Gill from 1639 patent
 3/46 Edward Adcock to Richard Croshaw and John Axdall 100A
 1646 Joseph Croshaw to Captain Richard Croshaw 160A
 3/46 Joseph Croshaw to Edward Adcocke remainder of dividend of land 110A
 3/46 Captain Richard Croshaw 210A purchased from Edward Adcocke with John Axdell
 6/20/46 Joseph Croshaw patented 700A
 7/9/46 John Broach patented 300A
 7/20/46 Joseph Croshaw patented 100A
 10/29/47 John Davis (1) patented 150A
 1648 Joseph Croshaw deeded 100A to Captain Richard Croshaw
 1648 John Broach, surgeon, to John Dickenson and Nicholas Miller 150A
 9/12/48 Joseph Croshaw sold 100A to Richard Croshaw
 10/7/49 John Thomas patented 350A

A great deal of the instability at the head of Queens Creek in the 1650s can be attributed to Captain David Mansell's divestiture of his York County properties. He sold them directly to others or to Thomas and Maurice Price, who sold and bequeathed Mansell's former land. Robert Cobbs acted as Mansell's witness and, in fact, was a witness to most of the land transactions in the Queens Creek area. In the north, Thomas Ballard or Thomas Pinkethman witnessed the few transfers of real estate. The other witnesses were almost always owners of adjacent properties.

1650s

1/17/50 Captain Daniel Parke purchased 200A from Richard Major due Major by patent
 2/27/49/50 Joseph Croshaw patented 1,350A
 7/10/51 Robert Vault patented 150A
 12/10/51 Joseph Croshaw patented 1,000A & 750A
 1/7/52 Henry Tyler patented 254A

1/25/52 Thomas & Maurice Price to Royston
 10/26/52 William Baldwin patented 600A
 11/22/52 Captain Philip Chesley held 500A land with Robert Wyld
 1653 John Margaretts bought 100A from Thomas Price and Maurice Price (formerly Mansell's)
 9/24/53 Thomas & Maurice Price to John Margaretts 100A (Mansell owned 50 poles)
 10/11/53 Captain Philip Chesley patented 100A land with Robert Wyld called Great Neck
 11/6/53 Captain David Mansell to Richard Burnett 100A+
 11/8/53 Joseph Croshaw patented 1,750A (repatent)
 1654 Philip Chesley & Daniel Wyld patented 1,660A
 1654 Mr. Daniel Wyld held 750A land with Philip Chesley (land certificate)
 1654 Mr. Daniel Wyld sold 450A to George Lee 450A who later sold to Robert Spring
 3/2/53/4 Joseph Croshaw patented 700A
 3/27/54 Samuel Fenne sold land to William Morris (York planter)
 5/6/54 William Gautlett received 920A patent, renewed 12/22/62
 6/10/54 Robert Wyld patented 800A
 6/10/54 Philip Chesley and Daniel Wyld patented 750A
 6/25/54 Robert Vaulx patented 550A
 7/24/54 Thomas Pinkethman patented 80A
 10/16/54 Joseph Croshaw to Phillip Walker 100A
 11/22/54 Joseph Croshaw to Thomas Smith 700A
 12/24/54 Thomas Poynter to John Margaretts 50A
 1654/5 Elizabeth Walker willed 100A on the north side of Queens Creek to son Stephen
 1654/5 Thomas Smith (carpenter) to James Harris (planter) north side of the Old Mill Swampe and part of 700A Thomas Smith bought from Joseph Croshaw
 1655 Thomas Smith sold 590A to Mathew Huberd & 580A to Bourne & Captain Daniel Parke
 1655 John Horsington purchased 300A from Robert Bourne and Henry Tyler
 1/4/55 Thomas Meekins 100A from James Harris then to Robert Bartlett
 1/18/55 Daniel Wyld sold his share of Great Neck patent (100A) to Philip Chesley
 6/7/55 Philip Chesley patented 1,000A
 8/18/55 Mathew Huberd (3) 590A patent from Mathew Huberd (1)
 9/24/55 Thomas Poynter sold 50A to John Margaretts
 9/25/55 William Gautlett sold land to George Smith 50A
 10/8/55 Robert Bourne and Daniel Parke patented 580A
 2/24/55/6 George Smith bought 50A from William Gautlett
 2/24/55/6 George Smith bought 100A from Thomas Pinkethman and Thomas Adams
 1656 Stephen Royston sold 50A land to Thomas Poynter
 5/1/56 Thomas Bromfield patented 315A bequethed to Hannah Price (formerly Mansell's land)
 7/27/56 Captain David Mansell sold 100A to Thomas Poynter who sold 50A to John Margaretts
 9/6/56 Thomas Poynter assigned other 50A to Stephen Royston; Royston assigned it back to Thomas Poynter
 10/26/56 Dickenson to Richard Thorpe 150A (from 1648)
 11/2/56 Thomas Smith to Robert Taylor 300A (part of 700A Croshaw sold Smith 11/22/54)
 4/10/57 Robert Vaulx patented 330A
 9/10/57 Thomas & Hannah Bromfield to John Dickenson 100A
 10/26/57 John Dickenson sold land to Richard Thorpe
 2/9/57/8 Thomas Smith to Stephen Royston 120A
 1658 Thomas Smith sold 100A to Abraham Spencer (part of 700A)
 1658 Thomas Smith sold 120A to Stephen Royston (part of 700A)
 4/24/58 Stephen Royston assigned same 120A to George Poindexter
 4/24/58 Thomas Poynter assigned Stephen Royston 50A (same 50A as 1656)
 7/14/58 Captain David Mansell sold "a piece" to Adam Straughan
 10/3/58 Thomas Smith (Planter) to Rice Jones and Alexander Walker "my now plantation" 94.17A
 10/6/58 Mathew Huberd patented 590A

10/26/58 Croshaw to Parish of Marston 1A
 11/58 Captain David Mansell sold 100A to Thomas Price
 11/6/58 Captain David Mansell sold 100A to Richard Burnett purchased from Major Joseph Croshaw;
 also adjacent to John Woods "as purchased by Thomas Price of Mansell"
 11/25/58 Robert Bourne and Daniel Parke patented 580A (repatent)
 2/24/58/9 Henry Townsen bought 250A From Robert Taylor
 5/6/59 Elizabeth Vault (atty for Robert Vault) leased to Jarrat Hawthorne plantation of late Thomas
 Vault for five years
 7/12/59 Hannah deeded everything Thomas Price left her to Thomas Bromfield. In 1684, when Anne
 (b. 1663) would have been 21, Joseph Frith granted 150A from Hannah's estate.
 1659 DOW(3)53-54 "Mr John Woods land formerly purchased by Thomas Price of Mansell;"
 DOW(6)54 "that formerly did belong to Thomas Price and now in the possession of Mrs.
 Elizabeth Woods"

1660s

1659/60 Robert Horsington purchased 125A from Townsen
 1660 Philip Chesley sold 375A to Mr. Daniel Wyld
 1660 Daniel Wyld to Philip Chesley 1,660A
 2/60 Peter Effard patented 900A in York Co and James City Co. (formerly assigned to John
 Bromfield, brother of Thomas Bromfield)
 7/24/60 Captain Philip Chesley held 750A land with Daniel Wyld (land cert)
 1/25/60/61 Robert Bennett to Wyld
 1661 Chamberlain sold 125A to Henry Taylor and Robert Clarke
 1662 Patent to Alexander Walker and Rice Jones - Rice Jones received all 94A
 1662 580A to Bourne and Captain Daniel Parke
 8/25/62 Mathew Huberd sold land to Thomas Ballard
 9/20/62 Captain Daniel Parke patented 580A
 12/23/62 William Gautlett patented 920A
 1/28/62/3 Thomas Pinkethman patented 125A
 3/18/62/3 Part of Joseph Croshaw's 1653 grant sold to Smith sold to Alex Walker & Rice Jones who
 patented 94.17A
 3/18/62/3 Robert Weeks patented 50A
 3/18/62/3 John Horsington patented 350A
 3/19/62/3 Daniel Wyld patented 1,484A
 6/18/63 William Grimes patented 100A
 6/18/63 Governor Berkeley granted Henry White 100A, which White patented
 1664 John Davis (1) purchased 100+A from John Thomas
 9/13/64 Richard Page patented 100A
 1665 John Thomas held 250A land Queens Creek left to wife and sons, Stephen and Edward
 11/13/65 William Bell purchased 125A from Robert Horsington
 12/8/65 William Gautlett sold 100A to John Daniel
 1/15/65/6 Henry Townsen to Alexander Duncomb
 2/12/65/6 Henry White assigned 100A to Henry Townsen
 2/26/65/6 William Gautlett to Morris Hurd 370A
 3/26/66 Henry Townsen sold 50A to William Bell (planter of Marston)
 4/66 Henry Townsen sold 50A to Adam Straughan
 1666 Straughan assigned 50A in Townsen to Straughan to John Martin
 6/66 Henry Townsen: grantor of Henry White's escheated land
 9/10/66 Mr. Ashaell Batten sold 100A to Henry Bingfield
 1667 Croshaw to Otto Thorpe
 3/2/66/7 Mathew Huberd sold 100A to John and Mary Scott
 1667/8 Cooper sold 100A to Francis Durphey

10/5/68 Morris Hurd sold 50A (originally from William Gautlett) to Nicholas Lewis
 11/10/68 James Bullock purchased land from Adam Straughan from John Cole
 1/25/68/9 John Cole leased James Bullock's land
 2/12/68/9 Thomas Meekin sold 100A to Robert Bartlett who assigned (2/18/70/1) to Nicholas Lewis then to John Bates

1670s

1670 Captain Daniel Parke purchased 50A from Turner
 1670 Robert Bartlett sold 100A to Nicholas Lewis
 1/24/69/70 Peter & Sarah Glenister to Thomas Cobbs 20A
 2/24/69/70 Joseph Frith leased to Leonard Dickenson for 99 yrs (rerecorded on 6/24/86)
 1671 Mr. John Bowler held land with Robert Whitehaire
 1/18/71/2 William Bell sold 50A to Poindexter in Marston Mill Swamp
 1672 John Davis sold 250A to James Vaulx to Robert Vaulx
 1672 Mr. James Vaulx bought 250A from Thomas Davis
 4/4/72 John Harris to Pierson 50A
 8/16/72 Land sold by Ashaell Batten to Henry Bingfield assigned to Captain Daniel Parke
 3/74/5 Daniel Wyld patented 100A
 9/14/78 Joseph Frith to Christopher Pierson 40A
 12/19/79 Pierson purchased 90A part as 40A from Joseph Frith and part as 50A from John Harris (part of 100A bought by John Fabling from Captain David Mansell)
 12/19/79 Joseph & Ann Frith to Leonard Dickenson 99 year lease

1680s

1680 Samuel Timson bought 314A from Samuel Weldon and William Sherwood
 6/24/81 George Lee and Daniel Wyld sold to Robert and Ann Spring
 9/22/82 John Smith patented 78A
 1682/3 Robert Vaulx sold 370A to James Archer
 1682/3 Robert Vaulx sold 550/600A to Reverend Peter Temple
 1683 Peter Glenister sold 80A to Edmund Cobbs
 4/16/83 Peter Glenister patented 80A
 4/20/84 Joseph Frith patented Hannah Bromfield's 150A from Thomas Price
 9/16/84 Robert and Ann Spring sold land to Sarah Webb
 1686 Joseph Frith sold to Samuel Richardson 60A
 1/1686/7 Joseph Frith sold to Thomas Yates 60A part of 4/20/84 patent
 11/24/87 John West sold 600A to Edmund Jenings Esquire (of York Co) called Poplar Creek
 1689 William Thomas to Parke and George Brown (Captain David Mansell, previous owner)
 2/16/89 Parke purchased 130A from William Bell, whose father bought it from Horsington and Townsen
 12/18/89 Mathew Huberd (3) to George Martin Sr

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