

ATTITUDES TOWARD DRINKING AND DRUNKENNESS
//
IN SEVENTEENTH-CENTURY VIRGINIA

A Thesis

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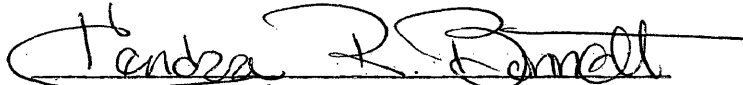
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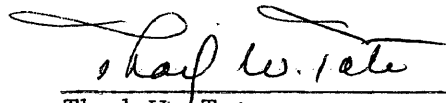
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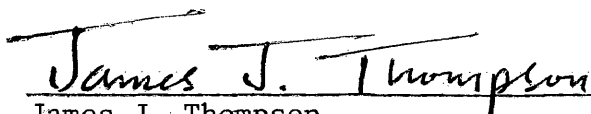
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ABSTRACT

This thesis was written in response to the popular histories supporting the traditional belief that drinking was excessive in colonial Virginia and that the settlers were drunkards. Its purpose was to offer historians an alternate picture of the drinking habits in seventeenth-century Virginia.

In the first chapter, the author demonstrated how essential liquor was to life in Virginia. Liquor, for example, served as an alternative to water, a medicine, and as a social stimulant.

Despite the heavy reliance on alcohol, an argument, based on a study of colonial legislation and court order books, was made against widespread intemperance.

The legislation, rather than being issued in response to an existing problem, was passed prior to settlement. The court records showed drunkenness to have been the least common misdemeanor, but with the highest rate of conviction.

The findings suggest that although liquor was an integral part of Virginia social life, the colonies distinguished between drinking and drunkenness.

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INTRODUCTION

For the past several decades historians have misinterpreted and misrepresented the drinking habits of the American colonists. Shallow or careless in assessing the impact of alcoholic beverages in colonial America, they have fostered a popular misconception that centers around a tavern scene replete with lusty men crowded about a table singing bawdy tunes and drinking tankard after tankard of beer or cider, served by some buxom wench just off the boat from Liverpool. The taproom, as generally conceived, was dark, smoky, and forever filled with red-nosed colonial patrons who spent mornings and afternoons suffering the consequences of their intemperate evenings.

Perhaps it is not surprising to find the early monographs describing drinking activities in this manner. Alice Morse Earle, infected with the temperance enthusiasm of her day, might even be excused for writing, "In nothing is more contrast shown between our present day and colonial times than in the habits of liquor-drinking. We cannot be grateful enough for the temperance reform . . . so sadly needed."¹ But her opinion outlived its Victorian context, and many popular historians continued to exaggerate the colonists' drinking capacity. Employing the grossest of generalizations, they perpetuated myths of pervasive alcoholism among the colonists and successfully denegated their ancestors. James Truslow Adams, for example, asserted that "throughout all the colonies drunkenness was a prevailing vice,

as it was in England, and nearly every event . . . was frequently made the occasion of scandalous intemperance."² William E. Woodward, writing twenty years later, was in complete accord, calling "excessive drinking . . . a universal habit." He further embellished the myth when he wrote, "The total abstainer was looked upon with suspicion by his neighbors and was generally disliked."³

Although often overstated, the element of truth in these accounts hinders revision of such popular impressions and lends credence to traditional conceptions. Colonists did indeed enjoy liquor and are known to have used it for medicine and cooking, as well as drinking. But, too often historians, relying on descriptions of heavy drinking, have resorted to overly simplistic conclusions. The result, found in popular studies of social life and customs in colonial America, is a single sentence distillation of drinking habits: " 'Hard liquors' were consumed in large amounts everywhere," or "Our ancestors of the colonial era came of a race of hard drinkers and they brought their thirst for alcoholic beverages with them to the New World."⁴

The prevailing opinion of drinking and drunkenness in colonial Virginia can usually be attributed to historians limiting their studies to a superficial investigation. Exaggerated use of isolated evidence is illustrated in such sources as the inventory of a Rappahannock gentleman's property in 1686 listing ninety gallons of rum and twenty dozen bottles of wine "reserved for the use of his private table."⁵ Philip Bruce, using this inventory, emphasized the quantities of liquor wealthy planters managed to keep on hand, without considering that the state of plenty reigning in William Fauntleroy's cellar may have been due to any number of special circumstances.

Perhaps the abundance in Fauntleroy's cellar represented the recent arrival of supplies from England. Because the planter could not go down to the corner liquor store everytime he had company or felt a bit dry, it was senseless for him to order one or two bottles at a time. His shipments came from overseas and had to be planned carefully to last him until the next order, which might be several months or a year away. William Byrd's 1685 letter, written to merchants in Barbados, requesting supplies, indicated the quantities with which colonists were used to dealing. He ordered 1200 gallons of rum, but he also requested 3000 pounds of Muscovado sugar, three tuns of molasses, one cask of lime juice, and one barrel of white sugar.⁶ This order was designed to fill his and his family's needs for some time. He may even have bought extra amounts to sell to smaller planters and farmers lacking the volume of trade or capital to deal in large quantities. Because a planter filled his cellar with wine and brandy and ordered beer and cider by the barrel does not necessarily mean that he and his friends spent their days stumbling about the plantation in a stupor.

Misconceptions concerning drinking habits have also grown from failing to consider the comments of contemporary writers in context, a practice that can easily lead to historical error. Firsthand observations are persuasive evidence and are often taken at face value. Intrigued with a cryptic style or entranced by a poetic passage, historians can completely overlook the reporter's prejudices and reasons for writing. In a letter to Edwin Sandys, George Thorpe wrote that his low reputation in the colony was due simply to his good intentions "to bringe droukenness and somme other sinns out of

Fation [fashion]."⁷ Scholars, ignorant of Thorpe's motive for writing, have no way of knowing from this one sentence whether drinking was a serious problem or whether Thorpe was trying to salve a notoriety well deserved of a fanatic moralist who looked upon the boisterous activities of a few individuals as a pox on the entire colony. The same holds true for two men in the 1670s who demanded, in their wills, that there be no drinking at their funerals. As Edmund Watts explained, "Haveing observed . . . the debauched drinking at burials tending much to the dishonor of God and his true Religion, my will is that noe strong drink be p[ro]vided or spent at my burial."⁸ Drinking was common at funerals, and the gentlemen's requests were perfectly legitimate, but are not proof that all thoughts of moderation were left at home when Virginians attended a funeral.

While such observations as those by George Thorpe and Edmund Watts should be regarded with skepticism, comments in the opposite vein demand equal caution. In a letter to the Commissioners of Foreign Plantations in 1662, Governor William Berkeley wrote, Virginia is as "sober and temperate a colony, considering their [the planters'] qualities as was ever sent out of the kingdom."⁹ This remark, less than complimentary to the English colonizing activities, implies a practice of sending only the lowest sorts out on colonizing adventures. Scholars, unaware of Berkeley's position when he addressed the Commissioners, might be tempted to use this quotation to support their thesis that drinking was minimal. Perhaps Berkeley was right. Considering the derelicts and inexperienced gentlemen going to Virginia, they did show remarkable self-restraint. In 1662, however, the governor was on a mission to win assistance and economic favor from the crown and,

hoping to look good to his superiors in England, may have glossed over certain problems. Although contemporary reports provide valuable insight into seventeenth-century life, they do tend to slip out of context easily, making them subject to varied interpretation. Scholars, basing their work heavily on the contemporary sources, but without exercising judgment, are liable to make serious errors.

Popular historians compound their errors by too frequently relying on a random case or two condemning some unfortunate soul for drunkenness to support the hypothesis that widespread intemperance prevailed in colonial America. Certainly tippling sinners existed in seventeenth-century Virginia, as they did elsewhere. That "Robert Warden was ordered to stand at the church door at Nassawattocks with a great pot tyed about his neck thereby signifying the merit of his offence for being drunk" illustrates that individual cases of drunkenness did exist, nothing more.¹⁰ Historians should not extrapolate from a few select cases to indict the entire population of colonial Virginia.¹¹

Finally--and perhaps the most persuasive piece of evidence supporting the contention that excessive drinking was a problem in colonial Virginia--is the wealth of legislation punishing drunkenness and regulating taverns. Dating from the 1606 Charter, laws punishing drunkenness had always been on the colonial statute books. The existence of this legislation has permitted scholars to assume that the frequency of the misdemeanor must have warranted its creation. To those historians restricting themselves to an elementary survey of the laws it hardly seems logical to pass controls over a situation that did not exist. Such thinking led Annie Jester to use a short lived

statute issued by Nathaniel Bacon's Assembly in June 1676 as an example of an attempt "to suppress many long-standing abuses, among them, excessive drinking encouraged by the many taverns and ordinaries in existence."¹² That section in "Bacon's Laws" concerning taverns was inordinately harsh and completely out of keeping with the laws of the time. Taverns were to be limited to James City and the York River ferry landings and could serve nothing stronger than beer or cider.¹³ In her enthusiasm to show that suddenly legislators created the means to combat a serious drinking problem, Jester ignored the law's anomalous nature and failed to mention that it was unenforced and repealed at the conclusion of Bacon's Rebellion.

Although this sort of misdirected logic will receive more attention later, we should remember for now that the Company officials, never having seen Virginia, could only work within the framework of what was familiar to them. They relied on the legislative system in England for guidance in outlining a policy for the proposed colony. Drunkenness and its related sins of idleness and vagrancy were causing problems at home; in the event that situation should be transported to America, laws were passed to deter offenders.

The simplistic analysis of drinking has been augmented by those⁷ historians whose limited understanding of the question has clouded the distinction between heavy drinking, excessive drinking, and drunkenness. Unwittingly they use the three terms interchangeably, while the distinction between them was clear in the minds of Englishmen and their colonial cousins. Few people in the seventeenth century would have denied the general acceptance of alcohol, but similarly they perceived no discrepancy between that and the

statutes punishing excessive indulgence. Although drinking was prevalent and sometimes heavy in Virginia, intemperance was never considered a substitute for sociability.

Whether careless or uninformed, certain historians have encouraged false impressions of drinking in colonial America. But while some have continued to flirt with half-truths and colorful phrases such as the one describing taverns as "poor man's Bacchanalian Mansions,"¹⁴ a few, Louis B. Wright in particular, have painted a more balanced picture. In The First Gentlemen of Virginia, he wrote, "Considering the amount of strong drink consumed, it is remarkable that there are few records of gentlemen who were sots."¹⁵ Like other historians, Wright treated his readers to occasional, amusing anecdotes describing the antics of an errant soul deep in drink, but he always countered with sound logic. "On occasion," he explained, "Robert Carter could celebrate merrily with bottle and cards . . . but neither he nor any of the others were idle dandies, living lives of flippant pleasure. That kind of aristocrat would have quickly suffered bankruptcy and ruin in colonial Virginia."¹⁶

Dispelling the popular image of "the velvet-coated dandy slipped under the table" and lying beside "the leather-jerkined plowman" is difficult.¹⁷ Revision of this interpretation requires more than the temperate opinions of Louis B. Wright. His work represents only the beginning of the study that needs to be done. In keeping with his example, this thesis offers an alternative to the traditional view of colonial drinking habits. It describes the important role of alcohol in daily life, but also seeks to illustrate the forces controlling drunkenness in seventeenth-century Virginia.

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In the early years the paucity of alcoholic beverages effectively limited both drinking and drunkenness. Later, as liquor became plentiful and consumption kept pace, control was primarily self-imposed. Men struggling to domesticate Virginia's wilderness could ill afford to drift through their daily labors in an alcoholic mist or with the aching misery often accompanying a hangover. Of those colonists less inspired to work and more apt to waste time and money in idle tipping, the certainty of both conviction and punishment, should they find themselves presented in court for drunkenness, surely deterred a few from a life of intemperance. ?
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On the other hand, legislation, modelled on earlier English statutes, had only indirect success in controlling drunkenness. It was the vehicle for punishing transgressors, but it remained relatively unchanged through the century. When legislation was revised, it was not to deal with the growing liquor supply and its possible abuse, but in response to new administrations in England and Virginia and to the legislature's desire to collate all misdemeanors into one law. That the statutes did not respond to any drastic rise in the frequency of drunkenness suggests that in the face of liquor's increasing availability, drunkenness, while it no doubt existed, remained within manageable bounds. Therefore, contrary to popular myth, it is entirely possible that alcohol abuse was negligible in seventeenth-century Virginia. ✓

CHAPTER I

LIQUOR IN VIRGINIA'S WILDERNESS SOCIETY

No study of the cultural life in colonial America can be entirely accurate if it fails to examine experiences familiar to the settlers in their homeland. Historians may disagree as to how much of colonial society is a product of English influence, but few would chance misinterpreting the evidence by completely ignoring the world the planters left behind. Some, like Carl Bridenbaugh and Timothy H. Breen, suggest that we have underestimated the importance of English institutions and habits in shaping early American culture.¹ Richard Beale Davis strongly exemplified this school of thought when he wrote, "The seventeenth-century Chesapeake world was primarily agrarian, military, and religious; above all, it was transplanted Renaissance England."² This study of drinking and its regulation supports Davis's thesis. The roots for attitudes toward drinking as well as the vehicles used to regulate alcohol's abuse were found in Tudor-Stuart England. The attitudes and laws were little more than elements of a familiar life style that colonists tried to continue in Virginia.

The English heritage, however, did not preclude the existence of some peculiarly American developments. The scarcity of liquor in the early years of the Virginia colony, for example, prevented intemperance from being as serious a problem in Virginia as it was at home. Secondly, while England was transforming from a feudal and

agrarian to a capitalist society and pushing many peasant farmers off the soil, America remained a land of hope. People came to America looking for a new start or a quick fortune. But whether they came to escape from debts or to find gold and silver, their hope kept Virginia alive in the early years; it kept new settlers coming. Although the colonists' dreams were often unrealized, potential for success was certainly greater than in England. Land, for one thing, was more plentiful, and with some luck and a lot of hard work a man could survive and even thrive. With this in her favor, Virginia's colonial period, even in times of strife and insecurity, was a time of more hope than one found in England, and Virginians had relatively fewer societal woes to drown in a bottle.³

Despite the American distinctions, attitudes toward liquor were much the same in both countries. Englishmen and liquor were old acquaintances, a friendship that sometimes led to inebriation. Scattered ✓ reports of drinking and drunkenness occurred as early as the thirteenth century. "The whole land," remarked Roger of Hoveden, "was filled with drink and drinkers."⁴ Although occasional incidents of drunkenness and the corrupt behavior often associated with it continued to appear through the seventeenth century, seemingly most Englishmen recognized that liquor intemperately used would restrict productivity and make men unaccountable for their actions. Intolerance } of drunkenness, however, never eventuated in support for temperance reform or prohibition.⁵ In the seventeenth century drinking was an ⁷ integral part of life and all members of the family drank alcoholic beverages. This is not to say that small children enjoyed a steady } diet of distilled liquors, but cider and ale, which were easier to

preserve, were consumed at meals much the way people now drink milk or fruit juice, both of which would have spoiled quickly.

The first English voyagers to the New World expected to continue their old habits as closely as possible. They never imagined the rigor of the struggle for food and survival that awaited them in America. Men came to Virginia in response to the tales of wealth and of a land of paradise that rang through England and Europe. Gold, precious gems, and luxury commodities only needed to be gathered. Unproductive explorations and aborted settlements in Newfoundland and Roanoke crushed few hopes. These early adventurers, their minds and hearts infected with thoughts of wealth, came in search of the "Mynes, and Minnerales of Gold, silver, and other Metal or Treasure [,] Pearles, precious stones . . . or profits" to which their stock in the Virginia Company entitled them.⁶ Englishmen dreamed of material gains, but wasted little thought on the necessities for survival.

In 1607 when the first planters landed at Jamestown, they were ill-equipped to handle the new environment, but at the time that seemed unimportant. Many men were preoccupied with the search for wealth. Disappointed that the land was "not stuffed with . . . gold and silver,"⁷ they nevertheless gathered any marketable commodity available. "Our easiest and richest commodity," Captain Newport recorded, "being sassafras roots, were gathered up by the sailors with loss and spoil of many of our tools and with drawing of our men from our labor."⁸ The men were as careless with food and drink as with the tools. There was little rationing. At a Whitsunday celebration enough liquor was lavished on Chief Powhatan to get him drunk. Powhatan told Newport and others that the "hott Drynckes he thought caused his greefe."⁹

The lessons from such carefree use of supplies were quick in coming. By summer, Samuel Purchas complained, "Our drink was unwholesome water; our lodgings castles in the air, had we been as free from all sins as from gluttony and drunkenness, we might have been canonized for saints." He continued saying that the "sack, and aquavite were all spent saving twoe gallons of each, the sack was reserved for the Communion Table."¹⁰

Meager supplies remained a problem. External circumstances dictated that Virginia would be a sober and temperate colony. The colonists and their organizers in England, however, were eager to remedy that situation. Whenever the settlers were able to request anything from England, liquor was high on their list.¹¹ Beer and cider were sent to Jamestown along with distilled beverages and foodstuffs, but because of the weight involved in transporting hogsheads of beer, Sir Thomas Gates and Sir George Somers were anxious to have brewers emigrate. In 1609 they were therefore among the skilled artisans encouraged to go to the colony.¹² Although seemingly a small concern compared to many more serious needs in the wilderness, beer was an important alternative to water, and brewing became one of the earliest industries in America.

Men and women in the seventeenth century were familiar with the illnesses and diseases resulting from drinking bad water. Those who came from English cities such as London or Plymouth were particularly aware of the properties of foul water. Virginians repeatedly blamed those disorders accompanying the seasoning period on the necessity to drink water from "the [James] river, which was at a floud verie salt[y], at a low tide full of slime and filth."¹³

It had the properties to reduce "them to an irrecoverable, lingering, ill habit of body."¹⁴ The solution was to make beer and ale, thus boiling the contaminated water, besides imparting a more palatable taste to the liquid, or make other beverages without water, like cider or perry.¹⁵

While some beer was made commercially, for the most part brewing remained a domestic chore.¹⁶ Once the greatest suffering was over, women began brewing the family's ale, a task so important to good health that John Hammond found it necessary to chastize women he felt to be lax. "Beare," he wrote, "is indeed in some place[s] constantly drunken, in other some, nothing but Water or Milk, and Water or Beverage; and that is where the goodwives, (if I may so call them) are negligent and idle; for it is not for want of Corn to make Malt with . . . but because they are sloathful and carelesse."¹⁷ This and similar tracts and letters further evince the importance of alcohol in colonial Virginia. With liquor regarded as beneficial to life, most people pitied those unable to have it.

Once the worst conditions had passed, men found time to make cider as well as beer. Claude Durand, a French Huguenot traveling in Virginia in the 1680s, was constantly amazed at the quantities of cider he saw being made. In Gloucester County the apple pressing season was a festive occasion. Toasts were frequent with everyone being "requested to drink so freely that even if there were twenty, all would drink to a stranger and he must pledge them all." The Frenchman, however, unconsciously exaggerated the colonists' drinking abilities. He complained that Virginians drank their cider too quickly, failing to allow it to age, and added that, "They make so

much cider . . . that if they knew how to manage, they would always have some left at the end of the year."¹⁸ Perhaps colonial Virginians did consume their cider quickly by French standards, but Durand failed to realize that among the common people cider was enjoyed with meals and was as much a part of the diet as wine was to the Frenchman's. Far from an everyday occurrence, the drinking and frivolity he encountered in Gloucester were to celebrate the annual cider making and to give the local people a break from the daily routine. Despite Durand's exaggerations, his comments provide additional proof of liquor's acceptance in colonial society.

There was yet another beverage intended to compensate for the paucity of imported liquors. That was wine. The Virginia Company needed something to offset the expenses of setting up the colony and were impatient for a successful, profit-making venture. Until tobacco proved prosperous wine-making was one of their greatest hopes. Almost from the first it was known that "the Countrey yeeldeth naturally great store [of grapes], and of sundry sorts." It was thought that by combining the native grapes with some from Europe and by bringing over some "skilfull Vignerons" the Virginia Company would have a cash crop, and the Virginians an inexpensive wine to drink. A colonist named John Pory was probably the most enthusiastic participant in the project. His descriptions of the grapes were very encouraging: "Vines here are in such abundance, as wheresoever a man treads, they are ready to embrace his foote." He expressed the dreams of many when he wrote to Sir Edwin Sandys in January 1620, "And vineyards beinge once planted . . . wee might (for want of other commodities) lade all the ships that come, with as rich wines as

France and Spaine doth Yield." That same year eight wine makers from France were sent over to carry out the Company's plans.¹⁹

Hindsight gives historians the advantage of knowing that wine was not to be the great export of Virginia, but the Virginia Company unwillingly gave up her wine-making dreams. Even after tobacco became successful, the General Assembly directed the colonists to grow grapes, and punishments were created for those who disobeyed. The Frenchmen sent over to make wine were among the first to suffer. Because they were unsuccessful and deemed lazy, the government refused to grant them the privilege of growing tobacco. Also in 1631/2 tobacco growers were told that they must plant five vines for every poll, an old term in this context probably meaning per person.²⁰ The following year that number was raised to twenty vines. In a last attempt to encourage wine production, the authorities, by virtue of a 1658 statute, offered a reward of ten thousand pounds of tobacco to anyone making two tuns of wine.²¹

Despite attempts to make enough liquor to satisfy the domestic need and the Company's hope for a cash crop, alcoholic beverages, indeed all provisions, remained in short supply during the first quarter of the seventeenth century. Reports of conditions in Virginia varied after about 1617, but as late as 1625 a petition to the king decried the "skant supplie of necessaries this yeare not sufficient to cover our nakedness."²² When ships, occasionally referred to as "floating taverns,"²³ arrived at port, there were intervals of abundance, but the general shortage and mismanagement of food and liquor supplies prevented excessive drinking from being a problem.

But whether scarce or plentiful, to the colonists alcohol was one of "God's Creatures."²⁴ Its value as a safe alternative to water and a staple with meals has been explored, but the colonists also believed that liquor had medicinal values. John Smith called liquor one of the "preservatives for our health."²⁵ He may have been referring to liquor as an alternative to water, but possibly he meant its restorative powers. The latter use was clearly intended in a 1628 court case. In that year a settler named Douglas was charged with failing to deliver one of the hogsheads of sack ordered by George Yeardley. Douglas's only excuse for his omission was that he had used the sack at sea "for the reliefe of sick people."²⁶ Those restorative powers were further outlined in an early eighteenth-century cookbook containing home remedies. The book included concoctions to cure maladies from indigestion and gout to hysteria, and all called for liquor. The most shocking of the family medicines was viper wine. Three dozen poisonous snakes were cleaned and gutted, then soaked in a gallon of Madeira for two months. Although there was no indication as to what the wine cured, a wine glass full was taken with breakfast and dinner. Aside from remedies, the book had recipes for custard and teacakes, both using a pint of wine, while the directions for making pancakes called for sack. Similarly, Virginians enjoyed lacing the sauces and dressings for meat and fish.²⁷

Though the uses of liquor appear limited only by the imagination, the primary function of alcohol remained its talent to inspire sociability. Indeed the ability of alcohol to promote fellowship was almost unequalled. Men repaid kindness with gifts of wine, brandy, and, occasionally, with domestic specialities. John Egerton, the

Earl of Bridgewater, once received some very strong peach water from a well-wisher in Virginia.²⁸ The practice of sending gifts of alcoholic beverages was appreciated on both sides of the Atlantic. The arrival of "a small Remembrance" consisting of two dozen bottles of white wine and the same of claret assured Nicholas Spencer that he still had friends in England.²⁹

Toasting a friend with liquor or giving him a few shillings to buy a drink were also common amenities among men in the seventeenth century. Occasionally Governor Alexander Spotswood gave an acquaintance "a Token to drink" with his cousin, John Spotswood, in Scotland.³⁰ Often these salutations for health and happiness were directed to the royal family. John Lederer and a group of men exploring western Virginia, for example, reached the mountain peak after a particularly difficult ascent and toasted their success by drinking the king's health.³¹

But the fraternity and good will produced over a couple of drinks were perhaps liquor's greatest qualities. Although drunkenness could have the opposite effect, before that point was reached men lowered their defenses and became more receptive to friendship.³² Doctors have recognized this condition; in 1940 a psychiatrist wrote, "Alcohol is a sort of chemotherapy for undue stressIt releases exuberance, good fellowship and friendliness, all of which are exceedingly valuable to man."³³ Fears and tensions abounded in the New World. Virginians threatened by Indians and other dangers related to the unknown wilderness, cherished those times when enjoying a few drinks with friends their inhibitions were forgotten or relaxed. Occasions like cider season, with its unbridled drinking, (

increased social harmony. The cider flowed freely and friends and strangers alike lifted a glass in a gesture of fellowship.

Festivities gave Virginians a break from routine. After a few drinks and relaxation they could again cope with the realities of pioneer life. Social gatherings also allowed men and women to renew friendships with distant neighbors and to strengthen community ties. This last feature had additional importance in colonial Virginia where towns were few and farms spread out. Lacking the close-knit, village community enjoyed by their New England brethren, Virginians relied primarily on political, religious, and social events to bring them together. Again Durand recorded one of the colonists' more frivolous times. His description of a country wedding provides a detailed look at the drinking activities of Virginians at play. "The Indians [colonists]," he explained, "eat almost no bread, seldom drink during meals; but they did nothing afterwards, for the rest of the day and all night, but drink, smoke, sing and dance. They had no wine; they drank beer, cider, and punch, a mixture prepared in a large bowl. They put in three jugs of beer, three jugs of brandy, three pounds of sugar, some nutmegs and cinnamon, mix them well together and when the sugar has melted they drink it, and while making away with the first, they prepare another bowl of it." When Durand grew tired and wished to rest, his host "would not put it [his blanket] in the hall for fear [here?] the drunken fellows would fall over me and keep me from sleeping. They caroused all night long and when it was day . . . I did not see one who could stand straight."³⁴

The good times enhanced by liquor were not restricted to any one class. Durand found the liquor flowing just as freely at the homes of

the wealthy. At Ralph Wormeley's plantation "the gentlemen immediately had bowles of punch prepared, and they began to carouse, while I went walking." Durand had the Frenchman's palate for wine, but he was not enthusiastic about drinking large amounts of cider and punch. As he traveled about Virginia he made constant note of the strength of the liquor and its abundance. After visiting William Fitzhugh he wrote that his host "treated us royally," but added, "There was a great deal of carousing."³⁵

Intemperance prevailed in Durand's picture of Virginia social life. Like their English cousins, Virginians were capable of engaging in drunken revelry. The Frenchman's observations made that clear, but the occasions he chose to write about were far from ordinary. The scene in Gloucester described by Durand occurred during the cider season; the wedding was an affair families had anticipated and now celebrated heartily; and the wealthy gentlemen probably drank excessively in an effort to impress and entertain their continental guest.

Furthermore, in the light of the financial ruin awaiting farmer and planter alike who wasted their days in idle drunkenness, it becomes obvious that Durand could not have been recording everyday life. The common farmer, surviving just above subsistence if he was fortunate, would have perished had he spent every night like the one at the wedding. As for the wealthy planter, in the seventeenth century his money was not inherited; it was built on hard work and a watchful eye. He did not entrust the running of his plantation to an overseer. William Fitzhugh, whom Durand accused of giving a party with "a great deal of carousing," always tried to keep his drinking

in moderation. There were times when he failed in this endeavor, but in his later years Fitzhugh attributed his good health to the fact that he "never much frequented Bacchus Orgeyes [and] . . . avoided hard drinking."³⁶

Liquor was appreciated for the harmony it could instill in men,⁷ but too much of even a good thing was dangerous. Too much drinking and the friendly atmosphere could degenerate, resulting in a fight. By the 1680s Virginia had for some years been the scene of unrest. Twenty years before servant uprisings disturbed the countryside. In the 1670s it was Bacon's Rebellion. Finally, during the early 1680s men faced with economic ruin exploded in a series of tobacco plant cutting riots. The government recognized liquor's volatile nature and attributed the outbreak, in part, to the cider season. They realized that the intemperate consumption of cider could lead angry men to perform acts they might have shunned in their more sober moments. Even supposing the cider imbibed while apple pressing was yet unfermented, authorities had reason to worry over the tendency of men to gather together as they drank the fresh cider. If they began to compare miseries, these occasions could degenerate into "Tumultious and Riatous Meetings."³⁷ But through the worst of times most people retained their faith in liquor's good qualities. In a letter to Lord Blathwayt, Lord Howard of Effingham hoped that "the Kings, Queens, and Royal family's healths . . . unanimously, and che[e]rfully drunk" at the "Cockney feast . . . may perhaps take many persons thoughts a little of[f] from other designes."³⁸

In the seventeenth century drinking was, then, an accepted social practice. Suffering with inadequate supplies in the early

years at Jamestown, Virginians were forced to live in sobriety. It was an unsatisfactory condition, with the settlers attributing their illnesses to the lack of more potable beverages such as beer and cider. As soon as possible they turned to producing beer, cider, and some wine and also imported liquors from England. As alcohol became more plentiful, it was used in cooking and for curing all manner of ailments. When Virginians celebrated or mourned, they drank, occasionally to excess. The scattered court cases indicate that men and women of all classes were susceptible to the powers of drink. Farmers, Burgesses, even ministers could become "severally disordered."³⁹ But in keeping with their respect for liquor and their abhorrence of excess, intemperance was regulated by law, and the tippler who acted in an uncivil manner or created a public nuisance was punished. This was merely an effort to maintain social harmony, without attempting to suppress drinking itself. Liquor, one of "God's Creatures," was praised; only drunkenness was despised.

CHAPTER II

VIRGINIA'S LEGISLATION PUNISHING DRUNKENNESS

Temperate use of liquor as well as occasional bouts of heavy drinking were accepted by both Englishmen and Virginians. Drunkenness, however, was another and intolerable matter. It interfered with a person's productivity, to say nothing of its effect on his or her social behavior.¹ While this attitude toward intemperance existed in England prior to the seventeenth century, concern rose to new heights during the last years of Queen Elizabeth's reign. The introduction of legislation, first to regulate taverns and later to punish drunkenness, coincided with England's increasing problems of population displacement.²

England was in the throes of a socio-cultural revolution; the continual wars, depressions, and food shortages were beginning to wear on the lower strata of society. The growing movement for enclosure forced many families off the land long farmed by their ancestors. The poor faced with insecurity were unable to acquiesce forever; those incapable of adapting to the changes often became wandering beggars, moving aimlessly from parish to parish. Idleness, violence, and robbery became serious problems in England, necessitating governmental intervention. In 1597 Elizabeth I ordered that "rogues, vagabonds and sturdy beggars" "settle themselves in some service, labour or other lawful course of life, without wandering." Those failing to comply would be labeled felons and treated accordingly.

The statute's impact is doubtful. Although a few people perhaps decided to settle down after 1597, enough "lewd and licentious persons," faced with starvation, must have continued to loot fields and orchards for food to justify James I taking up Elizabeth's war on the unworthy poor.³

While some of these poor, dispossessed people continued to express their anger through violence and looting, others sought relief at their local tavern. There men and women wasted away time and money drinking. Some drank to enjoy a temporary release from problems, others simply had nothing better to do.⁴ Just how much drinking or drunkenness increased in the late sixteenth and early seventeenth centuries is uncertain. Towns such as Essex, however, thought the situation unbearable and expressed considerable concern over the idle, tippling ways of their "bad husbands." Their complaints were enough to make local government respond with a few ineffective measures to close an occasional tavern.⁵

King James I and Parliament reacted similarly to the problems of disorder. By 1604 they perceived a relationship between the alarming growth in idleness and the activity at the local alehouse. Serving the needs of travelers, once the primary function of taverns, had become secondary. Now they were gathering places for idle townspeople whose discontentment and tempers were easily aroused by liquor. The potential for trouble was high and the government took steps to remind innkeepers that their establishments were "not meant for entertainment and harbouring of lewd and idle people to spend and consume their money and time in lewd and drunken manner." Parliament further hoped to discourage unproductive habits by

limiting the time local people could spend in the hostelry. Under the 1604 statute, working men were restricted to one hour for dinner on work days, otherwise they had to be visiting an inn guest.

Unrest continued and eventually the tavern became off limits to townspeople.⁶ It was a strong position for Parliament to take and probably difficult to enforce, but it was necessary. If taverns promoted excessive drinking and laziness or increased the chance of disturbance among already hostile people, their activity had to be curtailed. Disorderly times alone demanded such action, action intended to restrict, but not to prohibit, drinking.

But regulating the taverns was not enough. In 1606 Parliament took measures to deal more directly with drunkenness. Along with new tavern regulations, they issued legislation designed "for repressing the odious and loathsom[e] sin of drunkenness." Both king and Parliament were anxious for drunken sinners to see the error of their ways and for England to return to more orderly times. But their apprehension went beyond the issue of harmony at home. When in that same year the Virginia Company of London and Plymouth received its first charter, anxieties over lazy, intemperate Englishmen were transferred into fears over the possibility of equally troublesome settlers. The charter, therefore, provided the President and his Council with the "power . . . to punish all Manner of excess, through Drunkenesse or otherwise, and all idle, loytering and vagrant persons."⁷

It was the condition in England that put drunkenness among the original statutes. Should the colonial leaders experience any problem with the "gallants in silks and satins, [or the] dissipated

men of the world, still smelling of the stews and grogshops of London," they possessed the legal means to control them.⁸ But with liquor, indeed all provisions, in short supply during the early years, and excessive drinking less than a major worry in the Old Dominion, there had to exist other reasons for retaining and reissuing the laws punishing drunkenness.

In the first place, officials in England and Virginia realized the planters were anything but model colonizers. Perhaps the English were not deliberately dumping the dregs of humanity in Virginia, and Jamestown may not have had a monopoly on the unfit of the world, but enough "Rogues, whores, desolute and rooting persons" found their way to Virginia to worry authorities.⁹ Neither "gallants" nor "Rogues" put out much effort to gain the leaders' respect. John Smith, one of the few men with the insight to realize that the men needed someone to set an example and work by their side, noted that "they would rather starve and rot with idlenes[s] than be persuaded to do any thing for their owne reliefe."¹⁰ Thus, with some colonists clearly given to idleness and apt to drink excessively should liquor become abundant, it was wise to retain the statutes forbidding any sort of disorderly conduct. Should such laws ever be needed, they were readily available.

Despite vows to abolish all "store of idlenesse" and the Reverend Mr. Crawshaw's incessant warnings to "suffer no sinfull, no leaud, no licentious men, none that live not under the obedience of good lawes,"¹¹ many of the early settlers, unprepared for the hardships they met in Virginia, were indifferent to survival. When Thomas Gates arrived as governor in 1610 he found it necessary to

put Jamestown under martial law. The Lawes Divine, Morall and Martial regulated the settlers as if they were soldiers on a foreign campaign. The laws against Sabbath breaking, swearing, and gaming all had English precedent. The original Lawes, however, failed to mention drunkenness, an omission remedied in the 1611 revision. At that time captains were instructed to watch for "disorders, gaming, intemperate meeting . . . in the streets or within the houses." And the lowly private was warned to "eschew that detestable vice of drunkennesse, for then a man is not apt nor good for anything."¹²

This last clause expressed the fear that intemperance reduced productivity, a concern in England, but with even greater immediacy in colonial Virginia. Like the idler, the drunk man was useless and unable to carry his portion of the work load. This attitude was expressed often as in the 1621 instructions to the governor to "cause our people to applie themselves to an industrious course of life in following the[i]r buissinesies. . . . And that no man bee suffered to live idly the example wherof might prove pernicious to the rest . . . and above all things [to suppress] that odious vice of drunkennes[s]."¹³

Secondly, the decision to keep drunkenness among the Virginia statutes was an attempt to conform to English law. In the effort to regulate social behavior and keep the settlers productive, colonial authorities followed the instructions issued by king, Parliament, and Virginia Company. Throughout the seventeenth century governors, Councils, and Burgesses were instructed "to be industrious and sup[p]ress drunkenness" or "to take care that Drunken[n]ess, Debauchery, Swearing and Blasphemy bee sever[e]ly

punished." That the advice emanated from Englishmen whose only contact with the colony was by letter and was influenced more by the conditions at home than those in Virginia was inconsequential. Virginians respected the authority behind those instructions and responded by passing legislation "as neer to the common lawes of England . . . as may be."¹⁴ The Acts of Assembly punishing drunkenness and regulating taverns reflect little original thought. The regulations were tantamount to carbon copies of English laws. Many quoted verbatim from the English Statutes at Large, and most contained at least a phrase from the original.

England set the precedent for colonial law throughout the century. The first of these behavioral regulations passed by the General Assembly in 1619--"against Idleness, Gaming, drunken[n]es[s] and excesse in apparell"--was actually written by His Majesties Council of Virginia in England. The statute called for the first offense of drunkenness to be admonished privately by a minister. A second conviction demanded public censure. Any tippler so devoted to drink that he was found guilty a third time was fined and set in the stocks for twelve hours. After the third offense the drunkard's fate was in the hands of the governor and his council. Military officers faced a similar series of punishments. Their third offence, however, resulted in loss of rank, restorable by the governor when the tippler proved that his behavior had mended.¹⁵

Later statutes demonstrated their English origins in phrases such as that from a 1632 statute: "That all and every person or persons which shall be drunke, and of the same offence of drunken[n]es[s] shall be lawfully convicted." This is a direct quotation from the 1606

English statute, and, as in the original, the tippler was subject to a fine of five shillings. Also, the use of terms "God's good creatures" or simply "God's creatures" was popular on both sides of the Atlantic.¹⁶ The correlations between English and Virginian law are endless and all point to England's impact on the colony.

Prior to this similarity in attitude becoming obvious there was a point at which the colonial legislation appeared to be developing along lines alien to anything in England. At first glance it seemed that as liquor became more available, attitudes toward drunkenness grew more hostile. The 1619 Act of Assembly linked intemperance with the sins of idleness, gaming, and flamboyant dress. If seen in terms of a linear progression beginning with minor misdemeanors such as extravagant dress and progressing up to murder felonies, the sins of idleness, gaming, and drunkenness fall among the lesser offenses. A new statute passed in 1623 listed drunkenness and swearing together, perhaps an indication that in the public mind intemperance had become ever so slightly more of a problem. After all, to the seventeenth-century way of thinking, swearing, a sin against God, was worse than gaming. The difference was insufficient to base a case on, but the hypothesis was strengthened by a 1642 act. That year the Burgesses included "the high and fowle offences of adultery, whoredome or fornication," with "the loathsome sinne of drunkennes[s]." Not only was excessive drinking associated with these sex crimes, but the lesser infractions of Sabbath breaking and swearing were set apart from the former in a separate clause.¹⁷

But the possibility that the pattern of legislation reflected increasing hostility to drunkenness may be quickly removed. In combining the laws prosecuting intemperance, idleness, swearing, and adultery, the legislators were simply undertaking a little legal housekeeping. They were trying to clear up the statute books, making laws easier to understand and to enforce. In 1657 the Assembly expressed concern that "the acts . . . through multiplicite of alterations and repeales are become so difficult, that the course of justice is thereby obstructed." They remedied the confusion by collating all the misdemeanors together into one act.¹⁸

Most successive Assemblies, echoing similar qualms over the confusion, worked to simplify the laws. One brief resurgence of the trend theory arose from the strong wording used in an act passed in 1691. This statute accused the "loathsom[e] and odious sin of drunkenness [of] . . . being the root and foundation of many other enormous sins, as bloodshed, stobbing, murther, swearing, fornication, adultery and such like." The Assemblymen went on to decry "the overthrow of many good acts and manuall trades, the disableing of divers workmen, and the generall impoverishing of many of their majesties good subjects, abusively wasting the good creatures of God."¹⁹ With drunkenness being held responsible for the most serious felonies, it was just possible that the misdemeanor had transcended former bounds and had advanced along the spectrum of crimes into the category of a felony. This notion can, however, be quickly dispelled. The 1691 Act of Assembly was a word for word copy of the English statute of 1606. Although colonial statutes had borrowed phrases and fine rates from the 1606 act before, it took

eighty-five years before the bulk of the law appeared in Virginia. Why it was not used earlier is uncertain, but the fact remains that as late as 1691 colonial attitudes, as expressed in the laws, had not progressed beyond the position held in England just prior to the founding of Jamestown.

By the time the 1696 act punishing misdemeanors ranging from "the sins of swearing, cursing, profaining God's holy name, sabbath abusing, drunkenness, fornication and adultery" was issued, the only observable trend was the government's move to simplify the legislation and to abolish contradictions, thus making "for the better regulation whereof for the future, and the better to prevent and deter all offenders from the said offences and sins." The government set down a simple list of crimes and their punishments. "Swearing, cursing, profaining God's holy name" carried a one shilling fine. Sabbath breaking was punished with a twenty shillings fine. The sin of intemperance fell in between with a forfeiture of ten shillings or one hundred pounds of tobacco. The miscreant unable to pay the fine had to sit in the public stocks for two hours, a much lighter sentence than the twelve hours in the stocks ordered in the 1619 Act of Assembly. The more serious offences of fornication and adultery bore fines of five hundred and one thousand pounds of tobacco respectively. Sinners without the tobacco to pay received either twenty-five lashes or two months in jail.²⁰

Although the fine rates were more sensitive to economic conditions than to the attitudes taken toward crimes, it is still possible to construct a relationship based on relativity. A ten

shillings crime, for example, may be considered only half as serious as a crime boasting a twenty shillings fine. Applying this logic to the spectrum of crimes as it appeared in 1696, drunkenness (ten shillings) fell approximately in the middle between swearing (one shilling) and Sabbath breaking (twenty shillings) and was a long way from the sexual offenses of fornication and adultery. There was a similar pattern in 1631/2. Although all the fines were lower, drunkenness, which carried a fine of five shillings, ranked close to swearing, which cost one shilling per oath, and to Sabbath breaking, at that time also one shilling. By the end of the century, swearing, cursing, drunkenness, and Sabbath breaking all carried fines of five shillings.²¹ Inexact as this sort of analysis must be, it indicates that even as liquor became more plentiful attitudes toward drunkenness remained fairly stable.

The consistency of the laws and the attitudes that they reflected in the face of the increasing availability of liquor suggests that the rate of drunkenness remained more or less constant. The tavern legislation, despite its change in emphasis after 1660, seems to further support the possibility that most Virginians remained temperate by choice.

Their behavior was perhaps linked to the fact that as liquor supplies improved, so did the quality of life. Thus Virginians had added incentive to work hard and drink less. By 1619 Virginia was more than a colony of transients. Adventurers still hunted for gold, silver, and other valuable commodities, but enough men had settled permanently to warrant establishing a formal government with

local representation--the House of Burgesses.²² Young women and entire families came to settle, and men discovered a profitable living in tobacco farming. Although the future was still clouded with Indian massacres, economic difficulties, illness, and a high death rate,²³ many of the hopes for a better life were realized. Success was more attainable in Virginia, and an industrious man could move up in society unhampered by the restrictions of a class structure, as was the case in England. These were incentives to help transform lazy, unproductive men into conscientious citizens who held a stake in the developing colony. The element of hope, unavailable to lower class Englishmen, had kept Virginia alive. It also made for better Virginians.²⁴

While hope was more often rewarded in Virginia than in England, the portrait of success can be too easily exaggerated. Some settlers entering Virginia after 1650 suffered as much as the earlier immigrants. The Indians, for example, remained a threat on Virginia's frontier through the eighteenth century. Bacon's Rebellion in 1676 began, in part, as an attempt to protect farmers on the western frontier from Indian attack. The Old Dominion, despite its mobile society, was also the scene of some class oppression. Indentured servants came to Virginia expecting to do a few years work for a master in exchange for the passage over and a few acres of land. As land in the fertile tidewater area was depleted and the tobacco market became overburdened, servants found it increasingly difficult to obtain freedom. To the established planter every recently freed servant represented a potential competitor in the tobacco market. When at last a servant gained his freedom, the master often refused

to give him the food, clothing, or land promised in the contract. For a period of about twenty-five years (1660-1685) these people, dissatisfied with the Indian threats, the land situation, and the unlawful indenture practices, subjected Virginia to varying degrees of disorder. Their complaints were generally economic and not directly attributable to excessive drinking, nonetheless an interesting change in the tavern regulations occurred that corresponds with the period of unrest.²⁵

In the 1640s the General Assembly, relying on English precedent, ordered all taverns to be licensed. In that way the authorities could better oversee rates and measures. True to their English heritage, Virginia's innkeepers were known for cheating customers with short measures and inflated prices. Presumably licensed innkeepers were more honest because, if found guilty of any infraction, they stood to lose the security bond put up as evidence of their good intentions. Those bonds ran as high as two hundred shillings, a large sum in days when most bargaining was done with tobacco. Although a few towns began licensing their hostelries at least by 1640, official, colony-wide regulations were delayed until October 1644.²⁶

From 1644 to 1661 the Assembly periodically reissued the licensing law, coinciding with the beginning of the reign of a new monarch or the arrival of a new royal governor, but the foremost concern, the "great abuse by the unreasonable rates," remained unchanged. Then, in 1661 and 1662, concurrent with a wave of local servant uprisings, the regulations took on a new tone. Virginia's leaders found themselves facing conditions of unrest similar to those in England on the eve of colonization. While servants in York County accused masters

of putting them to "hard usage" and Gloucester servants planned a march on Green Spring to demand Berkeley authorize their freedom, Assemblymen ordered strict observance of licensing laws to combat the "disorders and riots in ordinaries and other places where drinke is retayled." Many of the servants complaints were legitimate and not necessarily inspired by the bottle, but ordinaries served as excellent meeting places, and liquor could drive angry men to deeds they might otherwise have abjured.²⁷

Faced with the tavern's potential role in disorder, the government reconsidered the objectives of licensing. Under the new law innkeepers were still ordered to keep honest rates and measures, but they also had to see that peace and harmony reigned in their establishments. Licensing further allowed local officials to restrict the number of taverns in each county. In 1668 county commissioners were ordered to restrain "the exorbitant number of ordinaries and tip[p]ling houses in their respective counties."²⁸ This decision to put taverns under more rigid control was not in response to an upsurge in the frequency of drunkenness. Infractions of the drinking laws, as will be seen, remained relatively constant. Seemingly, the move to restrict gathering places was directed at the disorderly conduct of Virginia's less fortunate inhabitants.

"The rebellions and outrages of the com[m]on people" continued to create havoc in certain areas of the countryside through the 1670s, Bacon's Rebellion being the most notable, and on into the early 1680s when Virginia was the stage for a series of tobacco plant cutting riots. These disturbances coincided with the issuance of stricter tavern codes. In February 1676, after repealing Bacon's

harsh law, the General Assembly passed legislation restricting each county to two taverns, the rationale being that "the multiplicity of ordinaries in this colony is found to be pernicious and hurtful to the inhabitants."²⁹

Compared to New England and England, Virginia had very few taverns. In 1673 Boston alone had twenty-eight licensed taverns and cook shops, and two years later Cotton Mather reputedly remarked, with a certain amount of exaggeration, that every other building in Boston was a tavern.³⁰ Similar comments were made about London, one observer noting in 1632 that "a whole street is in some places but a continuous alehouse, not a shop to be seen between red lattice and red lattice."³¹ Virginia, built on the plantation and county system, lacked the towns and villages where inns and taverns tended to concentrate. The taverns that did exist were usually built near the courthouse or along one of the more traveled highways. As late as 1724 Hugh Jones, an Englishman living in Williamsburg, wrote, "No people can entertain their friends with better cheer and welcome; and strangers and travellers are here treated in the most free, plentiful, and hospitable manner; so that a few inns or ordinaries on the road are sufficient."³²

The presence of legislation to punish drunkenness and the movement toward more rigid control of taverns in the second half of the seventeenth century was not a political response to increased intemperance. Statutes punishing drunkenness predated the founding of Jamestown and were prompted by conditions in England. Changes in tavern laws, on the other hand, followed social dislocations. Faced with civil unrest the General Assembly reacted much as Parliament

had seventy-five years earlier. Taverns were not outlawed, only restricted, and liquor retained the distinction of being one of "the good creatures of God."

CHAPTER III
INTEMPERANCE AND THE COUNTY COURTS

A reasonable hypothesis, based on legislative history, can be made for suggesting that drunkenness was a consistently minor problem throughout the seventeenth century. A study of the court order books for five counties over random intervals during the seventeenth century further indicates that there was a constantly low rate of observable drunkenness.

Of course, among people who enjoy their liquor and use it in their daily lives there naturally exist a few tipplers who are unable to control their consumption of alcohol. But that is expected of any society in which people buy, sell, and make liquor. For colonial Virginia, incidents of drunkenness are scattered throughout the county court records and the Council minute books. The anecdotes are informative of the kind of behavior associated with excessive drinking and are often very amusing. Roger Dilke, for example, saw Goodwife Fisher "reele and stagger as shee went, and . . . shee stumbled and fell uppon A Cow or by a Cowe or an ewe or some such beste."¹

The records are seasoned with cases such as one in 1624: three men were found guilty of "havinge kept compeny in drinkinge, and Comittinge of a ryott." Since it was their first offense, they were released with a warning that the next time the fine would be

twenty nobles.² In 1626, three other men were brought before the General Court for being "severally disordered and misdemeaned . . . in drincking and quarrellinge and other abuses at unlawfull and unseasonable howers." Each man received a fine of twenty pounds of tobacco. During the January court session of that same year, Henry Gainye and Robert Adams received the usual fine of twenty pounds of tobacco, but the judge specifically stated that the Provost Marshall would receive half of the tobacco for informing. Rewarding the informer, a common practice in New England as well, probably led to a more thorough enforcement of the laws.³

If an individual had the audacity to arrive at court in a drunken condition, as Thomas Bremore did in 1646, the judge had simply to exercise his authority and put the inebriated person in jail.⁴ Even the Sabbath was an occasion for intemperance. Although religious obligations were not as strict in Virginia as in New England, rules did exist for the observance of the holy day. In 1691 John Wright of Westmoreland County broke one of these when he went "rideing about, drinking and revelling in tyme of Divine Service."⁵

Not all cases were as ridiculous or harmless. In 1619 John Yeardley wrote to Edwin Sandys informing him that William Epps had been drinking when he began fighting with Captain Stalling. Stalling was accidentally killed when Epps hit him over the head with a sheathed sword. The charge was "Manslaughter by Chance," and Epps was temporarily removed from his military command.⁶

But while scraps of evidence suggest that Virginia had her share of drunkards, the actual number of intemperate drinkers was

less than might be expected in a colony so dependent upon liquor. Drinking was heavy by modern standards, but drunkenness, when compared with the various misdemeanors the General Assembly worked to assimilate into one act, was not a common crime.

By breaking down the raw data according to crime and to the county in which it was committed, drunkenness was discovered to be the least common of the more frequently committed misdemeanors.⁷ In fact, in four of the ten sets of data convictions for drunkenness were nonexistent; only Sabbath breaking shows the same pattern. (Table 1) Accomac stands out with 7 cases of intemperance over a three year period (1663-1665), but given the apparently high crime rate there, drunkenness represents only 6% of that total, far below sexual offenses and Sabbath breaking and somewhat lower than slander. (Table 2) Henrico, with 3 incidents of excessive drinking between 1678 and 1687, has the highest percentage--17%-- of the total crime rate. In short, when analyzed along with misdemeanors of comparable severity, drunkenness appears to have been a relatively insignificant problem.

While the court records evince that Virginians were not an excessively intemperate group, the reliability of the numerical data can be challenged. First, it is possible that because a more serious crime was committed at the time the miscreant was drunk, many instances of drunkenness are missing from the records. The Epps/Stalling incident is a case in point. Letters state that the men were drinking when the fight broke out. Epps was charged with manslaughter, but never stood trial for drunkenness or spent the requisite twelve hours in the stocks.

TABLE 1
 RAW DATA ESTABLISHING FREQUENCY OF GIVEN CRIMES;
 THE COUNTIES AND YEARS CHOSEN AT RANDOM

COUNTY	SEXUAL OFFENSES	SLANDER	ASSAULT	SWEARING	SABBATH BREAKING	DRUNKENNESS	TOTAL
Isle of Wight/1688-1699	4	3	3	1	3	0	14
Henrico/1678-1687	1	6	8	0	0	3	18
Lancaster/1655-1666	10	10	8	3	0	0	31
" /1686-1691	10	2	1	1	0	1	15
" /1696-1699	5	2	1	3	0	0	11
Accomac/1632-1640	9	24	7	3	1	5	49
" /1640-1645	7	15	18	20	0	0	60
" /1663-1665	41	11	4	3	45	7	111
Norfolk/1646-1655	30	41	11	4	6	3	95
" /1656-1660	9	18	5	6	0	3	41
Total	126	132	66	44	55	22	7

Sources: Isle of Wight County Records, Deed Book, No.1, 1688-1704; Henrico C.R., Orders & Wills, No.2, 1678-1693; Lancaster C.R., Orders, No.1, 1655-1666, No.3, 1686-1696, No.4, 1696-1702; Susie Ames, ed., County Court Records of Accomack-Northampton, 1632-1640, C.R. of Accomack-Northampton, 1640-1645; Accomack C.R., Deeds & Wills [Orders], , 1663-1666; Norfolk C.R., Wills & Deeds, B, 1646-1651, C, 1651-1656, D, 1656-1666.

TABLE 2
 PERCENTAGE RATE BREAKDOWN OF
 CRIMES LISTED IN TABLE 1

-Percentage of Total Crime-

COUNTY	SEXUAL OFFENSES	SLANDER	ASSAULT	SWEARING	SABBATH BREAKING	DRUNKENNESS
Isle of Wight/1688-1699	29	21	21	8	21	0
Henrico/1678-1687	6	33	44	0	0	17
Lancaster/1655-1666	32	32	26	10	0	0
" /1686-1691	66	13	7	7	0	7
" /1696-1699	45	18	10	27	0	0
Accomac/1632-1640	18	49	14	6	2	11
" /1640-1645	12	25	30	33	0	0
" /1663-1665	37	10	4	3	40	6
Norfolk/1646-1655	32	43	12	4	6	3
" /1656-1660	22	44	12	15	0	7
Highest percentage rate in each crime	66	49	44	33	40	17

Five similar cases in which drinking was responsible for the alleged commission of another crime appear in the court records used in this study. Three are from Accomac between 1640 and 1645. In one incident "Roger Moye being in drinke" began wildly accusing his neighbor of stealing and killing a pig. Moye was found guilty of slander. Another time, a group of people were drinking a series of toasts and one was "to the damnation of Pymmys God and the Confusion of the Parliament." The jury was clearly pro-royalist because besides releasing the drinkers without a drunkenness conviction, neither were they punished for their anti-Parliament oaths. Finally, at a party where the guests had been drinking heavily, a fight broke out that left most of the participants bleeding. When the argument subsided the party resumed. No one was punished for riotous or intemperate behavior.⁸ Another incident of this nature occurred in Lancaster County in 1699. Robert Scholfeild and Colonel Robert Carter were drinking when Scholfeild did "publish and declare certaine false [,] scandelous and aprobrious [?] words and speaches against" Carter. Convicted of slander, Scholfeild was ordered to pay Carter twenty pounds sterling. That Carter and Scholfeild were inebriated never received consideration.⁹

But occasionally both crimes came to judgment. Again in Accomac, this time September 1634, John Little and Elline [Ellen] Muse were accused and convicted of fornication. Littell was made to lie in the public stocks for three hours, and Ellen Muse was whipped. John Littell confessed to being drunk at the time of the affair and received an additional five shillings fine.¹⁰

Jen C.

Another, more serious problem, however, challenges the accuracy of the data on punishment of drunkenness. The presentments of tipplers usually represent only those cases the churchwardens, informers, and grand juries observed, and have no bearing on the offenders they never saw. The Muse/Littell case is an exception. With taverns limited to highways, ferry landings, and the seat of the courthouse, most drinking was confined to the home or plantation.¹¹ Considerable intemperance might have gone undetected. Unlike assault or slander, drunkenness can be either a public crime or a private sin. A person can get drunk in the privacy of his home with no one the wiser. Nor are the results of a drinking binge obvious nine months later as with the crimes of fornication and adultery. Although legislation was worded to give authorities latitude to arrest "all such persons as shall lead a prophayne or ungodlie life,"¹² the tippler was seldom punished in court unless he had the bad sense to become drunk at the tavern where the magistrate or churchwarden could see him, made a general disturbance by riding about on Sunday, or abused someone with words or actions.¹³ The court records substantiate this. Most of the legal suits resemble one in Norfolk in 1656, when Nathaniel Bratt was tried and convicted "for being in drinke and threatening Mr. Conquest."¹⁴

But while private drinking must have resulted in unreported incidents of drunkenness, the number was surely negligible. Although the courts may have overlooked him, the untamed Virginia countryside had its own way of punishing the habitual drunkard or idler. The land which was "spatious and fruitful,"¹⁵ demanded that food and shelter be earned with hard work. An example, the starving time,

as John Smith explained, was owing to the "want of providence [,] industrie and government, and not [to] the barrennesse and defect of the Countrie."¹⁶ Survival of the colony, to say nothing of personal success, depended upon individual productivity. The primitive condition of the colony required that even the less fortunate settlers and those indifferent to success attend to their own well-being. Here Virginia differed from the mother country. In the seventeenth century England, being a more socially and culturally advanced society than Virginia, could carry a certain number of drones and still maintain and even improve its degree of civilization. Virginians, on the other hand, were unable to rely on charitable neighbors or the parish church to look after their welfare. Few colonists, therefore, could indulge in excessive drinking which would decrease both their productive capacity and their chances for survival. Perhaps a few Virginians, aware that their intemperate bouts went unnoticed, occasionally drank excessively. But logically, had drunkenness been the common practice some historians have suggested, the chances for fruitful settlement would have been substantially diminished, and Virginia might well have been nonexistent by the eighteenth century. Essentially, the court's preoccupation with public drunkenness probably had little effect on the frequency of drunkenness.

Although Virginians intentionally held their enjoyment of liquor to moderation in those years after liquor became plentiful, the judges and juries who delivered convictions on the tipplers presented at court deserve some recognition. The court records may substantiate the low rate of intemperance violations, but it is more significant that of the twenty-two offences all ended in conviction. None of the

other misdemeanors approach this record. (Table 3) The only incident even resembling an exception occurred in Henrico County in June 1685. John Dawson managed to break out of the stocks before his time expired. At court Dawson apologized for his action and blamed the action on an "excesse of Drink." He was released without further punishment, having already served some time in the stocks.¹⁷ With conviction and punishment assured several tipplers may have thought twice about having just one more drink.

Finally the practice of issuing tavern licenses appears to have been a factor in discouraging intemperance. Authorities first licensed hostleries to control rates and measures and later to limit the meeting places of the dissatisfied mobs, but licensing generally diminished the frequency of drunkenness. Intemperance was decisively lower in counties that issued licenses. (Table 4) According to the data, in the four, county/time sets when no permits were issued, intemperance rates were at their highest. This includes Henrico, 1678-1687, when drunkenness was 17% of the crime rate. Conversely, of the six sets in which taverns were regulated through licensing, all but two were devoid of drinking problems. The exceptions were Norfolk, 1646-1655, and one instance in Lancaster, between 1686 and 1691, but then drunkenness was never more than 7% of the total problem. (Table 2)

A license made a tavern legitimate and an innkeeper respectable, and it was in the host's best interest to see that peace was maintained. The innkeeper was anxious to keep both his license and the two hundred shillings bond he put up at the time the permit was issued. On the other hand, one more infraction of the rules mattered little

TABLE 3
 NUMBER OF CONVICTIONS FOR
 CRIMES LISTED IN TABLE 1*

COUNTY	SEXUAL OFFENSES	SLANDER	ASSAULT	SWEARING	SABBATH BREAKING	DRUNKENNESS	TOTAL
Isle of Wight/1688-1699	4 0	3 1	3 0	1 0	3 0	0 0	14 1
Henrico/1678-1687	1 1	6 1	8 4	0 0	0 0	3 3	18 8
Lancaster/1655-1666	10 8	10 7	8 6	3 3	0 0	0 0	31 24
" /1686-1691	10 7	2 2	1 1	1 0	0 0	1 1	15 11
" /1696-1699	5 4	2 2	1 1	3 3	0 0	0 0	11 10
Accomac/1632-1640	9 9	24 21	7 5	3 3	1 1	5 5	49 44
" /1640-1645	7 2	15 10	18 8	20 20	0 0	0 0	60 40
" /1663-1665	41 22	11 10	4 4	3 3	45 37	7 7	111 83
Norfolk/1646-1655	30 13	41 34	11 11	4 3	6 2	3 3	95 66
" /1656-1660	9 9	18 14	5 5	6 6	0 0	3 3	41 37
Total	126 75	132 102	66 45	44 41	55 40	22 22	

*Top line indicates number of cases in court records
 Bottom line indicates number of cases to end in conviction

TABLE 4
 DATA ESTABLISHING RELATIONSHIP BETWEEN THE FREQUENCY
 OF DRUNKENNESS AND ENFORCEMENT OF TAVERN LICENSING

COUNTY	DRUNKENNESS*	TAVERN LIC. ISSUED	SELLING W/O LICENSE
Isle of Wight/1688-1699	0	1	0
Henrico/1678-1687	3	0	0
Lancaster/1655-1666	0	1	0
" /1686-1691	1	3	1
" /1696-1699	0	2	0
Accomac/1632-1640	5	0	0
" /1640-1645	0	2	0
" /1663-1665	7	0	0
Norfolk/1646-1655	3	2	2
" /1656-1660	3	0	1

*Drunkenness figures taken from Table 1

to the unlicensed proprietor. Indeed, in the three counties providing examples of selling liquor without a license all had problems with excessive drinking. But the worst that could happen to an unlicensed innkeeper would be a fine, a few hours in the stocks, or a temporary cessation of business. Sometimes he was simply warned to stop selling or to get a license.¹⁸ In any event, licensing was one more way in which Virginians kept their drinking within acceptable bounds.

Most of the evidence suggests that intemperance was low throughout the seventeenth century. Drunkenness never grew to be an unmanageable problem--the unchanging nature of the legislation supports this. Thus while controls may have helped, and the assurance of conviction may have frightened potential tipplers into sobriety, their existence alone is not responsible for the temperate condition.

Rather, those Virginians who believed the potable beverages, beer, cider, wine, and strong waters, were the elixers for good health, the stimuli for social cohesion, and the pleasant drinks for enjoyment were seemingly motivated by a strict personal code prohibiting intemperance. That code grew out of the primitive condition of the society so recently carved out of the wilderness. Virginia society had yet to amass the wealth and structure to support the charity and public relief programs that succor less productive citizens. Neighbors were not insensitive toward one another, but it remained the individual's own responsibility to keep alive. The need for diligence and ingenuity in that job perhaps kept people more sober than they might otherwise have been.

Popular historians have exaggerated colonial drinking habits, portraying the era as one of widespread drunkenness. Admittedly drinking was heavy by modern standards. Today, for example, most people find beer and hard cider for breakfast unacceptable. Yet intemperance was probably less a problem in the seventeenth century. More leisure time and money in a society able to carry the less ambitious and hard working sorts allow more Americans to indulge in excessive drinking. Early Virginians, lacking a sophisticated society, perhaps managed to enjoy the pleasures of drink and still have fewer drunkards than their twentieth-century descendants.

FOOTNOTES

Introduction

¹Alice Morse Earle, Home Life in Colonial Days (Stockbridge, Mass., 1974 [orig. publ. 1900]), 164. Mrs. Earle was born in 1853 and died in 1911. She wrote many popular histories on home life, travel, costumes, and literature.

²James Truslow Adams, Provincial Society, 1690-1763 (Chicago, 1971 [orig. publ. 1927]), 160-161.

³William E. Woodward, The Way Our People Lived; An Intimate American History (New York, 1968 [orig. publ. 1944]), 93.

⁴Oscar T. Barck, Jr. and Hugh T. Lefler, Colonial America (New York, 1958), 442; Oliver P. Chitwood, A History of Colonial America, 2nd ed. (New York, 1948), 588.

⁵Cited in Philip A. Bruce, Social Life of Virginia in the Seventeenth Century (Richmond, 1907), 177-178, from Rappahannock County Records (Vol. 1677-1682), 80.

⁶"Captain Byrd's Letters Continued," The Virginia Historical Register and Literary Advertiser, ed. William Maxwell (Richmond, 1849), II, 206. A tun is a liquid measure equal to 252 gallons.

⁷Susan M. Kingsbury, ed., The Records of the Virginia Company of London . . . (Washington, D.C., 1906-1935), III, 447.

⁸"Historical and Genealogical Notes," Tyler's Quarterly Historical and Genealogical Magazine, I (1919), 212; "Will of Lt.-Col. George Jordon," William and Mary Quarterly, 1st ser., XVI (1908), 288; Will of Edmund Watts used in Annie L. Jester, Domestic Life in Virginia in the Seventeenth Century, Jamestown 350th Anniversary Historical Booklets, ed. E.G. Swem (Williamsburg, Va., 1957), 74.

⁹Cited in Bruce, Social Life of Virginia, 178, from William Berkeley to Commissioners of Foreign Plantations, July 21, 1662, British Colonial Papers, XVI,



¹⁰Barton H. Wise, ed., "Northampton County Records in 17th Century," Virginia Magazine of History and Biography, IV (1897), 408. ✓ ←

¹¹Besides emphasizing a proclivity for heavy drinking, Philip A. Bruce relied on scattered cases to infer "that the repression of drunkenness was strictly enforced." There was nothing systematic in his approach to the data. Philip A. Bruce, Social Life in Old Virginia (New York, 1965), 39.

¹²Jester, Domestic Life, 74.

¹³William W. Hening, ed., The Statutes at Large . . . From the First Session of the Legislature in the Year 1619 (Richmond, Philadelphia, and New York, 1809-1823), II, 361.

¹⁴Marshall W. Fishwick, Virginia: A New Look at the Old Dominion (New York, 1959), 30.

¹⁵Louis B. Wright, The First Gentlemen of Virginia; Intellectual Qualities of the Early Colonial Ruling Class (San Marino, Calif., 1940), 88-89.

¹⁶Louis B. Wright, The Cultural Life of the American Colonies, 1607-1763 (New York, 1962), 12.

¹⁷James Truslow Adams, Provincial Society, 75.

Chapter I: Liquor in Virginia's Wilderness Society

¹Carl Bridenbaugh "began trying to understand the nature and extent of the discontents, anxieties, fears--even the hopes--that impelled so many of the English to abandon their beautiful homeland and either to seek out the European continent and Ireland or to venture into the great unknown of the new world called America. This, it seems to me, is not only a fundamental question in English history but one of the primary questions to ask about the beginnings of the American people. Its importance is transatlantic." Vexed and Troubled Englishmen, 1590-1642 (New York, 1968), vii. T.H. Breen wrote, "Vague generalizations about the world the colonists left behind have obscured our understanding of the formation of New England institutions . . . such generalizations neglect the colonists' institutional experiences in the mother country immediately prior to emigration." Timothy H. Breen, "Persistent Localism: English Social Change and the Shaping of New England Institutions," WMQ, 3rd ser., XXXII (1975), 4.

²Richard Beale Davis, Literature and Society in Early Virginia, 1608-1840 (Baton Rouge, La., 1973), xiii.

³T.S. Ashton summarized the situation in England as follows: "The seventeenth century had ended in gloom. Trade with Flanders had been cut off, and unemployment, falling wages, and rising poor-rates were reported from several industrial centres." Economic Fluctuations in England, 1700-1800 (Oxford, 1959), 140. Carl Bridenbaugh wrote, "In this period, so notable for change as well as stability, the English often found themselves frustrated and desperate: to most of them 'Merrie England' was but an empty phrase. . . . For human and often trivial offenses, the ecclesiastical courts meted out harsh punishments, but in spite of laws and sermons, people solaced themselves with drink, and, among the idle, bastards increased markedly." Vexed and Troubled Englishmen, 394. In Virginia, despite the bitter struggle for survival and the discouraging reports sent back to England, there is often a note of hope, even in the early years. In 1610 George Yeardley wrote to Sir Henry Peyton, "For the present state and condition of this Countrie, it wants only Supportes, round and free supplies, both of men and moneyes, to make good the mayne and profitable endes of a moste happy plantation." Kingsbury, ed., Va. Company Records, III, 30.

⁴Cited in Austin L. Poole, From Domesday Book to Magna Carta, 1087-1216 (Oxford, 1958), 92.

⁵"In some private Gentlemens houses, and with some Captaines and Souldiers . . . large and intemperate drinking is used; but in general the greater and better part of the English, hold all excess blameworthy, and drunkennesse a reproachfull vice." Fynes Moryson, The Itinerary of Fynes Moryson (New York, 1908), IV, 176.

⁶Cited in Warren M. Billings, ed., The Old Dominion in the Seventeenth Century; A Documentary History of Virginia, 1606-1689 (Chapel Hill, N.C., 1975), from The Egerton Manuscripts, 2087, British Musuem.

⁷Cited in Billings, ed., The Old Dominion, 26, from William Simmonds, The Proceedings of the English Colonie in Virginia Since their first beginning from England in the Yeare of our Lord, 1606 till this present 1612, with all their accidents that befell them in the Journies and Discoveries (Oxford, 1612), 76-78.

⁸Cited in Mary Newton Stanard, The Story of Virginia's First Century (Philadelphia, 1928), 40, from a letter written by Captain Christopher Newport.

⁹Edward Arber, ed., Travels and Works of Captain John Smith, 2 vols., I (Edinburgh, 1910), xlvii-xlviii.

¹⁰William S. Perry, The History of the American Episcopal Church, 1587-1883 (Boston, 1885), I, 46. Aquavite is a highly distilled beverage; in the seventeenth century it is synonymous with "strong waters."

¹¹Onboard the Margaret in 1619 were 15 gal. of aquavite, 5-1/2 tuns of beer, and 11 gal. of sack. Kingsbury, ed., Va. Company Records, III, 181, 188. The ship Supply set sail in Sept. 1620 with 18 tuns of beer and 60 gal. of sack. Ibid., 389. The Tristram and Jane carried liquor for several settlers. Mr. Withers ordered 11 butts of sack and Mr. Henry Greene ordered 80 cases of strong waters and 20 rundlets of liquors. "Accompts of the Tristram and Jane," ed., Martha Hiden, VMHB, LXII (1954), 424-425.

¹²"A Publication by the Counsell of Virginea, touching the Plantation ther," The Genesis of the United States, ed., Alexander Brown (Boston, 1890), I, 356; By 1648 Virginia had six breweries. Cited in "Virginia in 1648," The Virginia Historical Register and Literary Advertiser, II (1849), 62, from "A Perfect Description of Virginia" (London, 1649).

¹³Philip Barbour, ed., The Jamestown Voyages Under the First Charter 1606-1609 (Cambridge, 1969), I, 144.

¹⁴Hugh Jones, The Present State of Virginia, ed., R.L. Morton (Chapel Hill, N.C., 1956 [orig. publ., London, 1724]), 85.

¹⁵Perry is a fermented drink similar to cider, only it is made with pears.

¹⁶"That they have six publick brew-houses, and most brew their own beer, strong and good." Cited in "Virginia in 1648," The Virginia Historical Register and Literary Advertiser, II (1849), 62, from "A Perfect Description of Virginia" (London, 1649).

¹⁷John Hammond, "Leah and Rachel, or, the Two Fruitfull Sisters Virginia, and Mary-Land: Their Present Condition, Impartially stated and related," (London, 1656), in Tracts and other Papers, relating Principally to the Origin, Settlement, and Progress of the Colonies in North America, From the Discovery of the Country to the Year 1776, ed., Peter Force (Washington, D.C., 1836-1846), III, Tract 14, p. 13-14.

¹⁸Durand of Dauphine, A Huguenot Exile in Virginia, ed. and trans., Gilbert Chinard (New York, 1934), 128, 116.

¹⁹Kingsbury, ed., Va. Company Records, III, 116, 221, 256, 240.

²⁰In the statute the spelling was "pol" which might refer to "a measure of area: A square rod or perch; 30-1/4 square yards." The Compact Edition of the Oxford English Dictionary, II (P-Z) (Oxford, 1971), 2226.

²¹Hening, ed., The Statutes at Large, I, 161, 192, 470.

²²H.R. McIlwaine, ed., Journals of the House of Burgesses of Virginia, 1619-1658/9 (Richmond, 1915), I, 43; "The worst of that plantation is past, for our men are well victualled." Lord Carew to Sir Thomas Hoe, Jan. 1617, S.P. 14/103, 24, Public Record Office; "The greatest difficulties of that plantation [are over?], they now begin to enjoye both commodity and wealth." John Pory to Sir Dudley Carleton, Oct. 25, 1618, S.P. 14/103, 46.

²³Kingsburg, ed., Va. Company Records, IV, 453.

²⁴Hening, ed., The Statutes at Large, I, 240.

²⁵Lyon G. Tyler, ed., Narratives of Early Virginia 1606-1625, Original Narratives of Early American History (New York, 1907), 36.

²⁶H.R. McIlwaine, ed., Minutes of the Council and General Court of Colonial Virginia; 1622-1632, 1670-1676 (Richmond, 1924), 169.

²⁷Cookbook 1700-1740 (microfilm, Colonial Williamsburg Foundation). ✓

²⁸John Egerton to Sir Francis Nicholson, 1698/9, Sir Francis Nicholson Letters (microfilm, Colonial Williamsburg Foundation), 9754a.

²⁹Inspector General's Accounts of Imports and Exports 1696-1702, C.O. 1/62, 195, Public Record Office.

³⁰Lester J. Cappon, ed., "Correspondence of Alexander Spotswood with John Spotswood of Edinburgh," VMHB, LX (1952), 233-235. In his letters, William Fitzhugh often mentioned drinking to someone's health. He wrote Nicholas Hayward that he "heartily and merrily drank your [Nicholas's] health." Richard B. Davis, ed., William Fitzhugh and his Chesapeake World, 1671-1701 (Chapel Hill, N.C., 1963), 223.

³¹William P. Cumming, ed., The Discoveries of John Lederer (Charlottesville, Va., 1958), 36.

³²The colonists used this quality in liquor to get better trades with the Indians. John Lederer reported, "Sometimes you may with Brandy or Strong liquor dispose them [the Indians] to an humour of giving you ten times the value of your commodity." Cumming, ed., The Discoveries of John Lederer, 42.

³³Abraham Myerson, M.D., "Alcohol: A Study of Social Ambivalence," Quarterly Journal of Studies on Alcohol, I (1940), 20.

³⁴Durand, A Huguenot Exile, 138-139. ✓

³⁵Ibid., 151, 158. ✓

³⁶Davis, ed., William Fitzhugh, 366.

³⁷Nicholas Spencer to Lyonel Jenkins, Aug. 12, 1682, C.O. 1/49, 106; Proclamation issued by Dep. Gov. Henry Chicheley, May 3, 1682, C.O. 1/49, 227.

³⁸Lord Howard of Effingham to Lord Blathwayt, May 10, 1686, Blathwayt Papers (microfilm, Colonial Williamsburg Foundation), Vol. 14.

³⁹McIlwaine, ed., Minutes of the Council; 1622-1632, 1670-1676, 108; J.P.H., "Genealogy," VMHB, XXIV (1916), 88.

Chapter II: Virginia's Legislation Punishing Drunkenness

¹In 1583 William Lambarde addressed the judges on the problems in disorderly taverns: Taverns were places where "your children and servants [will] be corrupted in manners, bastards be multiplied in parishes, thieves and rogues do swarm in highways, the lawful pastimes of the land be abandoned, and dicing, cards, and bowling be set up in place." Conyers Read, ed., William Lambarde and Local Government (Ithaca, N.Y., 1962), 73. } ✓

²Carl Bridenbaugh made a connection between the growing insecurity of the poor, the increase in drunkenness, and Parliament's attempt to fight "a losing battle to cut down unlawful tippling at inns, alehouses, and victualling houses." Vexed and Troubled Englishmen, 355-366.

³Danby Pickering, ed., The Statutes at Large (Cambridge, 1763), VII, 1, 11, 84.

⁴William Lambarde to the judges, 1582: "For, if you would find out the disorders of alehouses, which for the most part be but nurseries of naughtiness, then neither should idle rogues and vagabonds find } ✓

such relief and harborow as they have, neither should wanton youths have so ready means to feed their pleasures and fulfill their lusts, whereby, besides infinite other mischiefs, they nowdays do burden all the country with their misbegotten bastards." Read, ed., William Lambarde, 70.

⁵Bridenbaugh, Vexed and Troubled Englishmen, 363-364.

⁶Pickering, ed., The Statutes at Large, 85, 86, 264.

⁷Ibid., 208; Hening, ed., The Statutes at Large, I, 71

⁸Cited in Darrett B. Rutman, "A Militant New World, 1607-1640: America's First Generation, Its Martial Spirit, Its Tradition of Arms, Its Militia Organization, Its Wars" (Ph.D. diss., University of Virginia, 1959), 77, from George F. Willison, Behold Virginia: The Fifth Crown (New York, 1951), 9-10.

⁹Hammond, "Leah and Rachel," Tracts and other Papers, ed., Force, III, Tract 14, p.7; "Many of the men sent hither have been murderers, thieves, adulterers, idle persons, and what not." Alexander Whitaker, Good News from Virginia (London, 1613), 11; Thomas Dale wrote that the men were "sutch disordered persons, so prophane, so riotous, so full of Mutinie and treasonable Intendments." Brown, ed., Genesis, I, 506.

¹⁰Tyler, ed., Narratives of Early Virginia, 37.

¹¹"A True Declaration of the Estate of the Colonie in Virginia" (London, 1610), in Tracts and other Papers, ed., Force, III, Tract 1, p.17; Brown, ed., Genesis, I, 371.

¹²"For the Colony in Virginea Britannia Lawes Divine, Morall and Martial, etc." (London, 1612), in Tracts and other Papers, ed., Force, III, Tract 2, pp. 40, 57.

¹³Kingsbury, ed., Va. Company Records, 469.

¹⁴Hening, ed., The Statutes at Large, I, 114, 68; Instruction No. 3 to Lord Howard of Effingham, Oct. 1683 (microfilm, Colonial Williamsburg Foundation), 14.

¹⁵Kingsbury, ed., Va. Company Records, 164-165.

¹⁶Hening, ed., The Statutes at Large, I, 193, 240, 310; Pickering, ed., The Statutes at Large, VII, 208, 238.

¹⁷Hening, ed., The Statutes at Large, I, 126, 240.

¹⁸Ibid., I, 432-434.

¹⁹Ibid., III, 73.

²⁰Ibid., III, 137-139.

²¹Ibid., I, 155, 167; III, 170, 171.

²²In 1656 John Hammond described the effect of provincial government: "Yet was not Virginia all this while without divers honest and vertuous inhabits, who observing the general neglect and licensiousnesses there, caused Assemblies to be call'd and Laws to be made tending to the glory of God, the severe suppression of vices." "Leah and Rachel," Tracts and other Papers, ed., Force, III, Tract 14, pp. 8-9.

²³As the quality of life improved the death rate gradually declined. Description of Virginia in 1649: "That they have health very well, and fewer die in a yeer there, according to the proportion, then in any place of England; since that men are provided with all necessaries, have plenty of victual bread, and good beer, and houseing, all which the Englishmen loves full dearly." "A Perfect Description of Virginia," Tracts and other Papers, ed., Force, II, Tract 8, pp. 6-7; Edmund S. Morgan has a discussion of the declining death rate in American Slavery--American Freedom (New York, 1975), 180-183.

²⁴In 1708 John Oldmixon wrote, "Men of good families, and small fortunes removed to Virginia, thrived and grew great by their industry and success." Cited in Richard L. Morton, Colonial Virginia, I, (Chapel Hill, N.C., 1960), 168, from John Oldmixon, British Empire in America, II, (London, 1708), 289; According to Louis B. Wright, "Actual contact with the new world soon showed would-be settlers that hard labor, ingenuity, and courage would be required of those who survived. Nature would not automatically take care of them." The Dream of Prosperity in Colonial America (New York, 1965), 15.

²⁵Edmund Morgan on the tobacco problem, land problem, and the unfortunate situation of servants in American Slavery--American Freedom, 184-186, 215-234. The county court records are also filled with suits for freedom and breach or contract.

²⁶Susie M. Ames, ed., County Court Records of Accomack-Northampton 1640-1645 (Charlottesville, Va., 1973), 30-31; Hening, ed., The Statutes at Large, I, 287.

²⁷Hening, ed., The Statutes at Large, I, 446; II, 19-20; "Proceedings in York County Court," WMQ, 1st. ser., XI (1902), 34; "The Servant's Plot of 1663," VMHB, XV (1907), 38-43; Edmund Morgan covers the disorders in American Slavery-American Freedom, 235-249.

²⁸Hening, ed., The Statutes at Large, II, 268-269.

²⁹"Bacon's Rebellion," VMHB, I (1893), 170; Hening, ed., The Statutes at Large, II, 393-394.

³⁰Records of Suffolk County Court, Publications of the Colonial Society of Massachusetts (Boston, 1933), XXIX, 259-263; Cited in Alice Morse Earle, Stage-Coach and Tavern Days (New York, 1969 [orig. publ. 1900]), 20, from an unknown source.

³¹Cited in Charles H. Cook, The Curiosities of Ale and Beer (London, 1965), 188, from an unknown source.

³²Jones, Present State of Virginia, 84.

Chapter III: Intemperance and the County Courts

¹McIlwaine, ed., Minutes of the Council, 115.

²A noble is "a former English gold coin, first minted by Edward III." The rate varied, but in 1685 it equalled 6s 8d or half a crown. Oxford English Dictionary, II (P-Z), 171.

³McIlwaine, ed., Minutes of the Council, 20, 108, 133.

⁴"Notes from the Records of York County," WMQ, 1st ser., XXIII (1914), 11.

⁵Cited in Charles A. Hoppin, "The Washington-Wright Connection and Some Descendants of Major Francis and Anne (Washington) Wright," Tyler's Quarterly Historical and Genealogical Magazine, IV (1923), 196.

⁶Kingsbury, ed., Va. Company Records, 121, 242.

⁷Sabbath breaking would have been the lowest had it not been for an epidemic of low church attendance in Accomac County between 1663 and 1665.

⁸Ames, ed., Court Records of Accomack-Northampton 1640-1645, 203-204, 297, 298-300.

⁹Lancaster County Records, Orders No. 4, 1696-1702 (microfilm, Virginia State Library), 89.

¹⁰Susie M. Ames, ed., County Court Records of Accomack-Northampton 1632-1640 (Washington, D.C., 1954), 20.

¹¹The following order was issued July 28, 1626 to control drunkenness on plantations: "It is ordered that the proclamations against drunkenness and swearing be renewed, and that two sworn men be chosen in every plantation to give information of such as shall offend that they may receive punishment according to the act of the general assembly." McIlwaine, ed., Minutes of the Council, 104.

¹²Hening, ed., The Statutes at Large, I, 156.

¹³Jerome Hall, professor of law at Indiana University Law School, wrote, "'Drunkenness' denotes a physical and mental state of being which may be found in an individual in the privacy of his room . . . [and] at respectable parties. In these cases, no criminal offense is committed--whatever be the degree of intoxication or its prevalence, and whatever the moralist or theologian has to say about vice." Hall, "Drunkenness as a Criminal Offense," Quarterly Journal of Studies on Alcohol, I (1941), 751-752.

¹⁴Norfolk County Records, Wills & Deeds, D, 1656-1666 (microfilm, Virginia State Library), 18.

¹⁵Kingsbury, ed., Va. Company Records, III, 544.

¹⁶Arber, ed., Travels and Works of Captain John Smith, 2 vols., II, 499.

¹⁷Henrico County Records, Orders and Wills, No. 2, 1678-1693 (microfilm, transcript, Virginia State Library), 105.

¹⁸Norfolk County Records, Wills & Deeds, D, 1656-1666, 239.

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