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THE HISTORY OF THE FOUNDING AND DEVELOPMENT OF YORKTOWN, VA. 1691-1781.

By: Edward M. Riley, March 20, 1942.

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THE HISTORY
OF THE
FOUNDING AND DEVELOPMENT
OF
YORKTOWN, VIRGINIA,
1691 - 1781

By

Edward M. Riley
Junior Historical Technician

March 20, 1942.

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INTRODUCTION

The history of an old town is not entirely unknown in the field of historical writing. Usually, however, such writings make little use of historical methods in research or narration. They consist largely of a compilation of legends, tales, and documents, all of which are given equal values. This study departs from that pattern. An earnest effort has been made in it to employ the tools of historical research and criticism to recreate, as far as possible, the actual physical development of a colonial port town. Not only is this information used to obtain an idea of the appearance of this community of the past, but it also serves to provide a better insight into the life and activities of its inhabitants. Furthermore, while tracing the various steps in the growth and development of the town, an attempt has been made to determine the factors assisting or hindering its rise, as well as the causes of its rather rapid decline. In other words, historical methods have been used in this study to describe an old town, but, in addition, they have served to ascertain the causes behind the condition of that town during its colonial existence.

The value of this study of Yorktown, Virginia to historical knowledge is obvious. During the eighteenth century it was an important port of entry in the colony

of Virginia. As a busy emporium of trade, it attracted many interesting persons, who sought and found their fortunes in Yorktown. These wealthy merchants and their descendants were among the most prominent leaders of the colony of Virginia.

Despite the value and interest of the subject, no critical historical study has been attempted of the port during the colonial period.[1] The dramatic story of the Siege of 1781 has occupied the entire attention of the historians to the exclusion of any consideration of the earlier history of the town.

Certain factors assisted the writer in the preparation of this study. A most important aid was the possibility of setting limits on the period of time to be considered. Yorktown was important in the affairs of Virginia only during the last ninety years of the colonial period. The town had a definite beginning in the Port Act of 1691, and suffered a definite eclipse after the Siege of 1781. Furthermore, there were great bodies of virtually untouched

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1 The volume on colonial Yorktown written by Mr. Clyde Trudell was designed for popular consumption, and cannot be considered a critical study of the subject. Its organization and literary style indicates that the author intended it to serve primarily as a guide book for the visitor. Clyde F. Trudell, Colonial Yorktown Being a brief Historie of the Plane; together with Something of its Houses and Publick Buildings.

material dealing with the subject. The most important of these was the York county court records. Practically complete from 1633 to the present day, they are almost unique in Virginia, as the great majority of the colonial records were destroyed during the War Between the States.

Since the town was founded by legislative action, the first part of the study considered the various attempts of the English and colonial governments to force the people of Virginia to live in towns. Unlike New England, where the colonists naturally settled in towns as a result of the geography and soil conditions of the country, the settlers in Virginia spread out along the rich river bottoms acquiring vast tracts, needed in the cultivation of tobacco. This plantation system worried the home government greatly, and frequent attempts were made to encourage the establishment of towns. The colonial assembly, at the behest of the English government, passed several laws looking toward the founding of port towns in the colony to facilitate trade and shipping. Yorktown was established in pursuance of one of these measures, the Port Act of 1691. But just as it was reaching a firm basis for future development, the town's main support was removed by the suspension of the Port Act. The town had sufficient vitality, however, to survive, although in a badly weakened condition. Eventually the Act of 1699 came to the rescue of Yorktown,

confirming titles to lots bought before and after the suspension act. The final strengthening of the town came in the Port Act passed by the assembly in 1706. Although it was repealed in 1710, this law was enough to insure the continuance of the existence of the town. By 1710 Yorktown was a thriving center of trade. Although the initial impulse regarding the founding of towns in the colony was furnished by the English government, it opposed each of the acts passed by the colonial assembly. Despite the defeat of the legislative program, each act had bolstered up the town, nurtured it, and contributed toward the establishment of a firm foundation for its subsequent growth.

After tracing the various acts and their influence on the town, the chronological narrative was halted so that the colonial port town itself might be studied. In the first place, the various persons and classes living in the town, and their contributions to its growth and development, have been described. The wealthy gentry, the merchants, the craftsmen, and even the indentured servants and slaves, all combined to form the town, and each made its own contribution to it.

A most interesting group of persons in colonial Yorktown were the ordinary or tavern keepers. For many years in the town's history, the prevalence of houses of public entertainment was an outstanding feature. This was to be

expected in a seaport, and it was especially true with respect to Yorktown. On the whole, the ordinary keepers were honest, substantial citizens of the community. Although mainly from the lower classes, they contributed much to the town's prosperity and growth. During the first struggling years of the port's existence, inn keeping was the principal means of livelihood for its inhabitants. It is probable that the town would not have survived this early period, if it had not been for the ordinary keepers.

The public buildings of Yorktown, the church and the courthouse, were the centers of the political and religious life of the community. Yorkhampton parish, one of the richest in all Virginia, attracted many able ministers. Its church, however, did not reflect this wealth. The building, which was erected near the close of the seventeenth century when the parish was thinly populated and poor, was small and unpretentious. Its walls were constructed of a soft native stone, called marl. This original building shortly became inadequate, as the growth of the town caused a concomitant increase in the number of parishioners. Instead of replacing this church with a more imposing edifice, the vestry merely added a wing. This simple structure served the parish for the remainder of the colonial period. The court of York county, on the other hand, felt that it had outgrown the first courthouse in Yorktown by

the 1750's. The justices, thereupon, caused the original courthouse to be replaced by a handsome brick structure. In its court room, members of the Nelson, Lightfoot, Digges, and other famous local families received their first experience in the political sphere. This training enabled them to serve their homeland with perspicacity and ability in some of the highest offices in the colony.

Yorktown's growth during the years of the colonial period caused it to overflow its original bounds in all directions. This tendency caused the accession of two additional parcels of land contiguous to the town. One of these was the beach land which lay below the bluffs on which the town stood. Although the town had been founded as a port, the waterfront had not been included within its original bounds. This error was finally rectified in the 1750's by the purchase of this land, and the designation of it as a common for the use of the town's citizens. The other accession was on the opposite side of the port. As the population of the town increased, there was a demand for additional land for homesites. The demand was met in the 1750's by the enterprising owner of the land lying adjacent to the town. He subdivided this property into half-acre lots, which he offered for sale at reasonable prices. A portion of this development was later added to the town.

Although many of the prominent officials of the colonial government were from Yorktown, and the port's prosperity depended, in large measure, on trade with England, there was little opposition to the patriot cause during the Revolution. Because of their early espousal of the American cause, it was not strange to find the leaders of the citizens of Yorktown placed in responsible positions in the state government.

Yorktown was recognized as a port of military importance early in the war, because of its possible use by the enemy as a base for naval and military operations in the Chesapeake region. For this reason a garrison was maintained in the town from the very beginning of hostilities. The war, however, did not really reach Yorktown until 1781. In that summer and fall it became the focal point of decisive military operations, when Lord Cornwallis and his army occupied the town and Gloucester Point. Advantage was taken of this move of the British by the allied French and American forces. A French fleet blockaded the Chesapeake Bay and defeated the British naval forces. Washington and Rochambeau marched their armies from the north and laid siege to the town in the latter part of September. Cornwallis was forced to surrender after a short siege of about three weeks' duration. This surrender virtually ended the American Revolution and assured the independence of the

United States. To the port town of York, however, it was a glorious disaster. Much of the town had been completely destroyed by either the British forces or the terrific bombardment of the allied batteries. After the siege, a large part of this destroyed or injured region was not rebuilt. The town declined rapidly from the status of an important port to that of a country village. It can be said that the Revolution and the Siege of 1781 delivered the coup de grace to the fortunes of the town.

Turning from the material included in the study, to a consideration of the sources of information, it should be noted that the lack of records of the colonial period did not offer such a great obstacle to the investigator. Although a few problems had to be left unsolved because of the destruction of the records of the General Court of the colony and the court records of the surrounding counties, the most pertinent source was available. This source was the York county court records, which formed the foundation for this study. It is the belief of this investigator that they form one of the few major bodies of unexploited source material in this country. This exceedingly valuable source of information about the colonial period has received little attention from the professional historians, with the exception of Dr. Philip Alexander Bruce.[2] It has been

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[2] Dr. Bruce was the author of many valuable works on the history of Virginia. He confined his studies largely

exploited by the genealogists, who recognized its worth before the historical profession. In this study the information in the court orders, deeds, wills, inventories and similar papers were employed in an unique manner. Instead of selecting items primarily for their information on prominent characters, the emphasis was placed on the gathering of material on the physical appearance of the town, as well as its actual development. The lives of its inhabitants were important only in so far as they had bearing on this central theme.

In addition to these records, other valuable sources were the files of The Virginia Gazette, and the publications of the journals of the principal governmental bodies in England and Virginia. The former furnished much detailed information on the appearance of the colonial homes and other buildings in the town, as well as personal items. The latter gave valuable background material necessary to a clear understanding of the evolution of the town.

Manuscript collections included letterbooks of inhabitants of the port, and their account books, journals and diaries. Especially noteworthy were the collections of

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to the seventeenth century. See Philip Alexander Bruce, Institutional History of Virginia in the Seventeenth Century, 2 vols.; The Economic History of Virginia in the Seventeenth Century, 2 vols.; and Social Life of Virginia in the Seventeenth Century.

the Library of Congress and the Virginia State Archives. Other important manuscript collections, even though more limited in their fields, were located in the Library of the College of William and Mary and the Division of Research and Record of Colonial Williamsburg, Inc. The library of Colonial National Historical Park has built up a most complete body of information on the Revolution in Virginia and the Siege of Yorktown, 1781.

CHAPTER I

THE COLONIAL PORT ACTS AND THE FOUNDING OF YORKTOWN

The first few years after the English adventurers settled at Jamestown in 1607 were a period of suffering and a desperate race with the death rate. Dispersement of the settlers from Jamestown was confined to the valley of the James River. In addition to the high mortality rate among the "unseasoned" colonists, the settlement, as well as its sponsor, the London Company, was hindered by the lack of a "money" crop. This need was met in 1612 by the work of John Rolfe. He learned tobacco culture from the Indians and improved the product by importing a better plant from the West Indies.[1] This change made the product more acceptable to the English taste. This important discovery gave Virginia a means to prosperity, and the cessation of Indian troubles by Rolfe's marriage to Pocahontas, opened new regions to settlement. The cultivation of the "weed" not only brought throngs of new immigrants to the colony, but also contributed to the spreading out of the settlers in

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[1] George Arents, "The Seed from Which Virginia Grew", William and Mary College Quarterly Historical Magazine, XIX (Second series; April, 1939), 125.

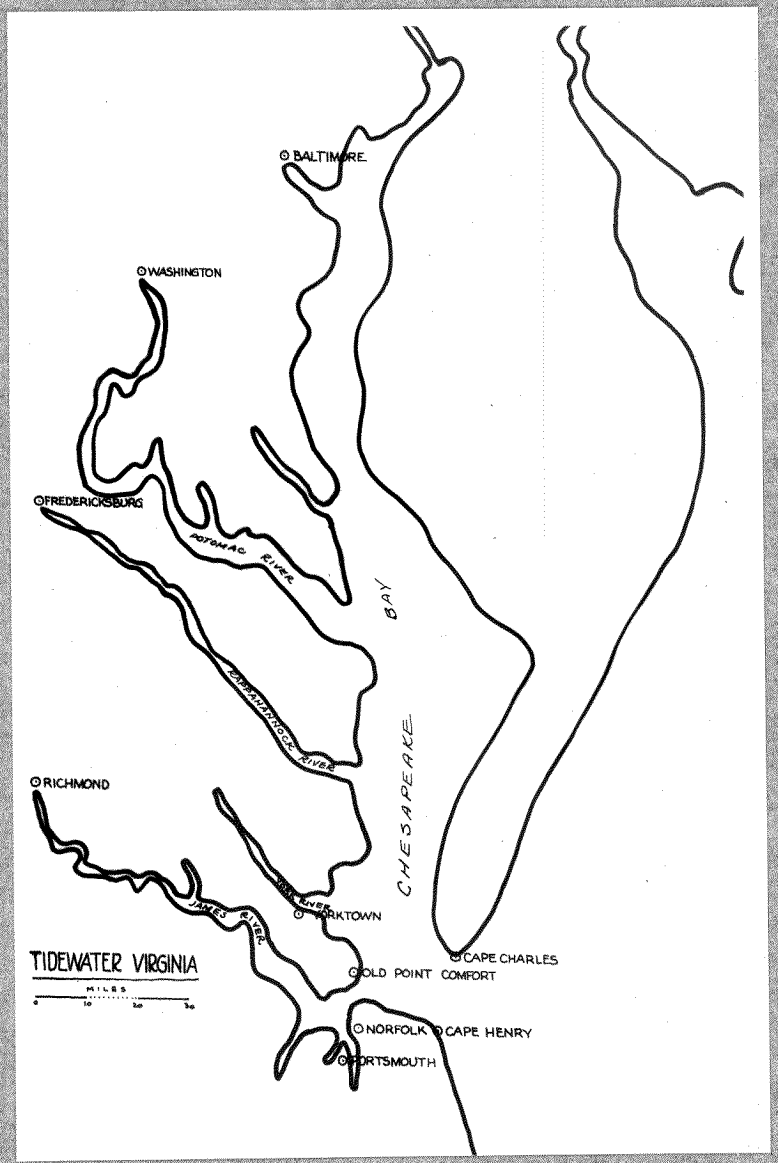

BALTIMORE
WASHINGTON
FREDERICKSBURG
POTOMAC RIVER
BAY
CHESAPEAKE
RICHMOND
YORKTOWN
JAMES RIVER
CAPE CHARLES
OLD POINT COMFORT
NORFOLK
CAPE HENRY
PORTSMOUTH
TIDEWATER VIRGINIA
MILES
0
10
20
30

Figure 1.

search of new land.

From the settlements on the James the colony spread northward, where the York, the Rappahannock and the Potomac gave rich bottom lands at small cost for farming. Slowly through the middle of the seventeenth century plantations were established along these rivers.* The London Company,

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* The south bank of the York river was settled shortly after 1630. On October 8 of that year the Council offered fifty acres to any person who should settle there the first year, and twenty-five acres the second year. At the same court tracts were granted to Captain John West, and Captain John Utie, who were made commanders of the new settlement. Other grants were made shortly to Captain Robert Felgate, Francis Morgan, William Pryor, and Captain Richard Townsend. The site of the later town of York was patented by Captain Nicholas Martian, a naturalized Frenchman. Martin Baker and Sir John Harvey, Governor of Virginia, received other grants along the river. Lyon G. Tyler, "History of York County in the Seventeenth Century", Tyler's Quarterly Historical and Genealogical Magazine, I (April, 1920), 231-6. By 1634 there were enough settlers along the river to force the General Assembly to order the construction of a store to serve them. W. W. Hening, editor, Statutes at Large; Being a Collection of all the Laws of Virginia from the First Session of the Legislature in 1619, I, 200-15. In 1634 this region was formed into one of the eight original shires of the colony. Ibid., 224.

The main reason for the rapid development of the region was that the land was especially suited for growing the best grade of tobacco. A contemporary authority wrote that "The most Southerly of these Rivers is called James River, and the next York River, the Land in the Latitude between these Rivers seeming most nicely adapted for the finest sweet scented, or the finest Tobacco; for 'tis observed that the goodness decreaseth the farther you go to the Northward of the one, and the Southward of the other;..." Hugh Jones, The Present State of Virginia, 34.

happy to see the colony prosper, placed no hindrances in the way of the migration. The result was that the Tidewater region of the colony was covered with widely separated plantations. Not only did the cultivation of tobacco contribute to the scattering of the settlements in the continuous search for new land, but the geography of the region also encouraged this tendency. The Chesapeake Bay and the four great rivers with their innumerable tributaries penetrated the entire length and breadth of the coastal plain. Since these streams were usually deep enough to be used by the largest vessels in the colonial trade, they formed the highways of that period. They made available homesites all over the eastern part of the colony. There were almost as many harbors as plantations in the colony. The presence of a navigable stream near every plantation not only furnished the owner with a convenient means of removing his tobacco from his plantation to market, but it also enabled him to obtain supplies from England without the expense and risk of conveying them beyond the limits of his estate. With all these facilities practically at his front door, there was nothing to be gained by transporting his tobacco or other products across country to some far-off point designated by the government as a port of entry. In fact, every consideration of the planter opposed such a move. Everything in the life and business of the colony, therefore,

contributed to decentralization of affairs rather than the concentration of the population into towns.[3]

Perhaps the first event to point out the harmful effects of such a system was the Indian Massacre of 1622. This disaster was rendered more deadly in consequence of the fact that the different settlements were so distant from one another that they were unable to render assistance to each other.[4] This situation was seized upon by King James in his campaign to bring Virginia under control of the crown, and became one of the contributing factors to the dissolution of the London Company.[5]

After the dissolution of the company, and the establishment of the royal government in Virginia, several laws were passed by the General Assembly, at the behest of the English government, to encourage the building of towns. All of these acts were weakened by the insistence of the

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[3] Contemporaries realised the peculiar nature of the settlement. A minister wrote in 1688 that "This (i.e.) the number of Rivers, is one of the chief Reasons why they have no Towns; for every one being more solicitous for a Private Interest and Conveniency, than for a publick, they will either be for making forty towns at once, that is, two in every Country, or none at all, which is the Countries Ruin". John Clayton, "Mr. Clayton's Second Letter, containing his further observations on Virginia", in Halley, Edmond, editor, Miscellanea Curiosa..., III, 295-8. Cf. Jones, op. cit., 34-5.

[4] This condition in the colony was criticised severely by Captain Nathaniel Butler, the Governor of Bermuda, in his report to the English government on the affairs in Virginia. Wesley Frank Craven, Dissolution of the Virginia Company, 254-8.

[5] Ibid., 292 et seq.

mother country that every effort must first be made to build up the capital at Jamestown. The unhealthy situation of this town, as well as the dislike of the Virginians for town life, defeated all of these early efforts.[6]

This almost complete lack of success over a period of years finally brought about a partial change in the policy of the English government in regard to the founding of towns. In 1662 instructions were sent to Governor Berkeley to induce the colonists to erect a town on every important river. The obstinacy of the home government was shown, however, in the order to attempt, first of all, to further the growth of Jamestown.[7]

Following the suggestions of the Governor, the General Assembly passed such a measure in December, 1662. The fact that the Assembly looked upon the attempt with misgivings and was certain of its failure is proved by the wording of the preamble. It states that although the act might be of some profit to them, it was passed in pursuance of the royal commands which they must obey. After the past experience with similar acts, the Assembly felt that no legislative action would succeed in building up Jamestown

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[6] Philip Alexander Bruce, The Economic History of Virginia in the Seventeenth Century, II, 532-36.

[7] "Instructions to Berkeley, 1662", The Virginia Magazine of History and Biography, III (July, 1895), 16-17.

along with other towns. Thus it appears that the act was forced through the Assembly by the authority of the Governor. This lack of interest in the creation of towns on the part of the colonists is in no other place so forcefully shown.

While a large part of the act was taken up with provisions concerning the building up of Jamestown, it did include for the first time a method of creating new towns. A levy of thirty pounds of tobacco per poll was to be levied to be used in the carrying out of the provisions of the act. The last paragraph of the law provided that this levy was to be used only one year for Jamestown. After that each succeeding year's levy was to be used to build a town on the York River, the Rappahannock River, the Potomac River and the Accomac on the Eastern Shore in that order.[8]

The practical results of the act were disappointing. Three years after its adoption, Secretary Ludwell writing to Secretary Bennett in England, stated that enough of the proposed town at the capital had been built to accommodate the officers of the colonial government.[9] This could hardly

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[8] "An act for building a towne" in Hening, op. cit., II, 173-76.

A contemporary historian of the colony stated that "the main ingredient for the advancement of towns was still wanting, namely, the confinement of all shipping and trade to them only, by defect of which all the other expedients availed nothing...." Robert Beverley, The History of Virginia, 54-5.

[9] Bruce, op. cit., II, 545.

have been more than four or five houses. Possibly some effort was made to build a town on the York River at this time, but no documentary proof has been located.[10]

Within the next two decades the growth of Virginia was rapid. The population had spread over such a wide area, that even the English government could not be blind to the fact that it was impossible to make Jamestown the only port in the colony. This fact had been recognized in 1662, and the spread of population only intensified the situation. Furthermore, the lack of specified ports of entry affected the revenues derived from the colony. Such a port established on each of the rivers would enable the government to collect all of the duties and imposts on the trade of the colony, and thereby discourage smuggling with its resulting loss of revenue.

Accordingly Lord Culpeper, upon his appointment as governor, was particularly instructed to secure the enactment of a measure to establish one or more towns in the colony. On June 9, 1680 the new Governor addressed the General Assembly and made a particular point of emphasizing

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[10] In 1662 a ducking stool was erected at Formaley's landing on Formeley Creek, "where it is supposed the town for York River will be built". York county, Deeds, Orders, Wills, etc., No. 3, (1657-1662), p. 185. This settlement was located about two miles downstream from present-day Yorktown. It is possible that some funds were expended by the colony in building up this town.

the need for towns.[11] The Assembly at that time was open to any suggestion that would improve the conditions in Virginia. The colony had not yet recovered from the effects of the insurrection led by Bacon in 1676, and the colonists were in a state of poverty as a result of this confusion and the continued low price of tobacco. They felt that an act to encourage the building of towns would provide the people with new occupations and diminish their dependence upon the mother country for manufactures. This reason was not mentioned in the act, but the author or authors appealed to their fellow legislators by explaining in the preamble that the establishment of towns containing warehouses for the reception of all imported and exported articles would have a salutary effect in advancing the price of tobacco.[12] They did not elaborate on this statement. It cannot be seen how the mere shipment of tobacco from one place rather than another could raise the price of the commodity. It seems likely that it was used merely to catch the votes of burgesses who were not interested in towns, but were interested in the price of tobacco. This ruse was probably

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[11] Cf. Speech of Lord Culpeper to the General Assembly begun at Jamestown, June 8, 1680 in "Virginia Colonial Records. Culpeper's Administration", The Virginia Magazine of History and Biography, XIV (April, 1907), 364.

[12] James Pendleton Kennedy and H. R. McIlwaine, editors. Journals of the House of Burgesses of Virginia, 1659/60-1693, xxvii.

placed in the preamble of the act by its principal author, Robert Beverley, the clerk of the House of Burgesses.[15]

Since this act was the most important measure passed by the General Assembly toward the creating of towns it would be well to consider it in detail. For the first time, no special preference was shown Jamestown. Under the terms of this statute, it was provided that within two months after the publication of the act fifty acres should be purchased by each of the counties to be set aside as a town for storehouses, dwelling houses, etc. This land was to be held by trustees or feoffees appointed by the counties. The price to be paid for the land was set at ten thousand pounds of tobacco, and the owner was not allowed the right of appeal against this appraisement. The following places were selected as sites for new towns: Varina in Henrico county, Flower de Hundred in Charles City County, Smith's Fort in Surry, Jamestown in James City, Patesfield in Isle of Wight, Huff's Point in Nansemond, mouth of Deep Creek in

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[15] Ibid., xxviii.
Robert Beverley was one of the most interesting men of his day. In 1677, as clerk of the House of Burgesses, he refused to surrender the papers of the house to the King's commissioners appointed at the time of Bacon's Rebellion. The animosity that arose from this action led to instructions to Lord Culpeper to exclude Beverley from office. The governor, however, confirmed his election when he found both the council and house supported Beverley. In his last years, Beverley wrote a history of Virginia, and thereby became the first native historian of the colony.

Warwick, the Jervise plantation in Elizabeth City, the Wise plantation in Lower Norfolk, the Read plantation in York, the Brick House in New Kent, Tyndall's Point in Gloucester, the Wormeley plantation in Middlesex, Hobb's Hole in Rappahannock, Peace Point in Stafford, Calvert's Neck in Accomac, the Secretary's plantation on King's Creek in Northampton, Ceretoman in Lancaster, and Chickacony in Northumberland.

In order to encourage building on these sites, a lot, half an acre in extent, was granted to anyone on condition that a residence and store would be erected on it and the sum of one hundred pounds of tobacco paid to the county. If the owner did not erect his house and store on the lot within three months, the lot and the tobacco paid for it were to be forfeited. An additional lot could be acquired by the same process. The fee paid the surveyors who determined the boundaries was to be twenty pounds of tobacco for each half-acre laid off, upon receipt of the plot. If he refused to make a survey of a lot, he was subject to a fine of five hundred pounds of tobacco, which was to be paid the person seeking his services. Every product of the colony was to be brought to these towns, there to be sold, and then to be carried on board for exportation. Failure to comply with this order would result in forfeiture of the articles. All goods imported into the colony, all

indentured servants and negro slaves, were to be landed at these towns only, under the penalty of confiscation. Cattle and provisions were exempted from this article. The cost of hiring a sloop to transport the tobacco from the plantation to the town was fixed at twenty pounds of tobacco per hogshead for distances under thirty miles, and forty pounds if greater. If the owner of the sloop demanded more, he was to pay one hundred pounds of tobacco per hogshead to the injured party. The charge for storing tobacco in warehouses was fixed at ten pounds of tobacco for one day or one month, and at six pounds for each succeeding month. For those persons at great distances from the ports, rolling houses were to be established at convenient places. The planter could roll his tobacco to these places where it would be stored until picked up by a sloop and transported to the town. Under the terms of this law, the tobacco transported to the towns or rolling-houses was to be exempted in the course of its transportation, and after it reached its destination, from the process of law for any debt contracted prior to the passage of the act. In order to encourage carpenters, bricklayers, laborers and other tradesmen to settle in the town, this provision was made also to apply to them on condition of such settlement. This exemption was not to continue for more than five years. To enjoy this protection, it was necessary that the debt should not have been contracted within the bounds of the proposed

towns. It was also provided that all tradesmen and laborers living in the towns and not planting tobacco, should be freed from paying the public levies for the term of five years after the publication of this act. In order to reduce the cost of establishing towns, it was provided that two counties might unite in erecting a town convenient to the inhabitants of both. For the advancement of the price of tobacco it was provided that no tobacco was to be exported from the colony until March, 1681 under penalty of forfeiture.[14]

This act was as farseeing as any law passed by the Assembly on this subject. Everything that could possibly entice people into towns was included. Lots were made available to any one at small cost, and the exemptions for those living in towns were calculated to appeal to the mechanics and tradesmen. The old error of making the creation of new towns secondary to the building up of Jamestown, as well as the establishment of only one town on each river, was not made. Instead, one town was to be erected in each county at a place convenient to the majority of the inhabitants. Despite these facts, the act was not popular with either the colonists or the home government. The added expense of transporting the tobacco from the plantations to the rolling-houses and towns and the payment of storage

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14 "An Act to encourage Cohabitation" in Hening, op. cit., II, 471-78.

fees did not meet with the approval of the planters.

There appears to have been no action taken by the justices of York county to carry out the provisions of this act.[15] A careful search of the orders of the county court at that time discloses no mention of it. This is very unusual, as the court records of the seventeenth century contain many pages in each volume devoted to copies of acts of the Assembly. Other counties, e.g. Lancaster, Middlesex, Rappahannock and Lower Norfolk, did appoint feoffees and some building was done.[16]

The act was doomed to failure from the start. The inducements offered for building the warehouses were insufficient. The law obstructed trade, rather than aiding it. When some of the colonial officials tried to enforce the provisions of the act, so many vexatious suits arose that it was soon found necessary for the English government to suspend it. The Commissioners of Customs, to whom the Lords of Trade and Plantations referred the act for advice, were quite bitter in their denunciation of the act. In a

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[15] An exact location was specified in the act for the port town of York county. It was to be "on Mr. Reads land where the Ship Honors store was, including the low beach for land, wharfes, &c. and the old field where Webber dwelt for habitation", Ibid., 472. It is impossible to locate the site exactly, as no references have been found in the county records to a "Ships Honors store", nor to a "Webber". It appears likely, however, that the proposed site was the same as that occupied later by Yorktown.

[16] Ibid., III, 58-60.

memorandum dated December 12, 1681, they gave their views on the matter. In the first place they felt that insufficient time was allowed for putting the act into operation. They also felt that the idea of appointing places for ports and landings was the wrong approach to the problem, since it forced towns to be built and merchant vessels to call there. It was wiser, they thought, to build towns wherever trade carried itself. Since Virginia had no warehouses or accommodations for receiving goods, it was imprudent to force merchants to trade at certain locations. They also considered the encouragement given artisans and tradesmen in the colony as inimical to the trade of the English merchants. Other objections, secondary to these, were also voiced in the memorandum. The Commissioners of Customs, undoubtedly influenced by the English merchants, suggested that the act be rejected and the matter be referred back to the Governor of Virginia for reconsideration.[17] Following the advice of the Commissioners of Customs, the Lords of Trade and Plantations recommended to the King that the act be suspended. On December 21, 1681 the King suspended the act and referred the matter to Governor Culpeper, his

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17 Memorandum of the Commissioners of Customs to the Lords of Trade and Plantations in/E. Noel Sainsbury, et al., editors, Calendar of State Papers, Colonial Series, America and West Indies, 1681-1685, p. 134.

council and the assembly of Virginia.[18]

It is interesting to note that the idea of creating towns in Virginia was not given up entirely, despite the adverse opinion of the English government. The act appears to have had the approval and support of the colonial officials in Virginia. A colonial official ascribed the retrogression of the colony to the lack of towns. "We are beginning to see", he said,

> that our miseries are much due to our wild and rambling mode of living, to cure which, and to cause cohabitation, an Act was passed by the late Assembly fixing one town in every county, where goods may be shipped and landed. If this takes effect, Virginia will advance, whereas of late years it has retrograded....[19]

The chief cause of the failure of the act might be laid at the door of the mercantilist theory of colonial government, which was, in substance, that the welfare of the colony should be subordinated to the welfare of the mother country, or more specifically, of its merchants. The opposition of

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[18] Hening, Statutes, op. cit., II, 508.

[19] Letter of Colonel Nicholas Spencer to Mr. Secretary Coventry, dated July 9, 1680/in Sainsbury, op. cit., 1677-1680, p. 589.

Lord Culpeper, the governor, in his report on projects to improve conditions in the colony, dated October 18, 1681, emphasized the need for towns as "being the only visible way to make the Colony flourish...". Ibid., 1681-1685, p. 127.

this class sealed the doom of the statute.[20]

Not discouraged by the action of the assembly in passing an "impracticable" act, the English government continued to furnish the incentive for rectifying the lack of towns in the colony. On January 27, 1682/3, instructions were sent to Lord Culpeper in 82 articles. One of these recommended the encouragement of towns, with emphasis on Jamestown. It stated that the King would be pleased if the "chief inhabitants" would build at the capital.[21] The home government, in spite of repeated failures, had returned to the old idea of insisting on the building up of Jamestown.

Probably in answer to these instructions the Council wrote the Lords of Trade and Plantations on May 4, 1683 requesting the consideration of the King on the act for towns so that they would "know better how to proceed".[22] As no answer was forthcoming, the Governor, in his report on Virginia, dated September 20, 1683, asked for the removal of the suspension order.[23] This request of the governor was not acceded to by the home government.

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20 Robert Beverley said that the act "was kindly brought to nothing by the opposition of the tobacco merchants of England". Beverley, op. cit., 72.

21 Instructions to Lord Culpeper in Sainsbury, op. cit., 1681-1685, p. 183.

22 Ibid., 425.

23 Report of Lord Culpeper to the Lords of Trade and Plantations in Ibid., 497.

All during this time the Assembly had not acted on the matter. Spurred on by the new governor, Lord Effingham, it took up a great deal of time during the session of 1694 in the consideration of a bill entitled "An act repealing a former act for cohabitation and directing a way more practicable for that purpose and for building townes", but this bill was finally rejected.[24] Its place was taken by a bill with the title "An act appointing portes for preventing frauds and better securing his majesties customes", which was passed.[25] It is interesting to point out the difference between the justification of this act and that of the other measures. Instead of stating that the act was to improve the financial conditions in the colony, it now emphasized the collection of the customs. The Burgesses probably remembered that the former act of 1680 had been referred to the Commissioners of Customs who had been instrumental in securing the rejection of the statute. The act of 1694, however, never reached England. When it reached the governor and council, they found that it differed from the act of 1680 only in title and as to the number of towns to be built. It was, therefore, rejected by the governor and Council, and the House of Burgesses was notified of this action in a message with which was sent a

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[24] Kennedy and McIlwaine, op. cit., pp. xliv-xlv.

[25] Ibid., xlv.

copy of the order of the king suspending the former act.[26]

It would have been supposed that the experience gained with the Cohabitation Act would have discouraged any further efforts along this line. The English government, however, continued to ask for attention to the matter. Finally in 1691 the General Assembly passed the Act for Ports. This measure became a law through the efforts of its chief sponsor, Governor Nicholson, who had been appointed Governor of Virginia in October, 1690.[27] The support that this measure received from the inhabitants of the colony cannot be accurately ascertained. The people at large, said the authors of The Present State of Virginia and the College, were adverse to the passage of such an act, as they knew nothing of the advantages of town life, having never been acquainted with it. This statement cannot be taken as indicative of the true feeling of the people at that time, as the authors' bias against Virginia is well known. These same writers stated their belief that the cause of the failures of the town statutes was to be found in the mistake made by appointing too many towns. This error, they believed, was due to the insistence of each Burgess on the

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[26] Ibid., 340-1.

[27] Beverley, op. cit., 81.

establishment of towns in his immediate neighborhood.[23] It is probably more nearly true that the Burgesses, being practical men, tried to minimize as much as possible the necessity of transporting tobacco and other products extreme distances to reach a port. The creation of only one port town on each river, for example, would constitute an extreme burden on the planters in trying to carry out the provisions of the act, as it would intensify this problem of transportation.

The Act for Ports chose fifteen sites for the erection of port towns, as compared with twenty in the Cohabitation Act.[29] The same sites were chosen in Charles City, Gloucester, Nansemond, Elizabeth City, James City, Middlesex, Northumberland, Rappahannock, Accomac, and Lower Norfolk. All of these sites, with the exception of Gloucester, had been laid out as towns and most of them are noted as having had dwellings and warehouses built in them in accordance with the provisions of the Cohabitation Act. The site chosen for the town in York county was to be "upon Mr. Benjamin Read's land beginning at the lower side of Smith's Creeke, and so runnin, downward by the river towards the ferrey". In addition to the fifteen towns chosen for ports,

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[23] Hunter Parish, editor, The Present State of Virginia, and the College By Henry Hartwell, James Blair, and Edward Chilton, 5 and 19.

[29] Cf. Hening, op. cit., III, 54-9 for text of act.

five places, viz., Bermuda Hundred in Henrico, the mouth of Grey's Creek in Surry, Fatesfield in Isle of Wight, Warwick Town in Warwick, and Nanny in Westmoreland, were set aside as places for buying and selling goods. All but the first two of these latter sites are mentioned as having been laid out as towns under the Act of 1680, and dwellings and warehouses built.[30]

The justices of each county were to decide upon the fifty acres to be set aside as a county port, and this was to be surveyed and divided into lots for stores, dwellings, warehouses, etc. within three months after the publication of the act. If the owner of the land refused the price offered by the justices of the county, a jury of twelve men was to assess its value. This price was to be paid by a levy on each tithable in the county. If the owner refused to accept the assessed value, the land was to be forfeited to the feoffees or trustees named by the justices. These feoffees were empowered to grant a half acre lot or more to any person who should agree to erect on each lot in the course of four months a house twenty feet square and would pay a sum decided upon by the feoffees as a just price. If the building was not erected in the time specified, the lot was to be forfeited. After October, 1682, all merchandise imported into the colony and all products exported were to pass through one of these ports and a certificate received

[30] Hen. xii.

from the customs collector. If any goods were conveyed into or out of the colony from any other place, or a proper certificate was not obtained for them, they were to be forfeited. The remainder of the statute dealt with means to assure the collection of duties and the prevention of frauds.

The most outstanding difference between this act and its predecessors was the change in the justification of the measure. In the act of 1680 the lawmakers had appealed to their colleagues rather than to the home government, by stating that it was hoped the act would relieve the distressed situation in Virginia. In the subsequent repeal of the act by the English government, the Commissioners of the Customs led the attack. In the Act for Ports, therefore, the Burgesses, with an eye to the home government, emphasized the necessity of founding towns as a means of collecting the revenue from the inhabitants of the colony and preventing frauds in the collections.

The land chosen for the York county town, belonging to Benjamin Read, was situated on a level plain with a bluff approximately fifty feet high running along the river shore.[31]

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[31] Ibid., 59. It is probable that the site was the same as that proposed for the town under the Cohabitation Act, but, as was explained above, no means of identifying the earlier site has been found. Supra p. 24. f.n. 15.
Benjamin Read acquired the land from his father, Colonel George Read, who had married the eldest daughter of Nicholas Martiau. George Read had been devised 850 acres by

The York River, which averages two to three miles in width, at this point narrows to about one-half mile, through the jutting out from the northern shore of the peninsula known in 1691 as Tindall's Point, later as Gloucester Point. The channel of the river is deep, averaging about fifty feet close to the shore. Nature could not have devised a better location for a port town. The great depth of the river close to the shore made it necessary to build only comparatively short wharves. In fact, masters of ships trading in Virginia had already discovered the advantages of the place, for a well and a "ships homers store" had been built there prior to 1680. A ferry and an inn, or ordinary, were located there for the accommodation of the public.[32]

Following the passage of the Act for Ports, its provisions were published in the court of York county on June 3, 1691.[33] On the following July 24, the court was

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Martiau, and on November 12, 1688 this land was divided among his sons. Robert received half of the land, and the remaining half was divided between Benjamin and Francis. Infra pp. 193-194. The county purchased fifty acres of Benjamin Read's 218½ acres to establish the town. The remaining land was subsequently sold by Read, but was recovered by his son.

[32] Robert Read, on February 24, 1689/90, was granted a license to keep an ordinary "at the place where the fferry now is kept upon the South Side of York River ...". York county, Deeds, Orders, Wills, etc., No. 8 (1687-1691), p. 395.

[33] Ibid., No. 9 (1691-1694), p. 27.

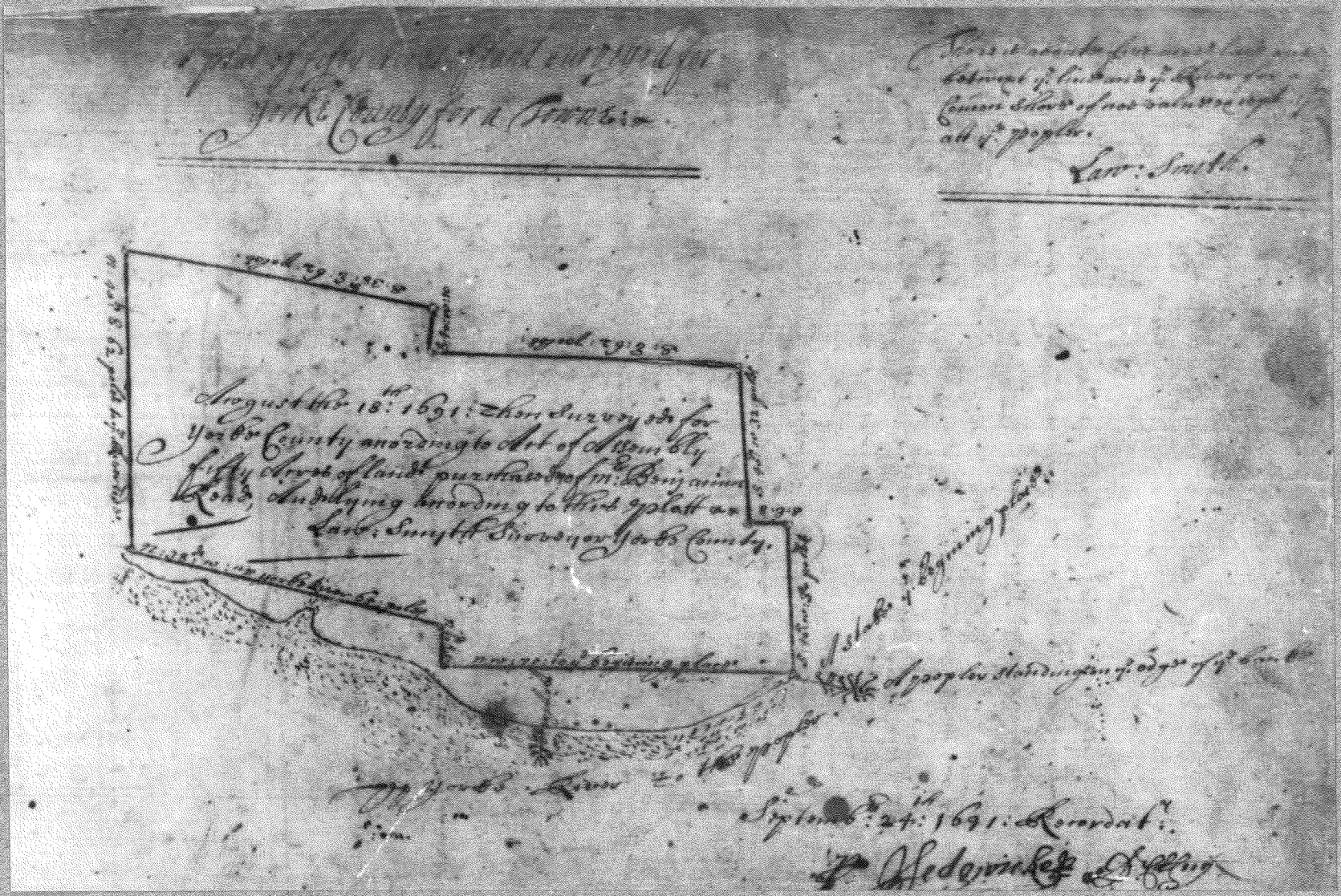


Figure 2.-- Copy of Original Plat of Yorktown, 1691. York county, Deeds, Orders, Wills, etc., No. 9 (1691-1694), p. 69.

ordered to meet on Mr. Read's land on the 29th with the surveyor, to lay out the boundaries of the town as specified in the act. In addition, Joseph King and Thomas Ballard were named feoffees or trustees to receive "a ffirme and Authentick Deed" for the land from Benjamin Read and to convey the town lots to purchasers.[34] By August 13, 1691, the survey was completed and fifty acres of land were conveyed by Benjamin Read of Gloucester county, and Lucy, his wife, to the trustees. Read received a total of ten thousand pounds of "merchantable sweet scented tobacco and cask" for the land. The deed and survey were recorded by the county clerk on September 24, 1691.[35]

The county surveyor, Colonel Lawrence Smith, did not follow the directions in the Port Act in surveying the boundaries of the town. Instead of starting at Smith's Creek and following the river shore, he moved his starting point about one thousand feet to the east, and placed the fifty acres on top of the bluff. This arrangement left the approximately five acres of beach in front of the town outside the limits of the survey. This land Smith described

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[34]Ibid., 42-3.

[35]Ibid., 44. The total amount paid Read for the land was 10,000 pounds of tobacco, since the sum paid for casking was the price of making hogsheads to store the tobacco and was figured at eight per cent of the total. See also Appendix A.



Figure 3.-- Copy of Original Plat of Lots in Yorktown, 1691.
York county, Deeds, Orders, Wills, etc., No. 9 (1691-1694), p. 707.

on his plat as being left "for a Comon Shore of noe valne...."[36] This beach land was a narrow shelf between the bluff and the river. At high tide a great part of it was subject to inundation. The surveyor naturally looked upon the land as valueless for house sites. He did recognize, however, that it would be very valuable to the inhabitants of the town as the site for landings, for he designated it as a common shore. The beach was considered a common shore for many years, and the people of the town used it as such. It was not until the death of Benjamin Read, about forty years later, that this shore caused trouble for the town. This controversy will be discussed in a later chapter.[37]

On the same day that the survey plat of the town was recorded, Colonel Smith also filed a plan dividing the fifty acres into eighty-five half acre lots. The lots were numbered in sequence, beginning in the northeast corner of the town land. A main street was laid out parallel to the river. Five cross streets lay north of this street, and seven south of it.[38] On October 10 the county court

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[36] The original survey in Ibid., 68; Figure 2.

[37] Infra Chapter VI.

[38] Inspection of the town plat, Figure 3, provides the reason for the greater number of cross streets south of the main street than north of it. A large ravine, called "A Great Valley", lying to the north, was not divided into lots.

appointed Mr. Thomas Meumfort to be surveyor of the town. He was instructed to "take Immediate Care" that there were good and convenient landings made "for Hailing or Carrying upp to ye Said Towne any sort of goods whatsoever" that any person should bring there by water. Everyone who took up land in the town was to furnish him with an assistant.[39] Captain Meumfort, therefore, was the first highway engineer of the town of York.

After the determination of the boundaries for the various lots in the town, the trustees placed them on sale. The price for each half acre lot was 100 pounds of tobacco, making a total income of 15,000 pounds, provided all the lots were sold. This amount would not be sufficient to pay the cost of founding the town, as itemized by the county clerk on February 24, 1691/2:

An Account of ye whole charge of ye part land in Yorke County

To ye Consideration thereof	10000	
To Cash	00900	
To Coll: Smyth	00600	
To Cash	00040	
To Willm Sedgwicke [county clerk]	00500	
To Cash	00040	
To Severall Copys of orders about ye Towne land to Jos Sedgwicke	00020	
To Sherr charges for laying out ye land & bounds	00715	
To Cash of 15024 l tobacco	03032	
To Sallary	01200	
	15615	40

39 York County, Deeds, Orders, Wills, etc., No. 9 (1691-1694), p. 71.

40 Ibid., 110.

A special poll tax of seven pounds of tobacco for each tithable was levied to meet this deficit.

The total receipts of the county from the sale of the lots amounted to 10,440 pounds of tobacco by November 24, 1698, and the poll tax raised an additional sum of 7,378 pounds.[41] Thus by the end of the fiscal year 1698, the county had realized a profit of 2,937 pounds of tobacco on the town lots.

The first day on which lots were available for purchase must have been November 24, 1691. On that day deeds for a total of thirty-six lots were recorded. After this initial rush, the acquisition of lots continued at a slower rate, but by November 23, 1698, a total of sixty-one lots had been taken out.[42]

The records reveal that the town trustees had trouble in trying to collect the fees for the lots. To meet this difficulty, the court ordered the sheriff to seize any of the lots for which payment was refused "att ye time

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[41] Ibid., 188-89

[42] Loc. cit. A list prepared on that date shows only 58 lots sold. See Appendix B. Each of the two trustees had purchased a lot, but the court, on November 24, 1698, remitted the cost to them because of their "having p[er]formed good Service to ye County ...". Ibid., 186. Another lot, No. 5, had been taken out by Mr. John Underhill, but it was not included in this list. Underhill was also said as having forfeited Lot 3, which it was resold by the trustees.

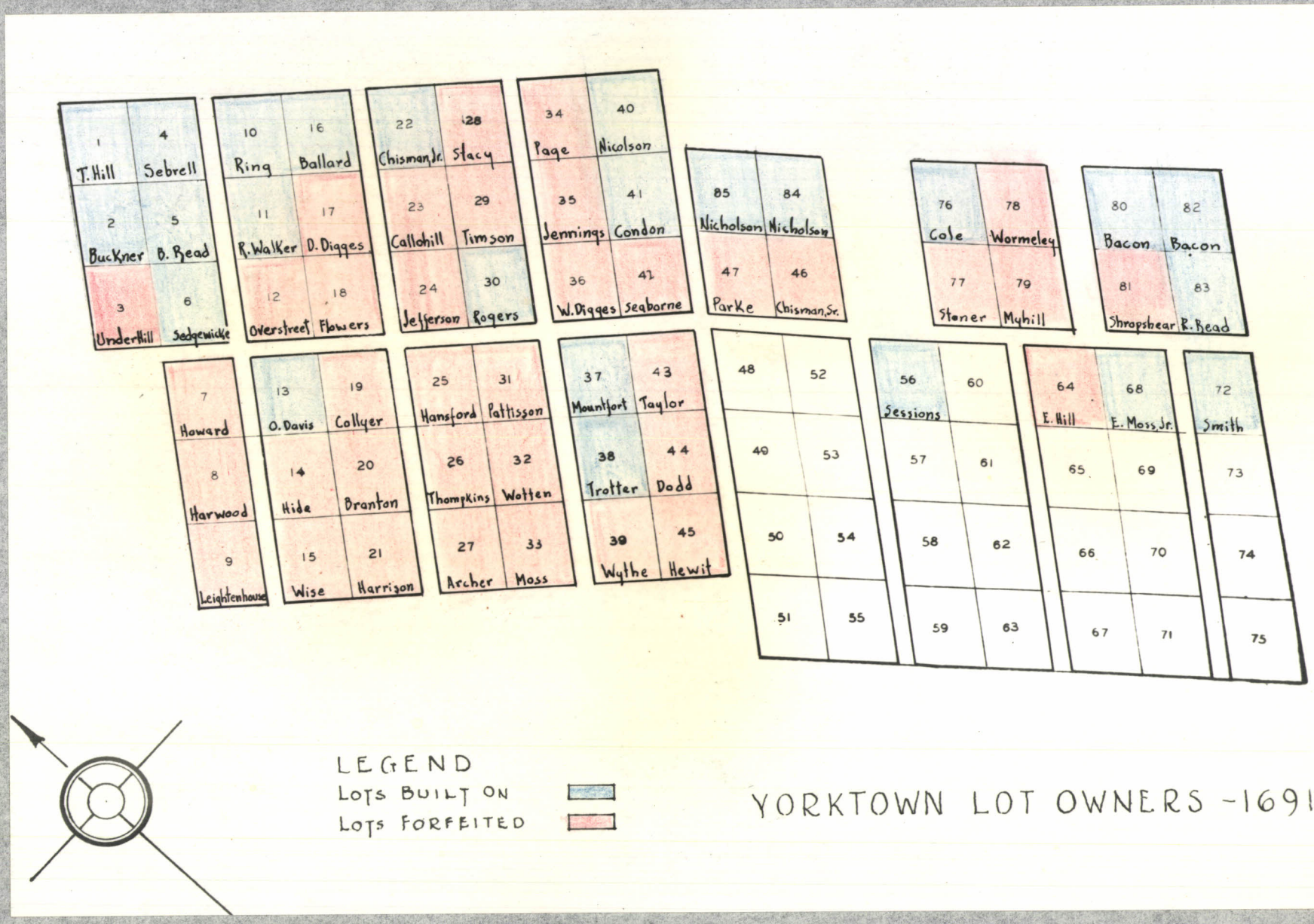

1 T. Hill
4 Sebrell
2 Buckner
5 B. Read
3 Underhill
6 Sedgewicke
10 Ring
16 Ballard
11 R. Walker
17 D. Digges
12 Overstreet
18 Flowers
22 Chisman, Jr.
28 Stacy
23 Callohill
29 Timson
24 Jefferson
30 Rogers
34 Page
40 Nicolson
35 Jennings
41 Condon
36 W. Digges
42 Seaborne
85 Nicholson
84 Nicholson
47 Parke
46 Chisman, Sr.
76 Cole
78 Wormeley
77 Stoner
79 Myhill
80 Bacon
82 Bacon
81 Shropshear
83 R. Read
7 Howard
8 Harwood
9 Leightenhouse
13 O. Davis
19 Collyer
14 Hide
20 Branton
15 Wise
21 Harrison
25 Hansford
31 Pattisson
26 Thompkins
32 Wotten
27 Archer
33 Moss
37 Mountfort
43 Taylor
38 Trotter
44 Dodd
39 Wythe
45 Hewit
48
52
49
53
50
54
51
55
56 Sessions
60
57
61
58
62
59
63
64 E. Hill
68 E. Moss, Jr.
65
69
66
70
67
71
72 Smith
73
74
75
LEGEND
LOTS BUILT ON
LOTS FORFEITED
YORKTOWN LOT OWNERS -1691

Figure 4.

of my Collection". [43]

Of the sixty-one lots taken out and paid for, there are on record deeds for only forty. The reason for the omission of the other twenty deeds is not clear. William Hodgkiss, the county clerk at that time, received a court order on November 24, 1828, setting a charge of sixty pounds of tobacco for drawing up a deed in parchment and fifty pounds for a like service in paper.[44] It is possible that the missing twenty-one failed to pay the clerk, and as a result their deeds were not recorded.

The location of the land taken out during the first year reveals that all the lots along the river bank above the shore, and most of those along the main street, were acquired early. All the lots in the western end of the town were taken up, but those in the southeastern section were left without owners. No apparent reason can be found for the neglect of these lots. The fact that they were some distance from the river bank would be no cause. Lots 48 and 88, for example, had two natural approaches to the river and, furthermore, were on the main street of the proposed town. The concentration in the western part of the town, furthermore, could not have been caused by the desire

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[43] Ibid., 170

[44] Ibid., 187

to build near the church and courthouse, as these buildings were not erected until 1697. Although the cause of the peculiar nature of the settling of the town is not known, the fact remains that the first settlers considered the western lots the more desirable.

A study of the individuals who took out the first lots reveals some interesting information. Six of the lot owners were members of the colonial government. Lieutenant Governor Francis Nicholson purchased two lots and later a third from Dr. Richard Starke, a prominent physician. Several of the colony's councillors purchased lots in the town of York: Honorable William Cole, member of Council from 1678 and at the time of the founding of Yorktown was Secretary of the Colony, Hon. Colonel Edward Hill, councillor and treasurer of the colony, Hon. Col. Nathaniel Bacon, Sr., president of the council until retired by ill health in 1691, and Hon. Ralph Wormeley of Middlesex county, member of the Council since 1677, and Hon. Col. Edmund Jennings, who was at that time the attorney general of the colony.

Fourteen of the original lot owners were described in the deeds as gentlemen: Thomas Hill, the owner of "Rosewell Lodge" plantation in York county; William Buckner, surveyor of Stafford county; Captain Charles Hansford, Justice of the Peace of York county; Benjamin Read, of

Gloucester county; Captain Thomas Harwood, Justice of Peace of York county; John Rogers, probably of King and Queen county; David Condon, of York county; Edward Nash, Jr., former Justice of Peace of York County in 1687; John Mahill; Robert Read, Justice of Peace of York county; Dudley Digges, Justice of Peace of York county; Thomas Chisman, Sr. and Thomas Chisman, Jr., of York county. Three other lot owners for whom we have no deeds would also be included in the gentry: Col. Lawrence Smith, Burgess from Gloucester county and surveyor of York county, Mr. Thomas Ballard, Justice of Peace of York county and trustee of the town, Mr. Joseph Ring, trustee of the town, and Daniel Parke, former Burgess from Bruton Parish.

Nine planters are included among the first lot owners: Ralph Walker, Owen Davis, Ralph Flowers, Thomas Collier, Francis Callohill, Thomas Jefferson, William Thompkins, William Hewitt, and David Stoner. Military or naval titles are placed before the names of ten of the founders: Colonel Edward Hill, Colonel Nathaniel Bacon, Sr., Col. Edmund Jennings, Colonel Lawrence Smith, Colonel William Cole and Captain Charles Hansford, who have been mentioned above, as well as Colonel William Digges, Captain of horse during Bacon's Rebellion, Justice of Peace of York county, 1678 and sheriff of York county in 1679; Captain Daniel Taylor of York county; Captain Francis Page, Burgess from York county

in 1684 to 1698 and clerk of the House of Burgesses in the latter year; Captain James Archer, who had been an ensign in Colonel Herbert Jeffrey's regiment during Bacon's Rebellion and Justice of Peace of York county in 1685[45] All of these first lot owners at York, therefore, were part of either the colonial or local government, and were persons of some influence in the colony.

The roll of the first lot owners in the town reveals the names of a few professional men as well as tradesmen. Dr. Richard Starke was listed as a "Chirurgeon", but as he sold his lot to the Governor a few months after purchasing it from the town trustees, he can hardly be called a settler. Mr. Robert Hyde and Mr. Isaac Sedgwicke were lawyers. Two house carpenters, John Seabourne and Thomas Sessions, were among the first to acquire lots. One settler, Robert Leightenhouse, appears to have become the school master for the town, while another, Joseph Shropshear, was called simply a "Batchelor". The occupations of the

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[45] A contemporary writer described the method employed in giving colonial titles. He wrote that "The Gentlemen of the Country have no other distinguishing Titles of Honour, but Colonels and Majors and Captains of the Militia, except the Honourable the Council, and some commissioned in Peace by His Majesty or his Orders, who are nominated Esquires...." James, op. cit., 83-5. Justices of the Peace of the counties and occasionally large plantation owners were termed gentlemen. By the latter part of the seventeenth century, the term "planter" usually designated the large land holder.

remaining thirteen of the first townsmen have not been determined. It is probable that they were small land owners in the county who purchased lots in the town as an investment.

This summary of the first lot owners in the town shows that they were a typical cross section of the colony at that time. Although the number of officers of the colonial government was somewhat excessive, this was to be expected, as they were interested in carrying out an act which had received such strong support from the Governor. The apparent lack of members of the House of Burgesses among this first list may be understood, when it is remembered that each county was to establish a port town and they would naturally be interested in the port in their individual counties. This situation, therefore, cannot be taken as proof of lack of interest on the part of the Burgesses in the carrying out of the provisions of the Port Act. Despite the large number of colonial officers in the town, a larger number of small planters and artisans also acquired lots. This fact indicates that the measure for establishing a port on the York river had great popular favor.

CHAPTER II

DEVELOPMENT OF YORKTOWN, 1691-1710

Pursuant to the provisions of the Port Act of 1691, York county had purchased the land for a port and established the town of York. It was natural to look forward to a steady growth in population and prosperity, but the town was to fall upon evil days.

The Port Act had been passed by the General Assembly at the urgent instigation of Lieutenant Governor Nicholson. His interest in the act was reflected in the active part he played in the establishment of Yorktown. On June 10, 1691, in his letter of transmittal of the law to the Lords of Trade and Plantation, he had said: "The Act for Ports is agreeable to the Royal Instructions; but as it is done at the country's request I hope it may be confirmed. If the merchants oppose it I beg that our side be heard."[17] Nevertheless, in the following year he openly expressed his dislike of the law. Robert Beverley, a contemporary historian, attributed the governor's inconsistent conduct to the influence of the English merchants, with whose trade the law interfered as much as did the former Cohabitation

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[17] I Sainsbury, op. cit., 1689-1692, p. 473.

Act.[28]

The result of the governor's opposition was the passage of an act by the General Assembly on April 1, 1696, no doubt with feelings of disappointment by many, suspending the execution of the measure.[29] The ostensible reason given for the suspension was that the approval of the act by the English Government had not been obtained.[30] The probable cause, as stated by Beverley, was that the English merchants trading in Virginia had made many complaints as to the working of the law. In addition, the measure placed many inconveniences upon the planters in the colony by limiting all trade to certain towns.

Since the act was supposedly suspended because the opinion of the home government had not been received, the action of that government on the measure should be considered. Though the law had been transmitted to England on June 10, 1691, there appears to have been no action taken

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[28] He said of the governor's actions that "Instead of encouraging ports and towns, he spread abroad his dislike of them; and went among the people finding fault with those things which he and the assembly had unanimously agreed upon the preceding session." Beverley, op. cit., 80-81

[29] Kennedy and Mallwaine, op. cit., 1695/96-1698, p. 444. The General Assembly demonstrated its interest in the law by employing in April, 1692 a special agent in England to endeavor to have the act approved by the king and queen. Ibid., p. lxviii.

[30] 4 Hening, Statutes op. cit., XII, 108-9.

on it until March 15, 1692. On that day the Commissioners of the Customs communicated their opinion of the law to the Lords of Trade and Plantations. They believed that the part of the act establishing ports was desirable enough, but it seemed to them unreasonable to compel people to trade in certain specified places, when arrangements had not been made for the reception and storage of their goods. They suggested, therefore, that the act should not pass, but that the governor of Virginia be instructed to build wharves and quays.[31] Following these suggestions, the Lords of Trade and Plantations on June 27, 1692 referred the act back to the General Assembly for amendment.[32] Here the matter rested for some time, since the General Assembly showed no inclination to take it up again.

The suspension of the Port Act caused a sudden decline of the port town of York county. Of the sixty-one lots purchased from the trustees while the law was in operation, thirty-seven were deserted by their owners. Since the titles to the remaining twenty-four lots were not forfeited, buildings must have been erected on them. According to the Act for Ports, it was necessary to begin the construction of a house on a lot within four months after purchase, or return it to the town trustees and forfeit the

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[31] 5 Report to the Lords of Trade and Plantations in Sainsbury, op. cit., 1689-1692, p. 611.

[32] 5 Ibid., 661.

cent of the land. Practically all of the lots sold in the town under the act had been taken up by the end of 1691. Since the law was not suspended until April, 1693, there was sufficient time for the building provision to have become operative. Furthermore, many of these lots were mentioned specifically in the court records as having buildings standing on them at this time. The three lots of Lieutenant Governor Nicholson, for example, were built upon prior to June 24, 1692. On that date he offered his lots and houses to the county for a free school.[7] Although the court appointed men to appraise the property, no record of its acceptance has been found.

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[7] The attorney general of the colony in making the offer stated that Nicholson "designes his houses Erected upon his part land in this County for a Free School for ye Education & tuition of Children there...." York county, Deeds, Orders, Wills, etc., No. 9 (1691-1694), p. 130. Nicholson persisted in his efforts to foster the cause of education in Yorktown. Again, in a letter dated March 2, 1695/6, he offered his three half acre lots and houses thereon to the court "to be disposed of to ye use and advantage of Mr Robert Leightenhouse ye present Schoolmaster...." Ibid., No. 10 (1694-1697), p. 389. It is not known whether this offer was accepted, although a memorandum, presumably written in 1781, stated that Nicholson owned two and a half lots in Yorktown which were "without any manner of Improvement on them...." "William and Mary College. Recently Discovered Documents", William and Mary College Quarterly Historical Magazine, I (Second series; July, 1921), 227. Perhaps the missing half lot was used as a school. On the other hand, the rector of the parish in 1724 stated that there were no public schools in the parish. William Stevens Perry, editor, Papers Relating to the History of the Church in Virginia, A.D. 1650-1776, p. 201. In addition, Thomas Nelson bought three full lots from Nicholson's executor in 1731. York county, Deeds, No. 4 (1729-1748), p. 101.

Although the act of suspension was a serious blow to the fortunes of the town, some citizens seem to have felt that property there was a good investment and continued to buy lots. William Buckner, an increasingly important person in the town, bought two lots, one of which he resold, while the act was in suspension. On January 26, 1694/5 he bought Lot 13 from Owen Davis for an unspecified sum, and on April 20, 1695 he purchased Lot 4 "with the buildings" from Nicholas Sebrell for six pounds sterling.[8] A few years later, by deed dated May 18, 1698, the same William Buckner sold Lot 13 with "his cottage or tenement in Yorke Towne known by the name of Smith Shopp" to Thomas Bowcher, merchant.[9]

Evidently inn-keeping was the most popular trade of the few people in the town during the closing years of the seventeenth century. Captain Thomas Mountfort received a license to operate an ordinary in Yorktown as early as August 24, 1688, and others soon followed his lead.[10] The relatively large number of ordinaries at such an early period of development of the town was probably occasioned

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[8] York county, Deeds and Bonds, No. 1 (1694-1702), pp. 8 and 16.

[9] Ibid., 188

[10] York county, Deeds, Orders, Wills, etc., No. 8 (1691-1694), p. 154.

by the ferry traffic which centered here, and also indicates that there was some shipping in the river which stopped at the port despite the lack of wharves and warehouses.

Even though the suspension act did handicap the growth of the town, the spark of life did not die out completely. The few inhabitants found sufficient employment to warrant their remaining in their dwelling houses, which many converted into ordinaries. Upon the petition of the citizens of the county, the court was moved to the town in 1697 and a courthouse was erected on Lot 24. In the same year the church of York parish was also moved to the town. These two additions naturally increased the importance of the port.[11] The incentive needed to bring about a renewed growth was soon found in the passage of an act by the Assembly in 1699.

As explained above, the English government had referred the Act for Ports back to the General Assembly for amending. The Assembly did not seem disposed to take it under consideration. On April 28, 1697, in answer to queries from the Lords of Trade and Plantations, Governor Andros stated that the Act for Ports still stood in suspension and suggested that one or more ports should be established in each district for loading and unloading goods to prevent

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[11] Infra Chapter V for discussion of public buildings.

illegal trade.[12] No action appears to have been taken on this suggestion of the Governor. The Council of Virginia then became interested in the matter and appointed a committee to consider it. On October 23, 1698 they reported in a succinct manner

> that the same would be met by appointing certain places for landing and unloading of ships, viz., three on James River and two on each of the other great rivers. Encouragement should be given to people to reside at these places; warehouses should be built in them, and no limitations nor restrictions imposed but such as are absolutely necessary.[13]

The Council approved this report, and probably the House of Burgesses used it as a starting point in dealing with the matter in its next session.

At this session the General Assembly acted to protect the interests of persons who had purchased land in the towns under the Port Act of 1691, and whose titles had been affected by the Suspension Act. It passed a measure in April, 1699, which was subsequently approved by the Council and the Governor, to confirm the titles to such lands. According to this act the town trustees were empowered to confirm titles to lands bought previous to the Suspension Act or afterwards, just as if this law had never been

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[12] Answers of Sir Edmund Andros to queries sent by the Council of Trade and Plantations in Sainsbury, op. cit., 1696-1697, pp. 455-56.

[13] Minutes of the Council of Virginia in Ibid., 513-514.

adopted. Furthermore, if any vacancies had occurred among the town trustees due to death or removal, these were to be filled, and they were to have the same powers as given under the Act for Ports.[14] So far, therefore, as this section of the law of 1691 was concerned, it continued to operate as if the suspension of its provisions had never occurred. The portion of the original law placing restraints on trade by limiting it to particular places was completely omitted. The new act thus met the desires of both the English merchants and the Virginia planters by not affecting the prevailing custom of using plantation wharves for loading and unloading goods. The elimination of this objectionable feature of former acts indicates a desire on the part of the Assembly to encourage the growth of towns in the colony. Further proof of this desire can be found in the extension of time to all who had ceased to build after the Suspension Act. They were now allowed twelve months after the publication of this act to complete their proposed buildings and receive a title to the land.

The passage of this act confirming titles to town lots, saw the sale of lots in Yorktown begin anew. On July 19, 1699, the first court after the final approval of the law, a total of seven lots was sold by the town trustees.[15]

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[14] Hening, op. cit., III, 186-89.

[15] York county, Deeds and Bonds, No. 1 (1694-1702), pp. 190-96.

The rate at which the lots were sold diminished after this first day, but fourteen lots in the town were sold under the provisions of this act. Six of the fourteen lots had been sold under the previous act, but they had been deserted by their owners. Nine of these lots were built upon within the twelve months specified in the act, and titles were given to the owners. The titles to only three lots (35, 54 and 64) were forfeited by their owners not complying with the building provision. One of these three, Lot 54, was resold in 1708 by the town trustees to Edward Fuller, who built upon it.[16] Lot 35 was taken up by Robert Leightenhouse, who died in 1701 without building. Instead of forfeiting the title, however, his widow's second husband, Mungo Somerwell, the keeper of the York river ferry, erected "several buildings and improvements" on it. In 1707 the town trustees, in consideration of these improvements, gave a valid title to the lot to Elizabeth Somerwell.[17]

Of the new lot owners in the town, the majority were not of the gentry. This fact clearly differentiates these settlers from those who purchased lots under the previous act. At this time those persons who would prosper most by town life were the ones attracted to Yorktown. Thomas Pate, who bought Lots 42 and 64, operated the ferry across the

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[16] Ibid., No. 2 (1701-1713), p. 35.

[17] Ibid., 205.

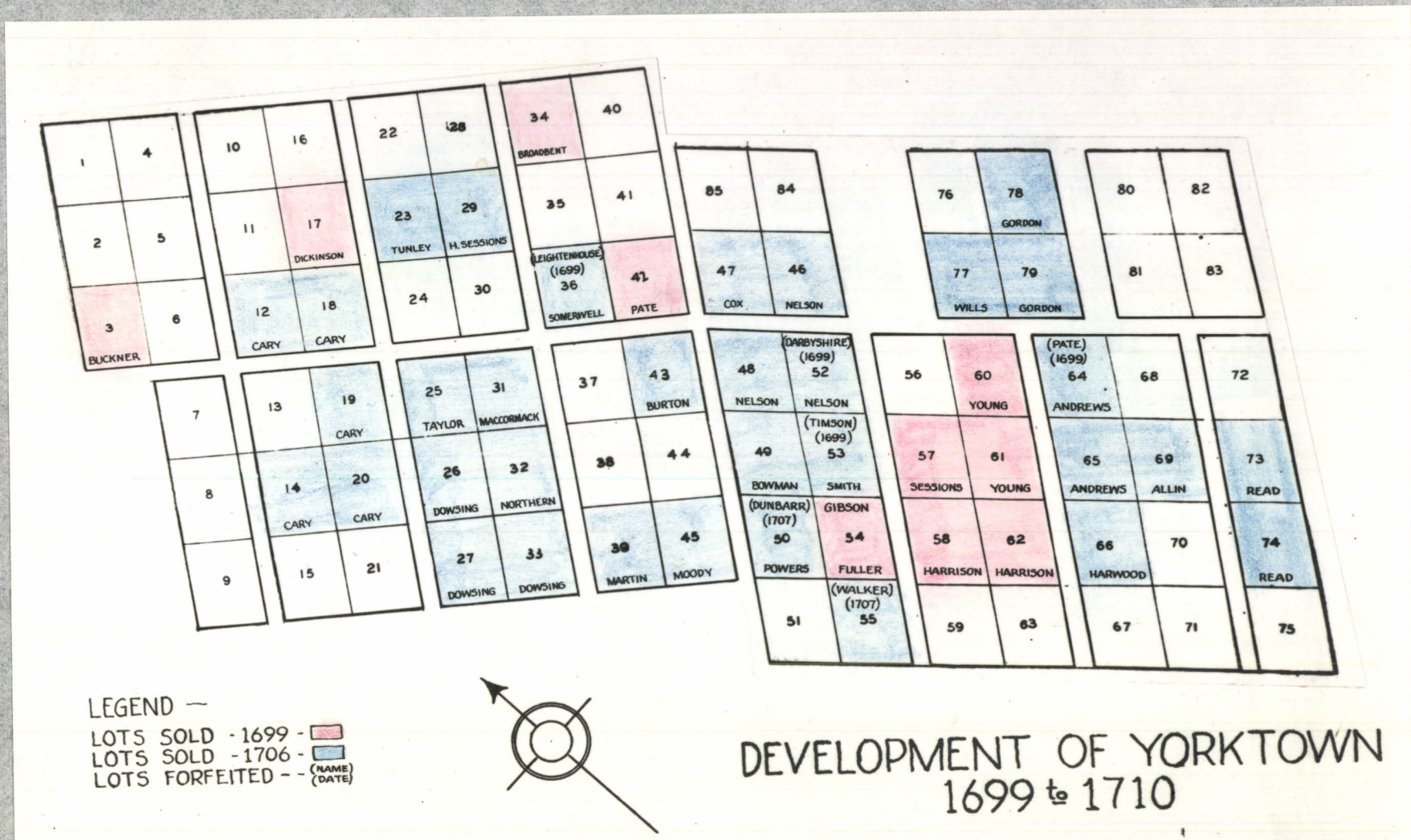

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BUCKNER
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DICKINSON
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CARY
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CARY
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TUNLEY
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H. SESSIONS
24
30
34
BROADBENT
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35
41
(LEIGHTENHOUSE)
(1699)
36
SOMERVELL
42
PATE
85
84
47
COX
46
NELSON
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78
GORDON
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WILLS
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GORDON
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CARY
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CARY
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CARY
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TAYLOR
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MACCORMACK
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DOWSING
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NORTHERN
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DOWSING
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DOWSING
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BURTON
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MARTIN
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MOODY
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NELSON
(DARBYSHIRE)
(1699)
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NELSON
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BOWMAN
(TIMSON)
(1699)
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SMITH
(DUNBARR)
(1707)
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POWERS
GIBSON
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FULLER
51
(WALKER)
(1707)
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YOUNG
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SESSIONS
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YOUNG
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HARRISON
62
HARRISON
59
63
(PATE)
(1699)
64
ANDREWS
68
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ANDREWS
69
ALLIN
66
HARWOOD
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67
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72
73
READ
74
READ
75
LEGEND —
LOTS SOLD - 1699 -
LOTS SOLD - 1706 -
LOTS FORFEITED - - (NAME) (DATE)
DEVELOPMENT OF YORKTOWN
1699 to 1710

Figure 5.

York river, as well as an ordinary on the waterfront. Other additions, such as Samuel Dickinson and Alexander Young, were made to the ranks of the inn-keepers, who continued to occupy an important place in the life of the town. The trades were represented by James Darbishaire, a blacksmith, Robert Harrison, a carpenter, and William Simson, a tailor. The only representative of the gentry was Joshua Broadbent of Gloucester county.[18]

During the period between 1699 and 1705, the real estate business among the private citizens was rather brisk. Many new persons moved to the town, and instead of buying lots from the trustees, they purchased developed properties from private individuals. Among these persons might be mentioned Miles Cary,[19] a gentleman from Warwick county, John Fenton and John Martin, merchants, Peter Gibson, a blacksmith, and his brother, Dee Gibson, a carpenter. The growth of population and of building activity in the town continued steadily during this period. By the end of 1705 the port town of York county seems to have been a thriving

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[18] See Figure No. 5 for lots purchased under the act of 1699.

[19] Miles Cary of Warwick county played a most important role in the affairs of Yorktown after he moved there in the early years of the eighteenth century. He served as county surveyor and as the naval officer of the York River District, as well as in other local positions, such as county justice.

mercantile center. Despite the delays and disappointments brought about by the legislative attempts to establish ports, Yorktown was at last firmly established.

The remainder of the port towns in Virginia did not seem to flourish on the same scale as Yorktown. This supposition is supported by the continued interest in port towns manifested by the English government. On March 29, 1706 some very influential persons recommended in a petition to the Lords of Trade and Plantations that they instruct the governor of Virginia to obtain the passage of an act establishing two ports on the James river, two on the York river, one at Williamsburg, two on the Rappahannock, two on the Potomac, and one on the Eastern Shore. This petition was signed by the Lord High Treasurer, the Commissioners of the Customs, and some of the more important English merchants.[30] On the following April 3 "Mr. Perry with other Virginia merchants" attended a meeting of the Council to discuss the matter. They stated that they did not mean that the ports should be settled until towns and warehouses could be built at the places that would be agreed upon, and that they only desired the Queen to instruct the Governor, Colonel Nott, to urge the Assembly to pass an act setting out lands for building the towns and warehouses. They

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[30] Salmsbury, op. cit., 1704-1708, p. 464.

recommended that these towns should not be considered ports until two years after the passage of the law.[21] Two days later the Council of Trade and Plantations made this suggestion to the Queen and she issued the appropriate instructions to the Governor of Virginia on April 17.[22]

This interest of the English government and merchants in the establishment of ports in Virginia brought about the passage in June, 1706 of still another town law by the General Assembly.[23] This law provided for the establishment of fifteen towns in the colony and outlined their government in detail. The sites of the proposed towns were practically the same as the places named in the Act for Ports in 1691. It was provided that after December 28, 1708, practically all imports and exports of the colony were to be cleared at these port towns under the penalty of forfeiture of goods not properly cleared. Many privileges were offered inhabitants of the towns to encourage their settlement. The more important of these privileges gave them exemption from three-fourths of any duties which would be laid after the passage of the act, and from the tobacco poll for fifteen

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21 Commissioners for Trade and Plantations, Journal of the Commissioners for Trade and Plantations, April, 1704-February, 1708/9, p. 123.

22 Sainsbury, op. cit., 1704-1706, p. 478.

23 "An act for establishing ports and Towns" in Hening, op. cit., III, 404-19.

years, as well as the privilege of not being mustered outside their own towns unless the country should be at war.

Elaborate plans were embodied in the act for the government of the proposed towns. Each town was to pass through various stages of control, according to the growth of population. At each advance the town was to be given more self-government. The act also contained detailed plans for the guidance of trade in the colony. After the towns had grown to a certain stage they were to be given great influence over the trade in their harbors, though the act included such restrictive details as the specification of charges to be allowed for storage in warehouses. This last town act maintained approximately the same requirements for the acquisition of lots in the town, the only important change being in lengthening the time in which one was required to begin building to twelve months.

The passage of a port act had been urged by the English government, as the home officials hoped that it would insure the collection of duties by establishing a fixed number of towns as ports of entry. When the law reached England, however, its liberal provisions alarmed the officials. Early in 1707 the Commissioners of the Customs, who, it will be recalled, had been instrumental in securing the passage of the act, bitterly condemned it in a report to the Commissioners for Trade and Plantations. They stated that while the act would be advantageous to

trade and the collection of revenue, it would prove "detrimental by drawing the inhabitants off from their planting tobacco in the country to the cohabiting and setting up handicraft trades...." Furthermore, they felt it "by no means proper" to grant special privileges to inhabitants of towns. Although they deemed it necessary that certain places be fixed for ships to enter and clear, they felt that the ships might be permitted to load and unload "at such places as should be most convenient for them."[24] In other words, the Commissioners of the Customs were interested only in the welfare and prosperity of the English merchants trading in Virginia; the colony could expect little assistance from the English government in its efforts to encourage a more orderly growth and conquer the forces of poverty by eliminating some of the excessive planting of tobacco, which resulted in the continued low prices, as well as by encouraging the establishment of new industries in the colony.

Some time appears to have passed before action was taken by the Council of Trade and Plantations. On November 30, 1709 they recommended to the Queen that she declare the act null and void since it "extends much further than was

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[24] Commissioners for Trade and Plantations, op. cit., April, 1704 - February, 1708/9, p. 306.

intended by your Majesty's foresaid instructions...."[25]

The arguments used against the Port Act cannot be better illustrated than by the following excerpt of a document which appeared at this time entitled "Reasons for Repealing the Acts pass'd in Virginia and Maryland relating to Ports and Towns":

> The whole Act is designed to Encourage by great Priviledges the settling in Townships, and such settlements will encourage their going on with the Woolen and other manufactures there. And should this Act be Confirmed, the Establishing of Towns and Incorporating of the Planters as intended thereby, will put them upon further Improvements of the said manufactures, And take them off from the Planting of Tobacco, which would be of Very Ill consequence, not only in respect to the Exports of our Woolen and other Goods and Consequently to the Dependence that Colony ought to have on this Kingdom, but likewise in respect to the Importation of Tobacco hither for the home and Foreign Consumption, Besides a further Prejudice in relation to our shipping and navigation.[26]

The Queen did not delay in acting upon this recommendation of her officers. At a Court held at St. James on December 15, 1709, the Act for Ports was declared null and void.[27] The Governor of Virginia, thereupon, repealed

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[25] Beinsbury, op. cit., 1708-09, pp. 538-39.

[26] Wm. P. Palmer, et. al., editors, Calendar of Virginia State Papers and other Manuscripts Preserved in the Capitol at Richmond, I, 157-58. The exact source of this document is unknown, but its importance as a perfect expression of the mercantilist point of view cannot be overlooked. This document expresses exactly the ideas of the English government in regard to the relationship of its colonies to the mother country. Nothing was allowed to interfere or hinder the prosperity of the English merchant.

[27] British Public Record Office Transcripts, "Virginia Miscellaneous, 1606-1772" in Library of Congress.

the act by proclamation on July 5, 1710.[28]

Another attempt was made by the council to secure the passage of another port act through the House of Burgesses. In 1711 the council passed a bill establishing ports and sent it to the House with a message asking for the concurrence of that body. The bill was debated and on December 4, 1711, it was defeated.[29] This was the last attempt of the legislature of colonial Virginia to undertake the establishment of towns by legislative means. Although the lack of towns was considered a great hindrance to the colony both in England and in Virginia, every effort made by the General Assembly to meet this situation had been successfully blocked by the opposition of the British merchants trading in the colony. Although it has been frequently stated that the Virginians were not interested in the establishment of towns, this is not entirely true. A large number of the leaders of the colony were outspoken in their belief in the need for towns. Their writings reflect their strong feelings in the matter. Among these leaders were Robert Beverley, Henry Hartwell, James Blair, Edward Chilton, Francis

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[28] H. R. McIlwaine, editor, Executive Journals of the Council of Colonial Virginia, III, 376-77.

[29] The bill was entitled "An Act Establishing ports Ware houses Rowling houses and Public Landings and for ascertaining the prices of Stowage." Kennedy and McIlwaine, op. cit., 1702/3-1705, 1705-1706, 1710-1712, pp. 321 and 324.

Nicholson, Lord Culpeper, and Francis Makemie.[30]

The effect of the Port Act of 1706 on the development of Yorktown was felt even before its passage. On May 19, 1706 John Downing, a bricklayer of Mulberry Island in Warwick county, purchased Lot 27, and a few days later Miles Cary, a gentleman of the same county, bought five lots from the town trustees.[31] At this same time Michaele MacCormack bought Lot 31 and Charles Cox, an inn-keeper of Bruton parish, took up Lot 47.[32] All of these lots were acquired while the Port Act was under consideration by the Burgesses. There is no definite proof that the sale of these lots was stimulated directly by the Port Act, but the sudden increase

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30 Francis Makemie, a brilliant Presbyterian minister of this period, wrote an article entitled "A Plain & Friendly Perswasive to the Inhabitants of Virginia and Maryland For Promoting Towns & Cohabitation," which was printed in 1705. It ended with the following list of the various types of persons opposed to towns: "First, Fools, who cannot, neither will see their own Interest and Advantage in having Towns. Secondly, Knaves, who would still carry on Fraudulent Designs, and cheating Tricks, in a corner or secret Trade, afraid and ashamed of being exposed at a Publick Market. Thirdly, Sluggards, who rather than be at labour, and at any charge in transporting their Goods to Market, the idle at home, and lose double thereby rather than do it: To which I may add a fourth, which are Sots, who may be best Cured of their Disease by a pair of Stocks in Town" The Virginia Magazine of History and Biography, IV (January, 1897), 270-71.

31 York county, Deeds and Bonds, No. 8 (1701-1706), pp. 173 and 184.

32 Ibid., 169 and 179.

in the number of lots sold by the town trustees seems to point to that conclusion. Although the deeds for these lots were all dated in the early spring, they were not recorded until the September court. This delay is unusual for the colonial period. Could a condition of the purchase have been the passage of the Port Act? While it is true that the Act of 1699 was still in force, it granted no special privileges to towns or their inhabitants and as a result it had very nearly run its course by 1706. It is evident that something more was added to induce this sudden increase in the sale of lots in May, 1706.

During the remaining months of 1706, after the passage of the Port Act, the number of sales of town lots increased tremendously. A total of eight lots was added during June, another one in August, and two more in December. In the following year a total of fifteen lots was sold by the town trustees and eight more in the next year. All of these sales must be attributed to the passage of the Port Act. The complete lack of purchasers for the town lots prior to its passage, even though the act of 1699 was still in effect, and the sudden upsurge of sales after the passage of the act, precludes any other conclusion.

Among the many new inhabitants were a few gentlemen, but the majority of new citizens of the town belonged to the working classes. The lists of purchasers include blacksmiths, inn-keepers, carpenters, as well as a brazier and a

weaver. Among the merchants settling in the town at this time was Thomas Nelson, the progenitor of the famous Nelson family of Yorktown, who were not only the leaders of the community, but also of the colony for the remainder of the colonial period. On the whole, it might be said that these new inhabitants were a cross-section of the society of colonial Virginia. To these citizens must go the credit for the development of the port of Yorktown.

The lots sold under the provisions of the act of 1706 were either built upon within the time specified, or the owners were forced to forfeit their titles. The fact that Lot 44 was sold twice within fifteen months by the town trustees corroborates this statement.[33] Furthermore, John Dewsing petitioned the court to have his title confirmed on two lots as he had "Complyed with the Law in building upon the Same wch building was by a Tempestuous wind blown down...."[34]

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[33] This lot was sold by the town trustees to Cornelius Wilson on January 8, 1706/7. Ibid., 209. On March 24, 1707/8 the same lot was sold to John Wills by the trustees the deed stating that the "Lott was formerly taken up by Cornelius Wilson and by him deserted." Ibid., 272.

[34] York county, Deeds, Orders, Wills, etc., No. 13 (1706-1715), p. 114. A similar petition was presented to the county court by William Harwood of Warwick county, whose building on Lot 66 was blown down by a wind in August, 1712. York county, Orders, Wills, etc., No.14 (1709-1714), p. 295.

By the year 1709 the more desirable of the town lots had been taken up, and as a result there was a sharp decline in the number of sales by the trustees. They sold only two lots in 1709, both of which had been taken up under the Port Act of 1706 and deserted. Lot 48 was bought by Thomas Nelson after it had been forfeited by William Cary, who had purchased it early in 1707.[35] Likewise, Philip Lightfoot acquired Lot 58 after John Mills, who had bought it in 1708, forfeited his title.[36]

By the end of 1710 the town was firmly established. The repeal of the Act for Ports in that year had little visible effect on the sale of the vacant lots. This was probably due to the fact that the Act of 1699 was not repealed and the town trustees continued their duties. Lots were sold by them until the end of 1713. The sales were stopped only when all lots had been purchased by private individuals.

Twenty-eight years after the establishment of the port of Yorktown, despite the discouraging inconsistency of the laws, all the lots in the town had been occupied. The town trustees from this time forward played a very minor part in the growth of the town. The real estate business passed out of their hands into those of private

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[35] York county, Deeds and Bonds, No. 8 (1701-1713), pp. 48 and 386.

[36] Ibid., 372 and 384.

individuals. The character and appearance of the town also underwent changes. After this time it lost its appearance of a crude village, as the wealthier citizens built their large brick mansions in the town. Even the ordinary inhabitants of the port soon replaced their crude huts of the early days with more substantial homes of either brick or wood or "plaister."

CHAPTER III

THE HOMES OF COLONIAL YORKTOWN

After the embryonic period of early development, Yorktown became a busy emporium of trade. The region around the town raised the best sweet-scented tobacco in the colony, if not the best in the new world. This factor, combined with the possession of one of the best natural harbors on the Eastern seaboard, contributed toward the development of the port. The natural result of an increasing trade was the rise of a wealthy merchant and planter class, who assumed the leadership of the community. The wealthy merchants spent most of their time at the port in order to conduct their business, and while they owned many plantations, their town houses usually more nearly reflected their prosperity. By the 1730's Yorktown boasted a number of fine town establishments, as well as some of the less attractive features of a busy emporium. Perhaps the most interesting and informative description of Yorktown during the colonial period was that of an English visitor to the town in 1736. In the journal of his travels through America, he wrote of this place:

> York-Town, Capital of the County of that Name, is situated on a rising Ground, gently descending every Way into a Valley, and tho' but straggingly built, yet makes no inconsiderable Figure. You perceive a great Air of Opulence amongst the Inhabitants, who have some

of them built themselves Houses, equal in Magnificence to many of our superb ones at St. James's; as those of Mr. Lightfoot, Nelson, &c. Almost every considerable Man keeps an Equipage, tho' they have no Concern about the different Colours of their Coach Horses, driving frequently black, white, and chestnut, in the same Harness. The Taverns are many here, and much frequented, and an unbounded Licentiousness seems to taint the Morals of the young Gentlemen of this Place. The Court-House is the only considerable publick Building, and is no unhandsome Structure. The amiable Hospitality I have just pass'd an Eulogium upon, on the other Side the Bay, seems on this Shore to have found no great Footing: Schemes of Gain, or Parties of Gaming and Pleasure, muddy too much their Souls, and banish from amongst them the glorious Propensity to doing good. The most considerable Houses are of Brick; some handsome ones of Wood, all built in the modern Taste; and the lesser Sort, of Plaister. There are some very pretty Garden Spots in the Town; and the Avenues leading to Williamsburgh, Norfolk, &c., are prodigiously agreeable. The Roads are, as I said before, some of the best I ever saw, and infinitely superior to most in England. The country surrounding is thickly overspread with Plantations, and the Planters live, in a Manner, equal to Men of the best Fortune; some of them being possess'd of 800 or 1000 £ a Year, Sterling.[1]

Probably the first citizen of Yorktown to acquire the "opulence" noted in the journal quoted above, was Major William Buckner. He apparently moved to Yorktown from Stafford county, where he was surveyor, in 1691. He purchased Lot 2 from the town trustees in that year and retained his title to the land by building on it. Undaunted by the suspension of the Port Act, Buckner continued to purchase the

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1 "Observations in Several Voyages and Travels in America in the Year 1736" reprinted from The London Magazine, July, 1746 in William and Mary College Quarterly Historical Magazine, XV (First series; April, 1907), 222.

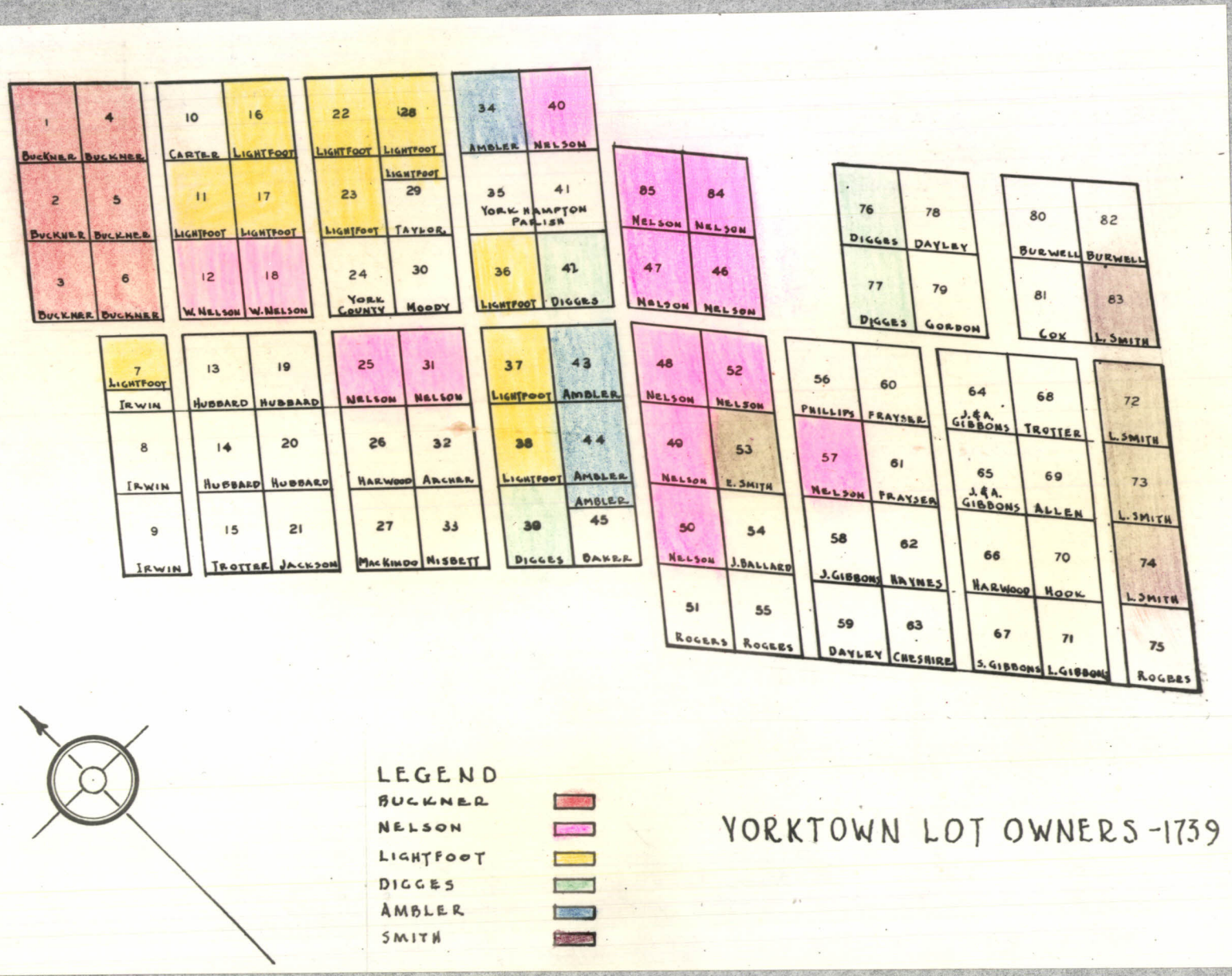

1 BUCKNER
4 BUCKNER
2 BUCKNER
5 BUCKNER
3 BUCKNER
6 BUCKNER
10 CARTER
16 LIGHTFOOT
11 LIGHTFOOT
17 LIGHTFOOT
12 W. NELSON
18 W. NELSON
22 LIGHTFOOT
28 LIGHTFOOT
LIGHTFOOT
23 LIGHTFOOT
29 TAYLOR
24 YORK COUNTY
30 MOODY
34 AMBLER
40 NELSON
35 YORK HAMPTON PARISH
41
36 LIGHTFOOT
42 DIGGES
85 NELSON
84 NELSON
47 NELSON
46 NELSON
76 DIGGES
78 DAYLEY
77 DIGGES
79 GORDON
80 BURWELL
82 BURWELL
81 COX
83 L. SMITH
7 LIGHTFOOT
IRWIN
8 IRWIN
9 IRWIN
13 HUBBARD
19 HUBBARD
14 HUBBARD
20 HUBBARD
15 TROTTER
21 JACKSON
25 NELSON
31 NELSON
26 HARWOOD
32 ARCHER
27 MACKINDO
33 NISBETT
37 LIGHTFOOT
43 AMBLER
38 LIGHTFOOT
44 AMBLER
AMBLER
39 DIGGES
45 BAKER
48 NELSON
52 NELSON
49 NELSON
53 E. SMITH
50 NELSON
54 J. BALLARD
51 ROGERS
55 ROGERS
56 PHILLIPS
60 FRAYSER
57 NELSON
61 FRAYSER
58 J. GIBBONS
62 HAYNES
59 DAYLEY
63 CHESHIRE
64 J. & A. GIBBONS
68 TROTTER
65 J. & A. GIBBONS
69 ALLEN
66 HARWOOD
70 HOOK
67 S. GIBBONS
71 L. GIBBONS
72 L. SMITH
73 L. SMITH
74 L. SMITH
75 ROGERS
LEGEND
BUCKNER
NELSON
LIGHTFOOT
DIGGES
AMBLER
SMITH
YORKTOWN LOT OWNERS - 1739

Figure 6.

surrounding lots, and by 1700 he owned a total of six town lots.[2] These lots (1-6) formed a plot of three acres, which was sufficient for the establishment of a home in keeping with his position of leadership in the town. He was frequently mentioned in contemporary records, and appears to have been a merchant with extensive business in the colony and England. He became a leader in the political sphere in the very early days of Yorktown. In 1694 he was appointed a justice of the peace for the county and also the deputy surveyor. During the closing years of the century he served as High Sheriff and as a Burgess for the county. At the same time he rose in the ranks of the militia from captain to major, and then to colonel. In addition, he held many colonial offices, such as collector of the customs and tobacco agent for the York River District, as well as the Deputy Surveyor General of the colony. In the year 1714 Buckner held at the same time the offices of Justice of the Peace, Burgess, surveyor and coroner for York county, tobacco agent and collector of the customs for the York River District, and Deputy Surveyor General.[3]

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[2] York county, Deeds, Orders, Wills, etc., No. 1 (1633-1657; 1691-1694), p. 369; York County, Deeds and Bonds, No. 1 (1694-1701), pp. 16 and 269; also will of William Buckner in York county, Orders, Wills, etc. No. 14 (1709-1765), p. 513.

[3] "Proceedings of the Visitors of William and Mary College, 1716", The Virginia Magazine of History and Biography, IV (October, 1896), 165-66; also "Petition of John Mercer", Ibid., V (January, 1898), 278.

The establishment of Major Buckner on the western limits of the town must have been a most noteworthy sight in the early years of the port. In addition to the houses which he erected on the six lots, he also built a storehouse prior to 1701.[4] On the waterfront before his lots, Major Buckner built up another development to accommodate his business. When it was decided to erect a public storehouse and wharf in the town, Major Buckner was ordered by the county court early in 1714 to build them.[5] These public buildings were placed at his landing. In 1711 Major Buckner leased an acre of land on the point west of his town lots and built a windmill, which became one of the landmarks of colonial Yorktown.[6]

Upon his death in 1716 William Buckner devised to his eldest son William "all my houses & Land in York Town with my Tract or parcel of Land on yᵉ Other side yᵉ creek where my Plantation now is...."[7] His will also mentioned other plantations in Essex and Stafford counties. His

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[4] The rules for the York prison surveyed in March 1700/1 mention a storehouse of Major Buckner as standing in the town. York county, Deeds, Orders, Wills, etc., No. 11 (1698-1702), pt. 2, p. 382.

[5] York county, Orders, Wills, etc., No. 14 (1709-1716), p. 308.

[6] York county, Deeds and Bonds No. 2 (1701-1713), p. 374; also infra pp. 200-201.

[7] York county, Orders, Wills, etc., No. 14 (1709-1716), p. 515.

executors were empowered to lease his "houses & Orchards in York Town" if necessary for the support of his children until William reached his majority. If they were leased, however, security should be taken that they would be kept in repair.[8]

William Buckner did not long survive his father, and at his death in 1722, the property descended to his brother John. The latter's will, dated April 27, 1748 and recorded in Stafford county, devised unto his nephew Griffin Stith "my Six Lotts in York Town my wind Mill with the Lott of Ground it stands on & my warehouses under the Hill...."[9] As Stith was the clerk of Northampton county, he did not move to Yorktown. In 1751 he leased part of the land with a dwelling house, outhouses and a garden to Seymour Powell, Jr. In this deed mention is made of the fact that another part of the property had already been leased to Benjamin Moss.[10] Finally in 1767 Stith sold the lots "with all houses" to Nathaniel Littleton Savage for the very sizeable sum of £ 375 current money.[11] After owning the property

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[8] Loc. cit. There is no record of the property having been rented out after Major Buckner's death.

[9] Stafford county, Will Book M (1729-1748), p. 537.

[10] York county, Deeds, No. 5 (1741-1754), p. 479.

[11] Ibid., No. 7 (1765-1769), p. 391.

for only three years, Savage sold it to Thomas Lilly, a prominent sea captain.[12] Here Lilly lived until driven out of his home by the forces of Lord Cornwallis when the British occupied the town in 1781. When the English built their line of fortifications around the town, Lilly's lots and houses stood just outside the earthworks. In order to clear the field of fire, the British pulled down his houses and cleared the lots. This was an unfortunate loss for Mr. Lilly, but his damage claim described the improvements on the land. He estimated his damages at L 657, as the British had destroyed two dwelling houses, one of which was forty by twenty-two feet with brick chimneys and a cellar, while the other was twenty-four by sixteen feet with a shed and two fire places, as well as a kitchen of twenty-two by eighteen feet with a brick chimney and a stable for six horses with a chair house. Furthermore, great damage had been done his lots in digging the fortifications; all of his fences were destroyed and the well filled up.[13]

This description of the property indicates that there existed on these lots a large and comfortable town

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[12] This deed is not on record in York county, but was described in a mortgage between Lilly and Francis Coal, a merchant of London, in ibid., No. 2 (1769-1777), p. 287.

[13] "Accot of damages done by the British to Thomas Lilly," in York county, Claims for Losses of York County Citizens in British Invasion of 1781, claim no. 76.

establishment during the colonial period. Discounting probable improvements after his time, these buildings, combined with the development on the waterfront and the windmill, made Major William Buckner the first wealthy merchant and extensive landholder in Yorktown. His contribution to the physical development of the town was not only of vast importance, but also of an extensive nature.

Another family that moved to Yorktown soon after its establishment and occupied a most prominent place in the affairs of the community during the colonial period was that of Lightfoot. The first member of the family to reside in Yorktown was Philip Lightfoot, who was appointed clerk of York County in 1707 and served until 1733.[14] He moved there at about the time he received this appointment and soon became the leading merchant of the town. Francis Jerdone, a contemporary, said of Lightfoot at the time of his death that "his great riches while he continued in health deterred everybody from settling there, none being of ability to vie with him but Mr Nelson, who always had an equal share of trade with him...."[15] His power and ability

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[14] Lyon G. Tyler, "Lightfoot Family," William and Mary College Quarterly Historical Magazine, III (First series; October, 1894), 105-6.

[15] Letter to Messrs. Buchanan and Hamilton, dated June 28, 1748, in "Letterbook of Francis Jerdone", ibid. XI (First series; January, 1903), 154.

were recognized in 1753, when he was appointed a member of the Council.[16]

Two years after being appointed the clerk of the county, Philip Lightfoot purchased his first town lot (No. 38).[17] From this beginning he continued to acquire town lots until, at the time of his death in 1748, he owned a total of eleven and a third lots. In addition he had purchased four half-acre lots in the Gwyn Road development adjoining Yorktown, and owned property on the waterfront, including a storehouse and a landing. His will also mentioned lands in York, Surry, Charles City, Prince George, Brunswick, Goochland, New Kent and Hanover counties, which he owned.[18]

Colonel Philip Lightfoot built two large towns houses in Yorktown. The first of these stood on Lot 16 and was probably built shortly after he purchased the lot in 1715. He later improved the property by acquiring the two

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[16] Lightfoot took the oaths of office as a Councillor on October 22, 1753. H. R. McIlwaine, editor, Executive Journals of the Council of Colonial Virginia, IV, 307. Hereinafter cited as McIlwaine, Council Executive Journals.

[17] York county, Deeds and Bonds, No. 2 (1701-1713), p. 334. Lightfoot must have built a home on this lot, as he apparently retained his title to it.

[18] Will of Philip Lightfoot, probated June 20, 1748, in York county, Wills and Inventories, No. 20 (1746-1758), p. 103.

adjoining lots (11 and 17) for gardens and the outhouses necessary for an elegant town establishment.[19] Upon his death in 1748 Philip Lightfoot devised this large brick mansion and adjoining lots to his son William, who was living there at the time.[20] Furthermore William was bequeathed the four lots near Yorktown, the storehouse on Lot 36 which had been purchased from Joseph Mountfort, and the waterfront development.[21] This Lightfoot home remained in the possession of the family for the remainder of the colonial period. Probably the house passed through the Siege of 1781 unscathed, as it was located in a relatively quiet sector of the town.

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[19] York county, Deeds and Bonds, No. 3 (1713-1729), p. 85. Lightfoot purchased Lots 11 and 17 from Matthew Walker in 1732. York county, Deeds, No. 4 (1729-1740), pp. 121 and 130.

[20] York county, Wills and Inventories, No. 20 (1746-1759), p. 103.
The property was described in a deed of 1799 as "a certain Messuage or tenement situate in the Town of York formerly the property of Philip Lightfoot, Esq. the sd Tenement consisting of that Brick house formerly the property of the said Lightfoot...." York county, Deed Book No. 7 (1790-1809), p. 390.

[21] Lightfoot purchased the storehouse and Lot 36 from Mountfort in 1716. York county, Deeds and Bonds, No. 3 (1713-1729), p. 130. The house on the lot was occupied at the time by Mary Smith, who operated an ordinary there.
In 1736 Charles Carter was granted a patent for "so much of the Beach at York Town as lies between his Lot & the River & doth not interfere with the Land of Philip Lightfoot Esqr...." McIlwaine, Council Executive Journals IV, 369. Carter apparently owned Lot 10 at that time.

The other town house built by Colonel Lightfoot was situated on Lot 22, across the street from his other house. He purchased this lot in 1724, and apparently built his home there.[22] This large brick mansion, like its neighbor, stood on top of the bluff overlooking the harbor. On the river side of it, after 1732, was located the defending water battery, and on the other side of his house stood the county courthouse. As he served as a colonel in the militia and as county clerk for many years, Lightfoot was closely associated with both of these public properties. He duplicated his actions on his other town property by purchasing the adjoining lots for gardens and other purposes. In this way he acquired sufficient land so that his house and grounds could have the proper ostentatiousness for a wealthy merchant and planter. He lived in this mansion until his death. By the terms of his will, his wife Mary was devised his "dwelling House with the appurtenances two Lots and one third of Land thereto adjoining purchased from Richard /Warren/ Cary /Lot 22/, John Buckler /Lot 23/ and Harriot Hatchford /1/3 of Lot 22/..."[23] His widow, who

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[22] York county, Deeds and Bonds, No. 3 (1713-1729), p. 458.

[23] Philip Lightfoot also devised his stable and lots to his wife. It is possible that Lots 37 and 38 were these lots, but no proof has been found for this statement. York County, Wills and Inventories, No. 20 (1746-1759), p. 103.

outlived all of her children, continued to occupy the house until her death in 1775. After her decease, the house, which was described as a "large brick house behind the court house," was rented to Thomas Wyld, Jr., an ordinary keeper.[24] Like its neighbor on Lot 16, this house weathered the Siege of 1781 without serious damage. It also escaped destruction during the great fire of 1814, and so continued to reflect in its elegance the great wealth and power of a colonial merchant and gentleman, Colonel Philip Lightfoot.[25]

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[24] The following advertisement appeared in The Virginia Gazette of August 22, 1777:

"YORK town, August 13, 1777

I take this method to inform the publick in general, and the gentlemen who have favoured me with their custom hitherto, that I have removed from the house on the water side to the large brick house behind the court house, the property of Dr. John Griffin, and formerly belonging to Mrs. Lightfoot, where gentlemen who please to favour me with their custom may depend on my best endeavours to entertain them.

Thomas Wyld, jun."

[25] Following the great fire of 1814 the ladies of the town were cared for "under the spacious and hospitable roof of Major Griffin's house...." The Richmond Enquirer, March 9, 1814. The house was still standing in 1824, for at the time of Lafayette's visit to Yorktown "Major Griffin's romantic house" served as headquarters for the invited guests. Ibid., October 20, 1824.

There is every reason to believe, therefore, that the houses described in the fire insurance policy taken out in 1832 by Thomas Griffin covered the home of Colonel Lightfoot. The houses stood between the courthouse and the river. The dwelling house was of brick with a wooden roof, one story high and seventy by forty feet. Behind it was a brick "kitchen, office, &c." with a wooden roof, one story high and seventy by twenty feet. A small brick dairy and a wooden smokehouse were also included. Policy No. 7940, Mutual Assurance Society, Richmond, Virginia.

The only merchant in Yorktown, who, according to Jefferson, had the ability to compete with Colonel Lightfoot was "Scotch Tom" Nelson. A native of Penrith, near the Scotch border, he was probably a sea captain in early life. After his settlement in Yorktown about 1705, however, he left the sea to become the merchant prince of the town. This wealthy tradesman was the founder of one of the most distinguished families in the history of Virginia.[26] Although his efforts were largely confined to the amassing of wealth (he held no offices beyond those of justice of the peace and sheriff for York county, and a trustee of the town), two of his sons became leaders in the colonial government of Virginia. His eldest son William after serving as a Burgess for York county, was appointed to the Council. Subsequently he became the president of that body, and as such, he served as acting governor from October 15, 1770 to August, 1771. Due to the high office which he occupied, William was known as "President" Nelson to his contemporaries. Thomas, the younger brother, replaced William as a Burgess in 1745. Four years later he was named to the council, and occupied that position until 1776. He was Secretary of State, a most important and lucrative office, from 1743 until 1776.

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[26] R. A. Brock, "The Nelson House, Yorktown, Virginia," The Magazine of American History, VII (July, 1881), 47-57; also [T.C.M. Page], Genealogy of the Page Family in Virginia, 141-174.

Because of his long tenure of that office, he was given the appelation of "Secretary" Nelson.

A third member of the Nelson family must be mentioned. This was the eldest son of "President" Nelson, Thomas Nelson, Jr. After serving for many years as a Burgess for York county, he became one of the leaders in the Revolutionary movement in Virginia. His great services in the political and military spheres were recognized in 1781 when he was elected to the governorship of his state.[27]

The founder of this distinguished line, Thomas Nelson, selected Yorktown as his home about 1705. In the following year he purchased Lot 52 from the town trustees and built the first Nelson home in Yorktown.[28] This building was probably small and unpretentious, but as Nelson's wealth increased so did his town holdings. The rapid accumulation of wealth and land by "Scotch Tom" Nelson was shown in the lists of the lot owners in the town in 1758. This listed him as owning more town lots than any other citizen; a total of eleven lots and the Swan Tavern.[29] All of his town lots,

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[27] Infra Chapter VII for a more detailed discussion of Thomas Nelson, Jr. and the American Revolution.

[28] York county, Deeds and Bonds, No. 8 (1701-1713), p. 171.

[29] Thomas Nelson's eldest son, William, owned two lots (12 and 18) in 1758. These would raise the Nelson family total to fourteen. York county, Wills and Inventories, No. 18 (1732-1740), p. 478.

with the exception of the tavern, were concentrated in the center of the town. In addition, Nelson owned a development along the beach in front of his town lots, which included a storehouse, a landing and perhaps a wharf.[30]

Apparently Thomas Nelson built a second home on Lot 58 after he had acquired a fortune, retaining the lots across the street for business purposes.[31] This home may have been the large brick mansion still standing in the town. This was his home at the time of his death in 1745. By the terms of his will, this property, which he described as his "Dwelling House, Kitchens, Gardens, on the same side of the street with the house, stable, chariot, and chariot Horses ...", was devised to his wife, Frances Tucker Nelson.[32]

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[30] In 1728 the Council granted a patent to Thomas Nelson for an eighty foot square of the waterfront to build a warehouse "opposite to his own Lotts, and adjoining to the landing he now useth in York Town...." He was also granted the right to build a wharf at the same location. McIlwaine, Council Executive Journals, IV, 184. This square must have been located in front of Lot 84 or Lot 85.

[31] When William was devised the lots across the street by his father's will, he apparently built on them. Infra p. 85.

[32] The original will of Thomas Nelson was destroyed in the burning of the General Court records in 1865. A copy is in "Berkeley Manuscripts", William and Mary College Quarterly Historical Magazine, VI (First series; January, 1898), 143-45.

The location of Thomas Nelson's house was determined by the phrase "on the same side of the street with the house, stable...." A deed to another lot in 1745 described Lot 57 as "the stable yard of Thomas Nelson, deceased." York county, Deeds, No. 5 (1741-1754), p. 186. In 1763 this same lot was described as being "Mrs Frances Nelson's Stable Lot." Ibid., No. 7 (1763-1769), p. 55.

His widow continued to live in the house until her death in 1766. At this time the house and lots descended to Thomas Nelson, Jr.[33]

This extensive and elegant establishment was only one of three mansions built in the town by the Nelson family during the colonial period. In 1707, the year after he had acquired his first town lot, Thomas Nelson purchased Lot 46, and built a storehouse on it.[34] He later rounded out his holding by purchasing Lot 47 "with all houses" in 1729 and Lots 84 and 85 two years later.[35] After his death in 1745 the property was bequeathed to his eldest son William

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[33] In 1766 William Nelson wrote that his son Thomas "by the Death of my Mother in Law [Step-mother] this Summer at the Age of near 84 Years, goes into my Fathers House." Letter to William Cookson, September 12, 1766 in William Nelson Letterbook.

An insurance policy on this property was taken out by William Nelson in 1796. It covered the following buildings: a brick dwelling house, two stories high, sixty by forty feet; a wooden kitchen and washhouse, one story, twenty by forty feet; and servants' quarters of brick, twenty-four by twenty-six feet. A poultry house, a smokehouse, a spinninghouse and a dairy were on the back of the lot. Policy No. 98, Mutual Assurance Society, Richmond, Virginia. Probably these were the same houses that were standing on the lot during the colonial period.

[34] York county, Deeds and Bonds, No. 8 (1701-1713), p. 271. When he purchased Lot 47 in 1729, it was described as being "next adjoining to the Storehouse of said Thomas Nelson...." York county, Deeds, No. 4 (1729-1740), p. 33.

[35] Lee. cit., and Ibid., p. 101.

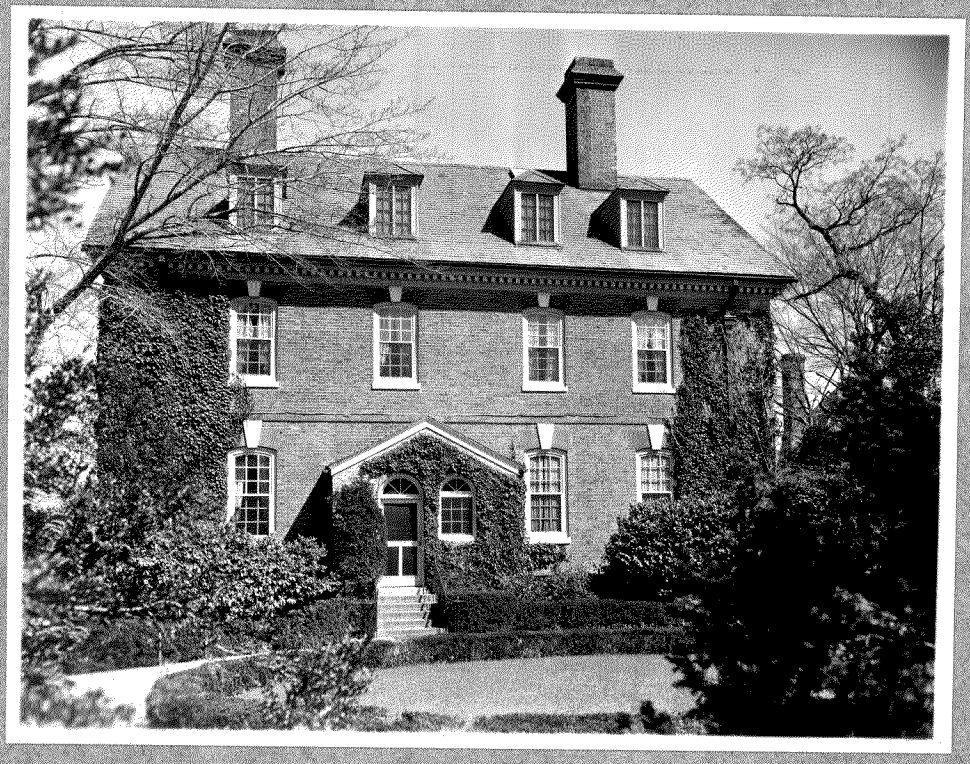


Figure 7.-- The Nelson House

by the terms of his will.[36]

The date of the erection of the Nelson home on Lot 47 has not been determined. Apparently William built a large brick house on the lot when he acquired it after his father's death, and about twenty years later enlarged it to form the H-shaped mansion later known as "President Nelson's house."[37] He made his home there until his death in 1772. By the terms of his will a life estate in the property was to go to his wife, and at her death to his son Hugh. It included "the House I now live in, the lots and Gardens thereto belonging together with the garden...." The storehouses on the waterfront, and those on Lot 46, as well

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[36] "Berkeley Manuscripts", William and Mary College Quarterly Historical Magazine, VI (First series; January, 1898), 144.

William Nelson owned Lots 12 and 18, where he was apparently living at the time of his father's death. He had purchased this property in 1728 from Wilson Cary. York county, Deeds and Bonds, No. 3 (1713-1729), p. 506. When he mortgaged the lots and houses in 1741 for £ 248/15/8, it included a dwelling house "together with all outhouses, Kitchen, Milkhouse, Storehouse, Stable, Gardens, Orchards ...." York county, Deeds, No. 5 (1741-1754), p. 15. He sold the property in 1756 to Robert Burwell. Ibid., No. 8 (1769-1777), p. 333.

[37] In the same letter referred to above, William Nelson continued after telling of Thomas moving into his father's house: "That which I built & have lately added to, Being more roomy & Fit for my Family." Letter to William Cookson, dated September 12, 1766, in William Nelson Letterbook.

It is possible that the first house built by William was a rectangular structure, and the addition was a similar building which was joined onto the first by a passage. This would account for the H-shape of the house. Figure No. 18

as the stable and its lot, were devised to his sons Thomas and Hugh "as tenants in common and not as joint tenants."[38]

This building stood in the center of the town until the great fire of 1814. The flames, sweeping across the town, burned "the spacious dwelling of the late President Nelson."[39] Presumably the fire burned itself out after destroying this old mansion and the adjoining storehouses.

Another of the Nelson houses which reflected the power and wealth of this family, was owned by Secretary Thomas Nelson, the youngest son of the founder of the family. The land upon which this mansion was built was given to the "Secretary" by his father after purchasing it

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[38] Will of William Nelson in York county, Wills and Inventories, No. 22 (1771-1783), p. 132.

Hugh Nelson insured the property in 1796. The dwelling house was divided into three parts: the front was fifty-one by thirty feet, while the back was fifty-one by twenty-four feet, the two being connected by a narrow passageway. The entire structure was built of bricks and two stories high. At the southwestern corner of the lot (47) stood a brick building of one story. A small building lay east of the main house, and a well was behind it. Policy No. 95, Mutual Assurance Society, Richmond, Virginia.

Two buildings were shown on Lot 46 in maps of Yorktown in 1781. Figure 18. These were probably the buildings described in a deed of 1826 as having been destroyed, but the foundations of "an old brick store house and an old Granary" were still evident. York county, Deed Book No. 10 (1826-1829), p. 103.

[39] The Richmond Enquirer, March 9, 1814.

from John Dixon in 1744.[40] It consisted of less than fifteen acres bounding on the eastern limits of the original town. A most imposing home was built on this land. Although the date of its erection is unknown, it must have been built shortly after the Nelsons acquired the property in 1744. The elegance of this home must have been most striking. The Marquis de Chastellux described it as "a very handsome house, from which neither European taste nor luxury was excluded; a chimney-piece and some bass-reliefs of very fine marble, exquisitely sculptured, were particularly admired...."[41] The house stood on a most prominent site, and apparently faced toward the plains south of the town. The water front faced on a ravine which ran from the house down to the water's edge. The slope of this ravine

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40 Thomas Nelson devised to his son Thomas the sum of four thousand pounds sterling "and this is all I intend my said son Thomas, having already given him the estate in King William county, which I purchased of Colo Thomas Jones; and the houses, Lots, and plantations bought for him of Doctor John Dixon...." "Berkeley Manuscripts", William and Mary College Quarterly Historical Magazine, VI (First series; January, 1898), 144.

John Dixon bought fifteen acres from Robert Read in 1738. York county, Deeds, No. 4 (1729-1740), p. 534. It is not known how much of this land was purchased by Nelson as the deed was recorded in the General Court and hence destroyed. A subsequent deed to a plantation bought at the same time as this land stated that the deed between Nelson and Dixon was dated September 27, 1744. Ibid., No. 5 (1741-1754), p. 267.

41 Marquis de Chastellux, Travels in North-America in the Years 1780-81-82, p. 230.

was undoubtedly terraced by its owner and made into his garden.[42] There can be little doubt that this mansion was the most elegant establishment in colonial Yorktown.

The exposed location of this house during the Siege of 1781 proved its doom. Upon the arrival of British forces in 1781, Cornwallis occupied it for his headquarters. Secretary Nelson continued to live in his home until October 10. On that day, the day after the opening of the allied batteries of the first parallel, Lord Cornwallis sent him through the lines under a flag of truce. The old gentleman told one of the American officers that the allied "Bombardment produced great Effects in annoying the Enemy & destroying their works...." and that one of his negro servants was killed in his house.[43] The prominent site of the large, brick mansion, which had been so desirable in the days of peace, seemed to attract the fire of the allied gunners. On the day of the surrender, Colonel Tucker wrote in his journal that "the Secretary's house with one of the

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[42] Secretary Nelson told Colonel St. George Tucker that "Lord Cornwallis has built a kind of Grotto at the foot of the secretary's Garden where he lives under Ground." St. George Tucker, "Journal kept by Col. St. George Tucker during Siege of Yorktown and Surrender of Cornwallis Oct. 1781." Note also the enormous size of the garden on the river side of the Secretary's house as indicated on Alexandre Berthier, "Plan d'York Town ..." Figure 18.

[43] St. George Tucker, op. cit.

Corners broke off, & many large holes thro the Roof & Walls part of which seem'd tottering with their own weight afforded a striking Instance of the Destruction occasioned by War."[44] This handsome example of a colonial town house was never rebuilt. Its ruins stood on the edge of the town for several years. A visitor to Yorktown in 1795 described the house as still standing, but "in a most shattered condition."[45]

The importance of the Nelson family in the history of Yorktown cannot be overestimated. Even "Scotch Tom" Nelson, the least influential of the family, led the thoughts and actions of the community. His descendents increased their sphere of activity from that of the town and county to the entire colony. The latter part of the colonial period saw the Nelsons in the select group which ruled the affairs of the colony. Having obtained the highest possible offices, it behooved them to build homes in keeping with their positions. The Nelson homes in Yorktown would, no doubt, compare favorably in taste and elegance with any other private homes in the entire dominion of Virginia.

Another of the prominent families in colonial Yorktown was that of the Amblers. Richard Ambler, the first of the family to live in Yorktown, settled there about 1720. He rapidly became one of the leading merchants in the town, and as such was chosen the collector of the customs for the

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[44] Loc. cit.

[45] Isaac Weld, Travels Through the States of North-America and the Provinces of Upper and Lower Canada, During the Years 1795, 1796, and 1797, p. 93.

York River District.[46] This appears to have been the only colonial office that he held. Upon moving to Yorktown, Richard Ambler purchased Lot 43 for £ 30 current money early in 1721.[47] This lot became his home, and the center of his land acquisition in the town. In 1726 he enlarged his holdings in this vicinity by purchasing a forty foot strip of Lot 44 adjoining his home and all of Lot 45. Each of these two pieces of property cost him £ 30 current money.[48] Three years later, in 1729, he acquired Lot 34 for £ 46.[49] All three of these purchases included houses as well as land, for each of the deeds contains the phrase "with all houses" and all of them had served as ordinaries in the past.[50] Ambler was still dissatisfied with his town holdings, as they were too scattered. In 1750, therefore, he traded the southern three-fourths of Lot 45, or that part

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[46] George Fisher, "Narrative of George Fisher," William and Mary College Quarterly Historical Magazine, XVII (First series; October, 1908), p. 119.

[47] York county, Deeds and Bonds, No. 3 (1713-1729), p. 340.

[48] Ibid., 453 and 462.

[49] York county, Deeds, No. 4 (1729-1740), p. 1.

[50] Joshua and Isabella Broadbent kept an ordinary on Lot 34; Michael and Aedy Booth on Lot 44; and Humphry and Elizabeth Moody on Lot 45 prior to their purchase by Richard Ambler. Appendix D.

"which lies between the Row of Pales running from the South West corner of the Shed of his Stable across the said Lot including the Houses wherein Doctor John Fayras lately lived ...", for the remaining three-fourths of Lott 44.[51] In this way, through the purchase of adjoining lots, he was able to consolidate his holdings in the town.

In addition to his town lots, Richard Ambler purchased ten acres of land adjoining Yorktown from Gwyn Read, and developed a section of the waterfront. On August 15, 1728 he was granted a patent by the Council for an eighty foot square of the beach land for the purpose of building a warehouse and possibly a wharf. The square was "adjoining to that place called Church landing."[52] Ambler's warehouse, therefore, was in the same region of the town as his lots. The access road to his waterfront property ran alongside his home.

Upon his death in 1766, Richard Ambler bequeathed to his son Edward "my dwelling House wherein I now live together with the Lots of Land whereon that and my Outhouses and Stable stand also the Garden Ground adjoining...." Edward also received the storehouse "situate on the Bank near the River." To his son Jacqualin, he gave one

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51 York county, Deeds, No. 5 (1741-1754), p. 421.

52 McIlwaine, Council Executive Journals, IV, 183-84.

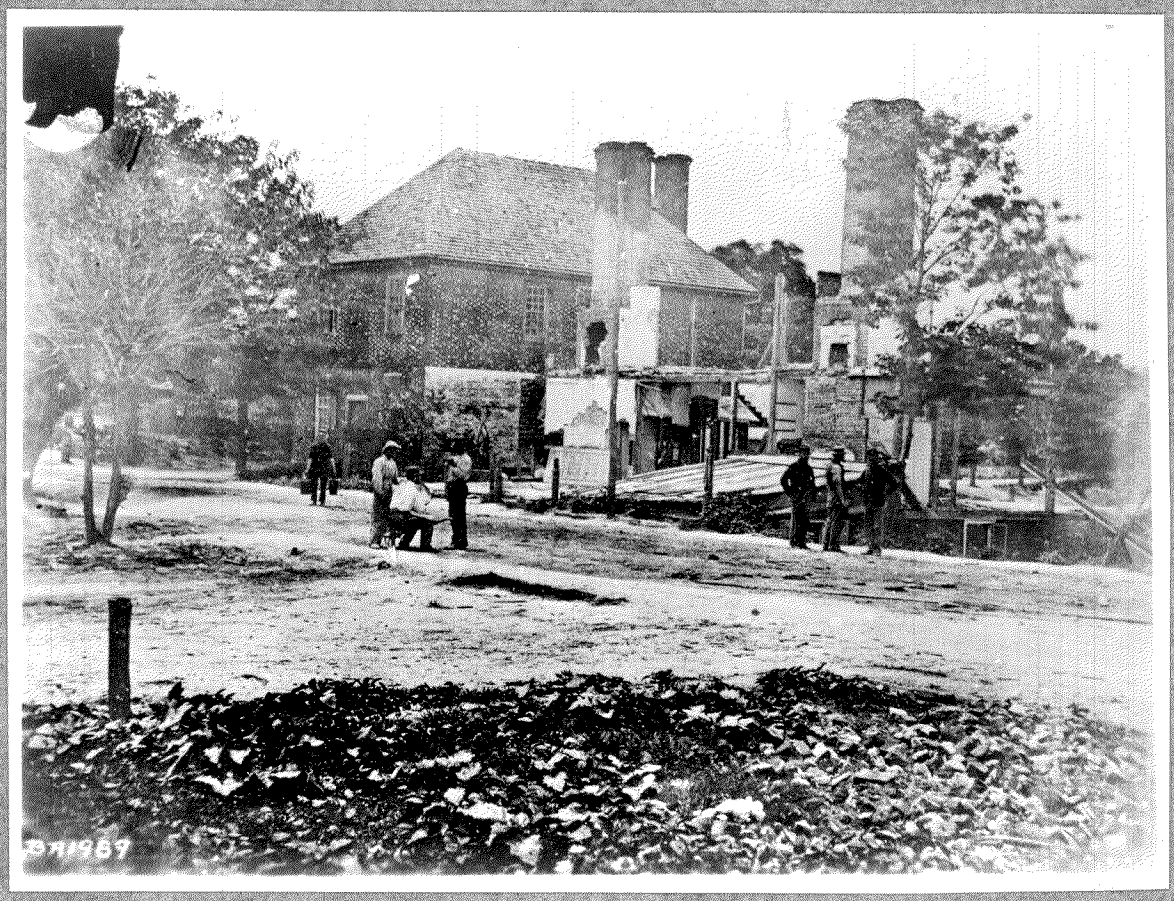


Figure 8. -- Ambler House Ruins and Storehouse, 1862
Photograph by Matthew Brady

thousand pounds sterling and his "Lott of Land and the Houses thereon situate between the Fort Hill and Church Yard now in the occupation of John Gibbons."[53] The ten acres which Richard Ambler had purchased from Gwyn Read were divided between Jacquelin and his brother John. John received one acre, "whereon is a Smith's Shop," and Jacquelin was given the remaining nine acres. In addition, John was devised the land on Jamestown Island and the ferry at that place.[54]

The division of the estate did not meet with the approval of the heirs, and so in the year following their father's death, Edward and Jacquelin exchanged their holdings. On May 10 Jacquelin bought Lots 43, 44 and part of 45 from his brother for £ 1400 current money, and Edward

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53 York county, Wills and Inventories, No. 21 (1750-1771), p. 378.

The tenant, John Gibbons, kept an ordinary in the house, but in the year following Richard Ambler's death he announced that he had "removed from the Fort" to a house on Lot 30. The Virginia Gazette, August 20, 1767. The "Fort" was a battery which had been built along the edge of the bluff in the 1730's to protect the shipping in the harbor. Infra p. 212.

54 York county, Loc. cit.

bought lot 34 for £ 550 current money.[55] Jaequelin had apparently determined to continue his father's mercantile business, and used the money bequeathed him by his father to acquire a proper establishment in Yorktown. He served as sheriff of York county and also occupied the office of Collector and Naval Officer of the York River. His leadership in the Revolutionary movement was recognized in 1780 when he was appointed a member of the Council of State. He was also named the Treasurer of Virginia, an office he held until his death in 1793.[56]

Although the Ambler residence did not compare in elegance with those of the Nelson and Lightfoot families, it was among the finer homes of colonial Yorktown. An excellent description of the houses on Lots 43, 44 and 45 has been found in an advertisement of 1773. It described the dwelling house as "a very commodious one, with four rooms above and four below...." Other contiguous buildings were a large brick storehouse, a kitchen, stables, washhouse, and

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[55] York county, Deeds, No. 7 (1763-1769), pp. 275 and 279.

As John Ambler died on May 27, 1766, and his brother Edward succeeded him as a representative for Jamestown in the assembly, it is possible that Edward moved to Jamestown and was, therefore, not interested in the Yorktown home. Cf. biographies of John and Edward Ambler in Lyon Gardiner Tyler, Encyclopedia of Virginia Biography, I, 170-71. Hereafter cited as Tyler, Encyclopedia.

[56] Ibid., II, 33.

necessary houses, all in good repair. In addition to these buildings, a "well cultivated garden" was included in the property.[57]

With the outbreak of the Revolution, Jacquelin Ambler transported his family to a safer location in the interior. His vacant property was taken over by the troops garrisoned at Yorktown to serve as barracks. The soldiers completely destroyed his garden, fences and outhouses, and damaged his home so much "as to put it out of his power to make it a comfortable residence for his family...."[58]

In the latter part of 1778 Jacquelin Ambler sold the property to Thomas Nyld, Jr. for £ 1000. After making extensive repairs, Nyld operated an ordinary in the house until forced to leave by the British in 1781.[59] Apparently the houses suffered little additional damage by reason of

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[57] The Virginia Gazette, December 2, 1775.

[58] Jacquelin Ambler wanted the state to take over his property for the use of the garrison after paying him a reasonable sum. The petition was apparently refused. Virginia, Journal of the House of Delegates, 1776, p. 60.

[59] When Nyld attempted to pay Ambler in depreciated currency, the latter refused to accept it. The result was a law suit which dragged for years through the courts until it finally reached the High Court of the Chancery in 1793. The decision of this court was in favor of Ambler, who recovered the property. A summary of the testimony and various decisions in the suit may be found in George Wythe, Decisions of Cases in Virginia, by the High Court of the Chancery, 75-76.

An insurance policy on the property in 1813 described

the British occupation, or the aftermath of the Siege of 1781. The dwelling house stood until the War Between the States, when it was probably burned. The brick storehouse still stands in the town.

No discussion of the leading families of colonial Yorktown should omit the Ballards. Lieutenant colonel Thomas Ballard, who served as one of the two original trustees of the port town of York county, played a most important role in the establishment of the town. In addition to his duties in the militia and as a trustee, Thomas Ballard was High Sheriff and a justice of the peace for the county, and represented it in the House of Burgesses for several terms.[60]

As compensation for his services as a town trustee he was granted Lot 16 by the county court on November 25, 1692. A subsequent deed to the lot reveals that he built upon it "as required by yt law."[61] Since Thomas Ballard was

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the buildings as follows: a wooden dwelling, two stories high, forty-six feet square; a brick store of two stories, forty-six by twenty-four feet; a brick kitchen of one story, twenty by twenty-two feet; a wooden kitchen, one story, sixteen by twenty feet; and a stable and a smokehouse. Policy No. 1036, Mutual Assurance Society, Richmond, Virginia.

60 Tyler, Encyclopedia, I, 178.

61 York county, Deeds and Bonds, No. 8 (1701-1713), p. 83.

essentially a planter and owned extensive lands in York county, it is doubtful that he lived on the lot. The fact that it was not mentioned in his will, which was probated on June 11, 1711, indicates that he considered it of little importance.[62] Despite this omission, the lot descended to his eldest son and heir, Matthew Ballard, who sold it to Philip Lightfoot for £ 30 current money of Virginia in 1715.[63]

Robert Ballard, a younger son of Colonel Thomas Ballard, became a carpenter. In 1717 he purchased Lot 21 from the town trustees, and erected a building on it.[64] In 1725 he sold this lot, "together with all houses," to Vincent Pearse, a naval captain, for £ 160 sterling.[65] This was an unusually high price for town property in that period, and indicates a rather extensive development on the lot. After this excursion into real estate, he waited for three years before acquiring other town lands. In 1728 he purchased Lot 13 from Wilson Cary for £ 40.[66] After building his home on this lot, he enlarged his holdings in the

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[62] York county, Orders, Wills, etc., No. 14 (1709-1716), p. 92.

[63] York county, Deeds and Bonds, No. 2, p. 83.

[64] Ibid., No. 3 (1713-1729), p. 201.

[65] Ibid., 448.

[66] Ibid., 508.

vicinity in 1731 by purchasing Lots 14, 19 and 20 from Cary for £ 100 current money.[67] He died intestate in 1739 and his estate was divided among his heirs by the county court in 1741. This division valued each lot and gave some information concerning the improvements on each. Lot 13 was "the Lott whereon he dwelt," and was assigned to his widow, Jane, who had married Matthew Hubbard, the clerk of the county court. The house and lot were valued at £ 210 with a rental value of £ 20 a year. Lot 14, which was used as a garden, was valued at £ 30 and assigned to Charlotte, the youngest daughter. Charlotte subsequently married Nicholas Dickson. Because of the small value of her lot, the court ordered that "Mr. Hubard is to pay her the farther Sum of 20/ a Year Rent for the Lott now a part of his Garden." Lot 19, at that time in the tenure of William Harwood, was valued at £ 170 and assigned to William Dudley, who had married Jane, the eldest daughter. Lot 20, in the occupation of Elizabeth Williamson, was valued at £ 90 and assigned to Henrietta, the second daughter. She subsequently married William Powell, a planter.[68]

In the years following this division, all the lots,

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[67] York county, Deeds, No. 4 (1729-1740), p. 94.

[68] York county, Wills and Inventories, No. 19 (1740-1746), p. 36.

with the exception of Lot 20, were brought under the ownership of Nicholas Dickson, merchant. In 1767 he resolved to leave the colony, and announced that he desired to "sell or lease for a term of years the house wherein I now live, situated on the main street in this town, with two lots adjoining, on which are all necessary houses, with a large garden; the whole paled in."[69] A Mrs. Robinson leased the property, but in 1773 Beverley Dickson, the son of Nicholas, became dissatisfied and offered it for sale.[70] No buyer was found for the property at this time, but five years later he sold Lots 13 and 14 to Robert Gibbons for £ 300.[71]

Another son of Colonel Thomas Ballard, Captain John Ballard, became one of the most prominent merchants in Yorktown. He served for many years as a justice of the peace and coroner for York county, and as the surveyor of the streets and landings of the town. During his lifetime he purchased a large amount of land in and near the town. At the time of his death in 1745, he owned a home on Lot 54, six half acre lots in the Gwyn Road development adjoining

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[69] The Virginia Gazette, September 1, 1767.

[70] Ibid., May 6, 1773.

[71] York county, Deed Book No. 6 (1777-1791), p. 10.

Yorktown, and a warehouse on the waterfront.[72] His personal property, including the goods in his store but excluding his houses and lots, was valued at £ 2, 727/6/8½.[73]

Captain John Ballard's son, Robert, followed his father in the mercantile profession. In 1751 he sold Lot 54 and two other lots adjoining the town to John Thompson, merchant, for £ 500 current money.[74] Seven years after purchasing these lots, Thompson became ill and desired to retire from business. His advertisement seeking a buyer described the property as "One lot with a very good dwelling house, kitchen, and all convenient out-houses, in York town, adjoining Mr. David Jameson's; two lots with a large stable and chair house on them...."[75] His efforts to dispose of the property not meeting with success, Thompson mortgaged it to William Nelson for £ 250/11/11 in the following year.[76] After paying off this mortgage, he

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[72] York county, Wills and Inventories, No. 20 (1746-1759), p. 4.
John Ballard, merchant, was granted an eighty foot square on the beach "for building a Warehouse at the landing he now useth" by the Council on June 12, 1739. McIlwaine, editor, Council Executive Journals, IV, 306. This grant was probably located near the "Great Valley."

[73] York county, Wills and Inventories, No. 20 (1746-1759), p. 10.

[74] York county, Deeds, No. 6 (1755-1763), p. 350.

[75] The Virginia Gazette, August 25, 1768.

[76] York county, Deeds, No. 7 (1763-1769), p. 462.

finally sold the lots and houses to Thomas Powell, a physician and surgeon. Powell lived in Yorktown for only a short period as the outbreak of the Revolution forced him to move to Fredericksburg.[77]

The Ballard family appears to have declined somewhat in power after Colonel Thomas Ballard, but they remained sufficiently important to be classed among the lower gentry. Although they may have declined in the political and social scale, their importance to the physical development of the town was great. This was due to the great propensity the family had for the accumulation of town lands.

Two other families, the Smiths and the Diggses, should be included in the colonial gentry of Yorktown. Both clans had outstanding leaders represented on either the Council or in the House of Burgesses for almost the entire colonial period. Since they were mainly interested in planting, however, rather than merchandising, only those members of the families who made definite contributions to the town will be considered in this study.

The first of the Smith family to be associated with

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[77] Thomas Powell's announcement of his move stated: "The present situation of York has occasioned me to remove my family to this town [Fredericksburg], I shall open a large and fresh assortment of medicines...." The Virginia Gazette. June 22, 1776.

the town was Major Lawrence Smith, who surveyed its boundaries and laid out the lots in 1691. Apparently his connection with the town ceased after building a house on Lot 72, which was granted him by the trustees for his services. His son, also named Lawrence, purchased Lot 53 from the trustees in 1707 and added it to his father's lot.[78] In 1735, three years before his death, Lawrence Smith gave Lot 53 to his eldest son, Edmund.[79] In the latter's will, probated in 1751, it is learned that he had begun a house on the lot. By its terms the house was to be completed at the expense of his estate for his daughter Mildred, who married David Jamieson, a prominent merchant of Yorktown.[80] The house, which is still standing in the town, was completed as directed by the will, and was the home of David Jamieson until after the Revolution.

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[78] York county, Deeds and Bonds, No. 2 (1701-1715), p. 227. The younger Lawrence Smith, besides being in the militia, justice of the peace, sheriff and Burgess at odd times, was named a Town Trustee on May 21, 1711 upon the death of Thomas Ballard. Lyon G. Tyler, "Temple Farm", William and Mary College Quarterly Historical Magazine, II (First series; July, 1893), 9-10; also York county, Orders, Wills, etc., No. 14 (1709-1716), p. 81.

[79] York county, Deeds, No. 4 (1729-1740), p. 332.

[80] Edmund Smith's will bequeathed his daughter, Mildred Smith, "my Lot of Land in York Town whereon I am now building it is my Will and desire that the House should be finished out of my Estate...." York county, Wills and Inventories, No. 20 (1746-1759), p. 212.

The original Smith lot (No. 72) was bequeathed by the second Lawrence Smith to his son, Lawrence, in his will probated early in 1739.[81] Some years later, in 1754, Lawrence also received Lot 73 from his mother, who had been left it by her father, Robert Read.[82] Practically nothing is known concerning the houses built on these lots. They remained in the Smith family until sold to John Hatley Norton in 1772 for £ 100 current money.[83]

The Digges family, considered on the whole, were like the Smiths in that their primary interest was in their plantations and not in their town holdings. Their plantation in York county, known by the initials "E.D.", was noted for its excellent tobacco, which furnished the great wealth possessed by the family. With this wealth came power and political leadership, which made this family famed throughout the colony.

Although two of the Digges family purchased lots in the town in 1691, their lack of interest was clearly shown by the subsequent forfeiture of both titles by the owners.[84]

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[81] Ibid., No. 10 (1732-1740), p. 478.

[82] Ibid., No. 20 (1746-1759), p. 309.

[83] York county, Deeds, No. 8 (1769-1777), p. 247.

[84] Dudley Digges and William Digges, the sons of Governor Edward Digges, purchased Lots 17 and 36 respectively in 1691, but forfeited them. York county, Deeds, Orders, Wills, No. 9 (1691-1694), pp. 188-89.



Figure 9.-- The Digges House

The only member of the family to have a really close relationship with the town was Cole Digges, the son of Councillor Dudley Digges. He forsook the administration of a plantation to become a merchant, which naturally forced him to move to the port. Early in 1714 he purchased Lot 42 for £ 90 from a fellow merchant, John Martin. Included in the sale was a storehouse, which had been built on the beach by Martin.[85] The business must have prospered, for in 1719 he was appointed to a seat on the colonial Council.[86] By 1729 he felt the need of another warehouse, so he petitioned the Council for a grant on the beach. On June 12 that board gave him a patent for an eighty foot square of this land "below the bank at York Town adjoining to the place where his warehouse now stands for his convenience in building a commodius warehouse thereon...." Permission was also granted him to build a wharf of the same width (eighty feet) into the river.[87] His storehouse and warehouse were located near the foot of the street leading down to the waterfront from Lot 42, and must have been near the Ambler and Nelson

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[85] York county, Deeds and Bonds, No. 5 (1713-1729), p. 12.

[86] Lyon G. Tyler, "Pedigree of a Representative Virginia Planter," William and Mary College Quarterly Historical Magazine, I (First series; January, 1893), 144-45.

[87] McIlwaine, Council Executive Journals, IV, 207.

waterfront developments. He did not confine his land acquisition to the water front, however, for in 1731 he purchased Lot 77, which adjoined the lot (No. 76) that he had inherited from his mother, the daughter of William Cole.[88] By 1738 he was the owner of four town lots in addition to his waterfront property.[89]

Upon the death of Cole Digges in 1744, his town holdings apparently passed into the hands of his third son, Dudley Digges, who increased his inheritance in 1755 by purchasing Lot 79 for his home.[90] Instead of following his father's profession, however, Dudley Digges became a lawyer, and from 1752 until 1776 he represented the county in the House of Burgesses. He was most active in the Revolutionary cause, serving as a member of all the conventions, and a member of the committee of correspondence in 1773, and of the committee of safety for the colony in 1775. He was a member of the Council of the State of Virginia throughout the Revolution.[91] He apparently moved to Williamsburg during or shortly after the Revolution and

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[88] York county, Deeds, No. 4 (1729-1765), p. 66.

[89] York county, Wills and Inventories, No. 18 (1732-1740), pp. 478-79.

[90] York county, Deeds, No. 6 (1755-1763), p. 17.

[91] Tyler, Encyclopedia, II., p. 9.

disposed of his Yorktown property.[92]

The Digges family, unlike most of the gentry, did not build impressive homes in Yorktown. As far as is known, the family did not build any homes in the town, but purchased houses already built on the lots. For this reason none of the houses associated with the family in Yorktown give any idea of the great wealth and influence of the family.

The gentry of Yorktown, made most substantial contributions to the development of the town. In the political sphere they preempted all the offices of importance on the local scene, and, in this way, acquired sufficient influence to obtain positions of responsibility in the colonial government. Throughout the colonial period, certain families in the town and county maintained their monopolies of the leading positions. In the economic sphere these same families wielded preeminent power. They were able to establish and hold absolute control of the trade and traders of the port. Their leadership in all of the affairs of the town was never questioned during the colonial period. This feature of the town was obvious to the visitor of the day.

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[92] Dudley Digges sold Lot 42 to David Jameson in 1784. It is uncertain whether the storehouse was sold at the same time. York county, Deed Book No. 6 (1777-1791), p. 325. Three years later he gave Lots 77 and 79 to his daughter, Elizabeth Nicholson. Ibid., p. 353.

These families were known and respected throughout the colony, as a French visitor so quaintly put it, the town was "inhabited by some of the genteelest people in virginia, who have some very prety buildings here."[93]

It is impossible to differentiate clearly between the gentry and the upper middle class in colonial Virginia. Several of the prominent merchants and professional men of the town must arbitrarily be placed in this latter category. Their families did not show the qualities of leadership which set them apart from the other inhabitants. Many of them acquired much wealth, and some obtained influence, but on the whole they occupied secondary positions to the leaders of the community.

An excellent example of this type of merchant was the Norton family of London and Yorktown.[94] John Norton, the first of that name to immigrate, came to Virginia about 1740 to represent the London firm of Flowerdews and Norton. Early in 1746 he moved from King William county to Yorktown, and purchased Lot 56, "together with all buildings," from

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93 "Journal of a French Traveller in the Colonies, 1765," The American Historical Review, XXVI, (July, 1921), 745.

94 The Norton family forms an excellent example for the transition from the gentry to the middle class. It is true that John Norton had some power in Yorktown during his stay there, but he was in Virginia for too brief a time to have his family included among the gentry.

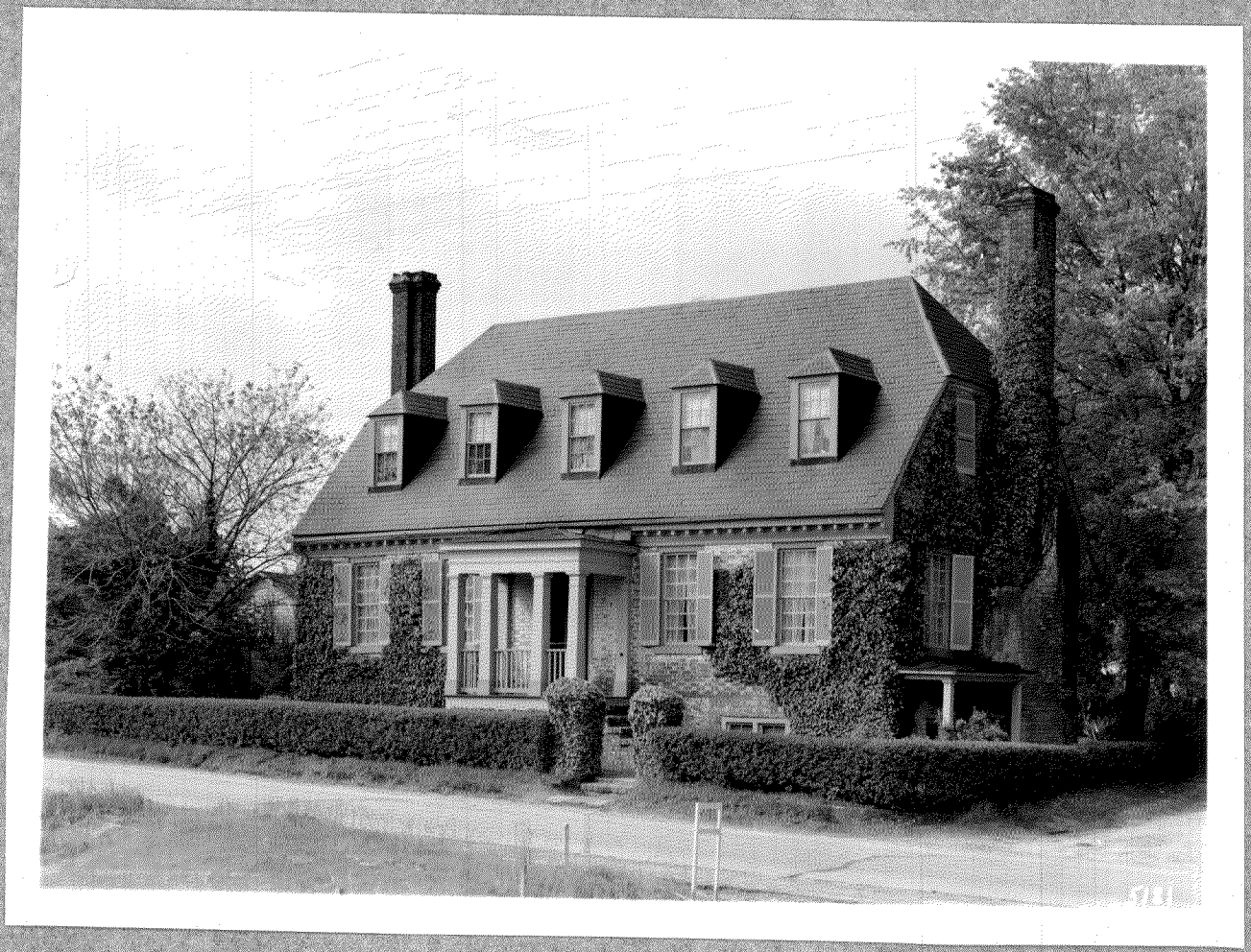


Figure 10.-- The Sessions House

Nicholas Phillips for £ 140 current money.[95] This lot stood at the upper end of the "Great Valley" and adjoined the Nelson properties. A house had been built on the lot early in the town's history by Robert Sessions, carpenter. Probably this is the small brick house still standing in the town. After purchasing the house and lot, Norton apparently conducted his mercantile business from this lot at first as it was described as "the Store Lott of Mr. John Norton."[96] Three years after settling in the town, John Norton was elected to the House of Burgesses to fill the vacancy caused by the appointment of Thomas Nelson to the Council.[97] He served alternate terms as a Burgess and as a justice of the peace for the remainder of his stay in Virginia.

The business affairs of John Norton prospered, and in 1761 he purchased Lot 63 for £ 25 and Lot 71 for £ 100.[98] The sale also included houses on both lots. The price paid for the former excludes any possibility of an elaborate town house, while the latter was the former ordinary of

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[95] York county, Deeds, No. 5 (1741-1754), p. 166.

[96] Ibid., No. 6 (1755-1763), p. 485.

[97] Letter of Francis Jerdone to William Montgomery, dated May 12, 1749, quoted in "Letterbook of Francis Jerdone", William and Mary College Quarterly Historical Magazine, XI (First series; January, 1903), 155.

[98] York county, Deeds, No. 6 (1755-1763), p. 342.

John Gibbons. Two years after these purchases, Norton acquired Lot 80, adjoining his home, with its houses for £ 100.[99] In addition to these lots in the town, Norton was actively engaged in the purchase and sale of lots in the Gwyn Head development adjoining Yorktown. After building up this very substantial estate in Virginia, he was compelled to return to England in 1764 by the death of his partner, George Flowerdewe. His son, John Hatley Norton, remained in the colony as his father's agent.[100] Presumably all the property acquired by his father was sold by the younger Norton, who purchased Lots 72, 73 and 74 for a home.[101] On these lots was one house fifty-two feet long and twenty-four feet wide, with a store and outbuildings.[102] At the time of the outbreak of the Revolution in Virginia in 1775, he sold the lots and houses for £ 1000, and moved to Williamsburg.[103]

The Reynolds family can be more clearly placed in the middle class. Captain Thomas Reynolds, a sea captain, married Susannah, the daughter of William Rogers. Rogers

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99 Ibid., 509.

100 Frances Norton Mason, editor, John Norton & Sons Merchants of London and Virginia, 6.

101 York county, Deeds, No. 8 (1769-1777), p. 483.

102 The Virginia Gazette, October 13, 1768.

103 York county, Deed Book No. 6 (1777-1791), p. 3.

had come to Yorktown about 1711 and had begun his career as a brewer. This profession proved so profitable, that he soon advanced to the rank of merchant. At the time of his death in 1739, his personal estate was valued at £ 1,224/5/6 exclusive of the three lots (51, 55, and 75), which he owned in the town, as well as a lot in the Owyn Read development, another small piece of land on the eastern boundary of the town, and a warehouse on the waterfront.[104] By the terms of his will Susannah Reynolds, his daughter, received Lot 75 "together with the Brick house...."[105] This was the home of Captain and Mrs. Reynolds until his death in 1762, and after that his widow lived there with their son and heir, William Reynolds. An inventory of the captain's estate indicates that he had increased his inheritance, for his personal property was valued at £ 1,906/8/6, including a total of seventeen slaves.[106] Upon the death of his mother in 1768, Lot 75 with the house and garden became the property of young William.[107]

Shortly after his mother's death, William was sent to

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[104] York county, Wills and Inventories, No. 18 (1732-1740), pp. 537 and 553.

[105] Ibid., 537.

[106] Ibid., No. 21 (1760-1777), p. 99.

[107] Ibid., 407.

England by his guardians to learn the trade of merchant at the firm of John Norton. In 1771 he returned to Virginia, and after a short period of indecision, settled in Yorktown, which he believed offered the best opportunities for his business. Possibly feeling that his lot in the town was too far removed from the business section, Reynolds sold the lot a short time after his arrival for £ 700 current money.[108] After renting a store from the Norton family for a year, he purchased Lot 29 for £ 91/5/0, and Lot 31 for £ 350.[109] The former was to be his home, while the latter was to serve as his place of business. The exceedingly high price of the latter lot indicates that it was extensively developed. One of the buildings on this lot was a large brick storehouse, which subsequently became known as the "William Reynolds brick store house."[110] On August 5, 1773 he wrote to a friend: "I have made a purchase of a lott & Houses more conveniently situated for business & for less money & am now commenced Housekeeper...."[111]

For several years Reynolds tried to make his fortune

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[108] York county, Deeds, No. 8 (1769-1777), p. 221.

[109] Ibid., 302 and 304

[110] York county, Deed Book No. 6 (1777-1791), p. 22.

[111] Letter to Mrs. Courtney Norton in William Reynolds, Letterbook in Manuscript Division of Library of Congress.

in trade, but without success. In the beginning, probably due to his apprenticeship in London, his chief connections were with that city. Gradually he shifted the emphasis to the West Indian commerce and even bought interests in vessels in that trade. The fact that he had correspondence with London, Bristol and Liverpool in England, Lisbon, Portugal, the Barbadoes, Cape Francois, St. Eustatia in the West Indies, as well as the Madeira Islands, Bordeaux in France, and Baltimore and Philadelphia in America, indicates that he did not fail because of lack of breadth in his business relations. Success, which seemed within his grasp at first, always eluded him. Whether it was the result of the Revolution or poor management, Reynolds gradually withdrew from business after the war. He died in straitened circumstances. In the social and political sphere, Reynolds reached his highest peak at the same time that his finances were receding. Following the Revolution, he was considered one of the leading citizens of the town.[112]

During the latter part of the colonial period, the physicians of Yorktown occupied an increasingly important place in the affairs of the community. Many of these physicians were most interesting persons. Dr. Benjamin

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112 See letter of Governor Harrison to Mabney, August 3, 1782, in H. R. McIlwaine, editor, Official Letters of the Governors of the State of Virginia, II, 608.

Catton, for example, began his career in Yorktown as an ordinary keeper, but later became a barber and peruke maker. Around the middle of the century he suddenly became a physician and opened a shop in or near the town.[113] Dr. John Payras was a French immigrant, who plied a brisk trade in medicines in the town in the 1750's. Dr. George Riddell was one of the leading physians of the town. He rented Lots 12 and 13 from William Nelson for thirty-two pounds a year, and lived there until about 1755.[114] At about this time he purchased the lot and houses of Dr. John Payras near the town, and lived there until the Revolution. Dr. Thomas Powell and Dr. Corbin Griffin formed a partnership, but dissolved it in 1772.[115] After that Dr. Griffin kept an office and shop at his home on Lots 12 and 13, while Dr. Powell did the same on Lot 54. Dr. Matthew Pope, an Englishman by birth, came to Yorktown around 1768, and rented Lot 61 and its houses. It is probable that at about this time, he acquired Lots 56 and 60 from John Norton. His ability

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[113] Infra pp. 147-148.

[114] In 1755 William Nelson offered for sale "Two very convenient Lots and Houses, in York-Town, whereon Doctor George Riddell lately lived, near the Court-House; There is a large Dwelling-house, Store-House, Kitchen, Stable, all convenient Out-Houses, and a very good garden on the same...." The Virginia Gazette, October 10, 1755.

[115] Ibid., January 16, 1772.

must have been widely recognized, for he served as physician to the governor, Francis Fauquier. It was reported in 1767 that "his honor the Governor, who for some considerable time past has labored under a very painful and dangerous disorder, is now quite recovered under the care of Dr. Matthew Pepe at York."[116]

Continuing the descent down the social scale, the mariners, the craftsmen and ordinary keepers are next met.[117] Throughout the colonial period the carpenters, wheelwrights, joiners, barbers, peruke makers, bricklayers, watch makers, tailors and other tradesmen found their place in Yorktown. Some of these skilled craftsmen acquired a number of lots in the town. One of this class, John Downing, a bricklayer from Mulberry Island in Warwick county, purchased Lots 26, 27 and 33 from the town trustees between 1706 and 1708.[118] He built houses on all of his lots, but a "Tempestuous wind" destroyed those on the last two.[119] His son Robert, also a bricklayer, bought Lot 33 from his father in 1721, but sold

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[116] Ibid., July 16, 1767; also Wyndham B. Blanton, Medicine in Virginia in the Eighteenth Century, 347.

[117] The ordinaries of Yorktown and their keepers will be discussed in a later chapter. Infra Chapter IV.

[118] York county, Deeds and Bonds, No. 2 (1701-1713), pp. 173, 248 and 273.

[119] York county, Deeds, Orders, Wills, etc., No. 13 (1706-1710), p. 114.

it five years later to Captain Joseph Hiabatt, a mariner, for £ 75 current money.[120] Prior to this sale, in 1725, he had purchased Lot 59 and a house for £ 47/10/0, and in the following year, he paid £ 20 for Lot 78.[121] Robert Dowsing married Mary Gordon, whose father bequeathed her, after her mother's death, his "Town Lott [79] and Houses and Storehouses at the Riverside...."[122] This was the property described in Robert Dowsing's will (probated in 1737) as having been entailed by his father-in-law to his wife, Mary Dowsing, and to his son, Gordon Dowsing.[123] Robert's widow married John Dayley, and Gordon died prior to 1749. The property was sold to Mordecai Booth, who sold it in 1749 to James Pride. Lot 79, "with a ell thereon Dug," and "a warehouse & Dwelling House adjoining thereto and a Pump Pumphouse and Shop at the River side" were included in the property which sold for £ 300 current money.[124]

The inventory of Robert Dowsing's estate at the time

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120 York county, Deeds and Bonds, No. 3 (1713-1729), pp. 367 and 461.

121 Ibid., pp. 444 and 459.

122 York county, Orders, Wills, etc., No. 17 (1729-1732), p. 130.

123 York county, Wills and Inventories, No. 13 (1732-1740), p. 347.

124 York county, Deeds, No. 5 (1741-1754), p. 314.

of his death valued his personal property at £ 55/7/7. It was largely made up of his tools for carpentering, painting, bricklaying, and glazing.[125] As his son Gordon had been provided for by his father-in-law's will, Robert left his two lots (59 and 78) to his other son, William.[126] This son moved to Brunswick County and rose to the rank of planter. In 1759 he sold Lot 78 for £ 70 and in the following year disposed of the other lot for £ 36.[127]

The Dowsing family of craftsmen served the inhabitants of the town of York for many years, and, while fulfilling their mission, acquired a comfortable living. They were typical of other families of skilled craftsmen in the town, who purchased their own lots and built their homes.

After considering a family of this class, it might be well to turn to the history of one of the town lots which served as the home for representatives of the tradesmen of the community. Whereas, in the main, the upper classes of

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[125] York County, Wills and Inventories, No. 18 (1732-1740), p. 370.

[126] Ibid., p. 347.

[127] Early in 1759 William Dowsing sold Lot 78 to Richard Coventon, dancing master, retaining a mortgage for the unpaid balance. York County, Deeds, No. 6 (1755-1765), pp. 136-37. This mortgage was never paid and a few months later Dowsing sold the mortgage to William Ross, who recovered the property from Coventon. Ibid., p. 269; also Ibid., No. 7 (1763-1769), p. 269. For deed of sale to Lot 59 see Ibid., No. 6, p. 242.

the town purchased lots along the bluff overlooking the river and along the main street, the working classes bought lots along the back boundary of the town. Their homes were probably "the lesser sort, of Plaister" mentioned by the visitor to the town in 1736. The lots in this vicinity owned by the upper classes were usually rented out to the working men.

An excellent example of this type of lot and a working man's establishment was Lot 15. This lot was purchased by John Trotter in 1717, and in 1740 he bought the half-acre adjoining the lot from Gwyn Read.[128] He built a home on the lots, and at his death bequeathed them to his son Thomas Trotter, who sold them to Matthew Burt, a chair-maker, for £ 100 current money in 1752.[129] The improvements on the lots were described a few years later as "a neat small Dwelling-House ... in good repair, with two Brick Chimneys on it, a Kitchen with one Chimney, a Work-House, and a Garden pailed in...."[130] Subsequent owners of the property included James Mills and John Gunther, tailors, and

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[128] York county, Deeds and Bonds, No. 2 (1701-1713), p. 223; also York county, Deeds, No. 5 (1741-1754), p. 477.

[129] York county, Wills and Inventories, No. 19 (1740-1746), p. 369.

[130] The Virginia Gazette, October 10, 1755.

William Wise, a mariner.[131]

As Yorktown was a seaport, it was only natural that a number of mariners should have settled in the town. Throughout the colonial period, there were many sea captains, both active or retired, mentioned in the records of the town. Usually the mariners were associated with the working classes rather than the gentry or upper middle class. While the majority of the mariners mentioned as living in the town probably rented their homes, a number of them actually owned lots and homes. Among these were Captain Thomas Reynolds and Captain Thomas Lilly, both very successful sea captains, who acquired considerable wealth and property during their lives. Captain Vincent Pearse of His Majesty's Navy purchased Lot 21 and its houses for £ 160 sterling in 1726.[132] Two years later he was the captain of the war ship Tartar, which convoyed the trading vessels from the mouth of the York river (the assembling point) to England to prevent their capture by the Spanish.[133] As he had been made the commander of His Majesty's Ship Ninchelsea,

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131 James Mills bought the property in 1757 for £ 65. York county, Deeds, No. 6 (1755-1765), p. 77. John Gunther purchased it in 1770 and William Wise in 1775. Ibid., No. 8 (1769-1777), pp. 89 and 314.

132 York county, Deeds and Bonds, No. 5 (1713-1729), p. 443.

133 H. R. McIlwaine, Council Executive Journals, IV, 138-39.

he sold his property in Yorktown for £ 180 current money.[134] Another seafaring lot owner was Captain James Dunsley, the captain of William Goosley's brigatine Lightfoot.[135] In 1773 he purchased Lot 78 for £ 250 current money, and lived there until his death in 1785.[136]

While practically all of the workmen maintained their shops at their homes, several of them rented small shops on Lot 30. Here, next door to the courthouse and across the street from the Swan Tavern, was a proper location for a small business man. In fact, this corner was the business center for the upper town. The Lightfoot store stood on Lot 36, and the large storehouse of William Reynolds was on Lot 31. The commercial atmosphere of the region was enhanced by the large ordinaries on Lots 25 and 30. It was natural for the skilled craftsmen to locate in this section of the town where a proper display of the wares would attract the attention of prospective buyers. In 1774, for example, Charles Jacob, a watchmaker from London, announced that he had "just opened shop near the Court House" in

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[134] York county, Deeds, No. 4 (1729-1740), p. 367.

[135] On November 26, 1773 William Goosley mortgaged his Brigatine Lightfoot "now on a voyage to London James Dunsley Master" to William Reynolds for a debt of £ 62/10. Ibid., No. 8 (1766-1777), p. 375.

[136] Ibid., 382.

Yorktown.[137] A few months later, James Davis, a tailor, placed a similar advertisement in the paper announcing that he had "just opened Shop nearly opposite the Swan Tavern ..."[138]

Below the mariners and craftsmen in the social scale stood the indentured servants and the negro slaves. The former were quite common in Yorktown throughout the colonial period, despite the rapid growth in the number of negro slaves. On September 12, 1766 William Nelson wrote John Norton of London to send him "a Taylor indented to serve me four years at the usual Wages of abt. £ 12 pr ann."[139] As late as 1774, there appeared in The Virginia Gazette a notice of the arrival of a ship at Yorktown with "seventy indented Servants, mostly tradesmen"[140] These servants,

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[137] The Virginia Gazette, December 12, 1774.

[138] Ibid., April 8, 1775.

[139] In discussing the tailor, Nelson wrote: "I pray that he may not be too old, having seen some that have brought their Spectacles with them & were fitter for a hospital than for the Shop board." Mason, op. cit., 17. The tailor arrived before August 14, 1767, for on that day he wrote Norton: "I particularly thank you also for the trouble you took to procure the Taylor without the usual Expense of Crimpage. He is young and healthy and seems to know his Business as well as I desire." Ibid., 31. The expression "crimpage" became later known as "shanghai," which implies that skilled workmen did not want to come to America and usually had to be persuaded.

[140] The Virginia Gazette, January 13, 1774.

after serving the necessary number of years for their masters, were freed. Although the majority of them appear to have moved to the cheaper land to the west, a number probably stayed in the vicinity as there was always a shortage of trained craftsmen. Their main contribution to the development of the town consisted of their work as carpenters and bricklayers in the construction of other's homes.

Slave dealing was indulged in by some of the leading merchants of the town. The traffic had not yet acquired a social stigma. The Nelson family was especially active in this business. In 1737 Thomas Nelson announced the arrival of a slave vessel with 490 choice young slaves to be sold in Yorktown.[141] In 1751 Messrs. John Norton, David Anderson and Francis Jerdone bought 32 negroes imported by Messrs. Nootes and Hill. These slaves were sold with a net profit of £ 65/17/4 to each of the partners.[142] Slaveholding was not confined solely to the wealthy inhabitants of the town, but were held by all classes. Of course, the wealth of the individual determined the number of slaves that he could purchase. Few of the craftsmen, however,

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[141] Ibid., April 8, 1737. Thomas and William Nelson announced in the same newspaper on June 8, 1739 that the Black Prince had arrived from the Gold Coast "with a cargo of choice slaves...."

[142] Francis Jerdone, Ledger B, 1751-1752. MS ledger in Division of Research and Record, Colonial Williamsburg, Inc., Williamsburg, Virginia.

appeared to have owned slaves. This was probably due to the fact that the apprentice system furnished them with sufficient help. Quarters were undoubtedly built for the slaves in the town, but no mention appears to have been made of them until after the Revolution.[143] The wealthy merchants, who owned the greatest number of the slaves, also owned plantations near the town. It is probable that the slaves of such persons were quartered on the plantations and would walk into their work in town. Despite this, there must have been many slaves' quarters in the town on the backsides of lots.

This rapid survey of the various classes in individuals who made Yorktown their home during the colonial period has been designed primarily to illustrate the influence that they had on the growth and development of the town. Such biographical material as has been included should serve merely to present background information for the discussion of the changes made by the inhabitants in the physical aspect of the town. Instead of attempting to exhaust the subject, certain representative individuals have been chosen to describe the type of contribution made by each class. The fine homes of the gentry, expressing their wealth and power, first struck the attention of the colonial traveller.

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[143] Servants' quarters were mentioned as standing on Lot 52 in 1796. Supra p. 83 , f.n. 33.

One of these, the surviving Nelson house, is perhaps the best extant representative of the town house of colonial Virginia. But there were other classes and other ways of life in eighteenth century Yorktown. For the most part the physical expression of these classes and ways has vanished. Only crudely and incompletely can it be reconstructed through study of the records and through the work of the archeologist.

CHAPTER IV

INNS AND ORDINARIES

One of the most striking characteristics of Colonial Yorktown was the prevalance of inns and ordinaries. This feature of the town apparently made a great impression on the English visitor of 1736. In an age accustomed to hard drinking, he noted of Yorktown that "The Taverns are many here, and mush frequented".[1] This situation was brought about in the main by the very nature of the town. As one of the important seaports of the colony, it was only natural that there should be houses to entertain the many sailors and other travellers that came to Yorktown. As the highways and roads of colonial Virginia were extremely bad, and the main mode of travel followed the rivers, any point of embarkation or disembarkation necessarily had to have places for the weary traveller to rest. The proverbial thirst of the sailors was matched only by the thirst of the average inhabitant of the colony. This made inn keeping a most lucrative business.

Another reason for the great number of ordinaries in Yorktown may be found in the fact that the inhabitants

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1 "Observations in Several Voyages and Travels in America in the Year 1736", reprinted from The London Magazine, July, 1746 in William and Mary College Quarterly Historical Magazine, XV (First series; April, 1907), 222.

were English. England has always been noted as a land of inns and ale-houses. The number of ale-houses in England and Wales in 1621, when the population was probably under five millions, was no less than 15,000.[2] A little over a century later, in 1739, William Maitland published in his History of London a statement that an actual survey in London disclosed that there were 95,968 houses, of which 15,288 sold drink for consumption on the premises, to provide for a population of 725,903. In other words, there was one pothouse to every six houses and to every forty-seven persons.[3]

This enormous number of ale-houses in England existed despite the many acts passed by Parliament to curb them. The first law in England by which it was sought to keep some sort of a check upon those who carried on the trade of retailing ale was the enactment of 1495. This earliest licensing law empowered any two justices "to put away common ale-selling in towns and places where they should think convenient, and to take sureties of keepers of alehouses in their good behaving."[4] Many other measures

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[2] Frederick J. Hackwood, Inns, Ales, and Drinking Customs of Old England, 112.

[3] George A. ... Askwith, British Taverns, their History and Laws, 16.

[4] Ibid., 8-9.

were passed by Parliament during the sixteenth and early seventeenth centuries to curb the excessive drinking of the people and control the inns and ale-houses.

Despite these laws, there could be seen little improvement in the social and moral condition of the people. The principal result was the increase in the number of unlicensed drinking places. All during the seventeenth and eighteenth centuries the drinking habits continued as bad as ever in England and the inordinate number of inns was one of the outstanding features of the English countryside.[5]

The migration from England to the New World did not in any way affect the people's love of ale and stronger liquors. In fact the prevalance of drunkenness among the colonists was especially criticized by the English government.[6] This propensity toward drink was assisted by the large number of inns (called "ordinaries" in Virginia) which sprang up.[7] Despite the frequent criticisms, many

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[5] Ibid., 114-15.

[6] The authorities of the London Company in England, writing in 1622 to the Governor and Council in Virginia, attributed the massacre by the Indians to the anger of Providence, who thus sought to punish the inhabitants "for enormous excesses in apparel and drinking". Edward Duffield Neill, History of the Virginia Company of London, 322.

[7] This inference is justified by the strict regulations as to prices at which alcoholic beverages were to be disposed of by inn keepers.

years passed before the colonial government took under advisement methods of controlling ordinaries and suppressing drunkenness. The latter was largely turned over to the parishes, but the former received the attention of the General Assembly. Finally in March, 1654/5 it gave the county courts the authority to license ordinaries and ferries.[8] This was the beginning of a series of laws on that subject, which by the eighteenth century had evolved into a more or less stable body of legislation.

Under the provisions of these laws, if a person desired to operate an ordinary, he petitioned his county court for a license. The court determined if the proposed inn was convenient and if the petitioner could furnish adequate lodging and diet. If the investigation was favorable, the petitioner was issued a license for one year. A licensing fee of thirty-five shillings was paid to the governor, and the ordinary keeper signed a bond of ten thousand pounds of tobacco to insure his maintenance of "good, wholesome and cleanly lodging and diet for travellers, and stableage ... for their horses". He could not allow "unlawful gaming" in his inn, "nor on the sabbath day suffer any person to tipple and drink more than is necessary...." [9]

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[8] Hening, op. cit., III, 395-401.

[9] Ibid., 397.

After receiving his license, the ordinary keeper was subject to strict regulations. He could not sell drinks to seamen or servants without the permission of their captains or owners, nor could he extend over three hundred pounds of tobacco credit to anyone not the master of two servants or worth fifty pounds sterling. In addition, the prices to be charged by the ordinary keepers were set by the county court, and these rates had to be posted by the keeper in the "common entertaining room".[10] If the keeper was found guilty of breaking any of these regulations, he was subject to heavy fines, or to the revocation of his license.

These laws were passed by the General Assembly not only to protect the people of the colony, but also as a means of protecting the ordinary keepers from inferior competition. In fact, the General Assembly was always ready to protect the interests of this class of citizens.

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[10] The average rates set by the York county court were as follows: diet for one night, one shilling; stable and fodder for horse for one night, seven and a half pence; rum, two shillings a quart; brandy, five shillings a gallon; French brandy, four shillings a quart; wines ranged from Virginia wines at five shillings a quart down to Western Island wines at one shilling, ten and a half pence per quart; Virginia beer at three and three fourth pence and English beer at one shilling a quart. Various punches and flips were also rated. One local product, "Roger's best ale", was added to the list on March 19, 1710/11 to sell at six pence a quart at the request of the ordinary keepers. York county, Orders, Wills, etc., No. 14 (1709-1716), p. 71.

In August, 1736, for example, a law was passed at the request of the tavern keepers in the Town of York. This measure was entitled "An Act to prevent the Retailing of strong Liquors, in the Town of York, in small quantities".[11] The preamble of the act stated that

> ... divers people in the town of York, ... do practise the retailing of strong liquors, in small quantities, without license, not only to the meaner sort of people, but even to servants and slaves, often adulterating or mixing the same with water, whereby they can afford to sell it cheaper; evading the penalties of the acts of assembly, in that case provided, by not suffering them to be drunk in their houses.

In order to rectify this situation the law declared the retailing of liquors to be drunk off the premises was illegal unless sold in quantities of two gallons or more.

Even prior to the establishment of the town of York, enterprising persons took advantage of the existence of the ferry to operate an ordinary at its southern terminus. This natural location for an ordinary was recognized as early as 1676, for the Bacon law of that year abolished

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[11] Hening, op. cit., IV, 545.
The county court records contain frequent references to persons being tried for operating an ordinary without a license; for example, in 1694 John Seborne was convicted of selling drink at his house in Yorktown without a license and was fined 150 pounds of tobacco to Thomas Pate, the informant, and to enter bond for good behavior. York county, Deeds, Orders, Wills, etc., No. 10 (1694-1697), p. 34. Many other examples of the measures taken to protect the legitimate ordinary keepers can be found.

all houses of entertainment in the colony except at "James Citty" and at the two ferries over the York river.[12] Just prior to the founding of Yorktown, Robert Read, on February 24, 1690/90 was granted a license "to keep an Ordinary or place of publick Entertainment at the place where the fferry now is kept upon the South Side of York River".[13] Read operated an ordinary at this location for that year. On March 24, 1694 Thomas Pate, the ferryman, was granted a license to keep an ordinary "att yt place called ye Well att Yorke fferry...." [14] The location of an ordinary at the ferry took advantage of the travel by land as well as the ships that stopped at the well.

No other ordinary appears to have been established until a year after the establishment of the town. On

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[12] Hening, op. cit., II, 361.

[13] York county, Deeds, Orders, Wills, etc., No. 8 (1687-1691), p. 395.

[14] Ibid., No. 9 (1691-1697), p. 314.
It is interesting to note that the ferry was operated by ordinary keepers throughout the colonial period. This suggests that an ordinary was kept there constantly during the early period. The similarity of the dates of the two licenses seems more than a coincidence. On January 24, 1707/8, for example, John Wills was granted licenses to operate the ferry and an ordinary. Ibid., No. 13 (1706-1710), p. 107. In addition, William Harwood was granted both licenses on May 16, 1720. York county, Orders, Wills, etc., No. 15 (1716-1720), p. 388. The later keepers of the ferry, John Gibbons and James Mitchell, kept ordinaries in the upper town.

August 24, 1692 Captain Thomas Mountfort was granted a license by the county court to keep an ordinary "Att Yorke Town for this ensuing year".[15] It was located on Lot 37 in the center of the town, and was the first ordinary established within its limits.

Captain Mountfort continued to operate this ordinary until November, 1707 when his petition for a license was rejected by the county court as they thought him "insufficient".[16] Evidently the Captain's fortunes had suffered serious reversals, as his ordinary must have been a rather impressive place in the first years of its operation. This implication is suggested by a law suit instigated by Captain Mountfort against another inn keeper, Thomas Sessions, in November, 1694. The plaintiff sued for fifty pounds sterling damages as the defendant had been guilty of "illegally contriveing invegeling of ye plts Servant named Walter Turner from his Service being then book keeper att his Ordinary Att Yorke Towne...." [17] A drinking place

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[15] York county, Deeds, Orders, Wills, etc., No. 9 (1691-1697), p. 154.
See Appendix D for a complete list of ordinary keepers in Yorktown during the colonial period.

[16] York county, Deeds, Orders, Wills, etc., No. 13 (1706-1710), p. 94.

[17] Ibid., No. 10 (1694-1697), p. 58.
Shortly after Captain Mountfort's death his widow, Rebecca, was indicted by the Grand Jury "for keeping Tipling on the Sabbath day & Entertaining evill persons in

capable of supporting a book keeper could have been no mean establishment.

During this early period of the town's history, a number of professional inn keepers established ordinaries in the town. Among these was one Alexander Young, who was classified as an "Inholder", when he purchased Lots 60 and 61 from the town trustees in 1699.[18] It is probable that he had already "squatted" on these lots and built on them. As the Port Act of 1691 stood suspended from 1693 until 1699, he may have taken advantage of the situation and established an ordinary on the land without securing a valid title. This is suggested by the license granted him by the county court on September 24, 1697 to keep an ordinary in Yorktown "where hee now lives".[19]

By his will dated November 5, 1701, Alexander Young devised his lots and houses to his son Andrew with the proviso that they be rented out until he came of age.[20] This order was carried out, as the ordinary was apparently

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her house". She appeared in court on January 25, 1708/9 and "being very Penitent & Submissive & assureing the Court She would not offend in the like nature", the case was dismissed. Ibid., No. 13, p. 187.

[18] York county, Deeds and Bonds, No. 1 (1694-1701), pp. 191-92.

[19] York county, Deeds, Orders, Wills, etc., No. 10 (1694-1697), p. 462.

[20] Ibid., No. 11 (1698-1702), pt. 2, p. 251.

rented to John Hilliard, one of the executors of the will. Hilliard was granted an ordinary license on February 24, 1702/3[21], and probably continued to operate the place until Andrew came of age. Around August 24, 1705 Andrew came into possession of the estate, for on that day he received a license to operate an ordinary.[22] There is no other record that any owner of the property after Andrew Young operated an ordinary there. This does not mean, necessarily, that the ordinary ceased to operate, as it is possible that the property was rented by subsequent owners to one of the many unlicensed inn keepers of the town.

A number of the early inn keepers of Yorktown did not at first follow that profession. Among these persons were Robert Leightenhouse, a teacher, and Thomas Sessions, a carpenter, and Peter Gibson, a blacksmith. The latter, with his brother, Wm Gibson, a carpenter, purchased lots 58 and 62 in 1702.[23] The former owner, Robert Harrison, also a carpenter, had built on those lots after acquiring them in 1699. On August 24, 1705 Peter Gibson was granted a license to operate an ordinary "at his new dwelling house

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[21] Ibid., No. 12 (1702-1706), p. 79.

[22] Ibid., 343. A month after receiving this license Young and Hilliard were made ferrymen for the York river by the county court.

[23] York county, Deeds and Bonds, No. 2 (1701-1713), p. 288.

in York Towne".[24] Apparently his ordinary was a popular haunt of the seamen in Yorktown, for many of them gave their power of attorney to administer their estates to one or the other of the Gibson brothers. The new profession was disliked heartily by Peter Gibson's two apprentices, Edward Powers and Charles Hansford. They had been apprenticed to Gibson to learn the art of the gun smith. Early in 1706 they petitioned the court to be released from their indentures, as Gibson had turned ordinary keeper, instead of following his profession. The court ordered them released from the remainder of their period of service.[25]

Perhaps the best known of the inn keepers during the early years of Yorktown were members of the Moody family. Humphrey Moody purchased lot 45 from the town trustees by deed dated February 5, 1705/7.[26] As he was granted an

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[24] York county, Deeds, Orders, Wills, etc., No. 12 (1702-1706), p. 348.
A month after receiving his ordinary license, Peter Gibson and his brother Use petitioned the court to be allowed to operate the ferry. Their petition was denied by the court, Andrew Young receiving the license. Ibid., 353.

[25] Ibid., 387
After the death of his brother, Use Gibson petitioned the court for an ordinary license, but it was refused. Ibid., No. 13, p. 106.

[26] York county, Deeds and Bonds, No. 2 (1701-1713), p. 228.

ordinary license on November 24, 1707, it appears that he built on the lot for that express purpose.[27] Unfortunately for him, he did not live to reap the reward of his labor. His death obviously occurred some time between the receipt of his license and the probation of his will only three months later.[28] His widow, Elizabeth, however, continued to operate the ordinary from 1709 through 1714. Mrs. Moody was a very business-like woman, for on August 24, 1708 she reported to the county court "that Sevl Persons about the Court house door without Lycence Sells & disposes Liquor to her great prejudice". The court ordered the offenders removed after being notified of this order by the Sheriff.[29] Exactly one year later the same Elizabeth Moody was brought before the court as an accused culprit rather than a plaintiff. The Grand Jury had presented her "for Extorting in the price of her Liquors...." The justices, however, dismissed the case as the proof of the offense was not sufficient.[30]

The widow Moody married Edward Powers late in 1714.

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[27] York county, Deeds, Orders, Wills, etc., No. 13 (1706-1710), p. 95.

[28] Ibid., 122.

[29] Ibid., 156.

[30] Ibid., 248.

Her new husband had lived across the street from her after purchasing lot 50 from the town trustees in 1710.[31] On January 7, 1714/15, shortly after his marriage, Edward Powers purchased Lot 30 for the sum of £ 40 current money of Virginia.[32] This lot was in a natural situation for an ordinary as it adjoined the court house lot, and on March 21, 1714/15 he took advantage of the opportunity by obtaining an ordinary license.[33] This move may have been prompted by his wife. Edward Powers continued to apply for and receive an ordinary license each year until his death in 1719.

His will, probated June 15, 1719, devised "the house & Lott in York Town whereon I now live to my loving Wife Elizabeth Powers & her heirs forever...." [34] On appraisal, his estate, exclusive of the lot and houses, was valued at £ 157/14/5 with £ 36/11/½ of spirituous liquors also on hand. The inventory indicates that two houses were

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31 York county, Deeds and Bonds, No. 2 (1701-1713), p. 26. In 1711 and 1712 Powers served as overseer in the construction of the town battery. York county, Orders, Wills, etc., No. 14 (1709-1716), p. 195.

32 York county, Deeds and Bonds, No. 3 (1713-1729), p. 49. Powers bought the lot from John Cook, who had purchased the lot from John Ellis in 1714. Ibid., p. 25.

33 York county, Orders, Wills, etc., No. 14 (1709-1716), p. 397.

34 Ibid., No. 15, p. 452.

standing on the lot at that time. One of these was a two-storied building, as the goods therein were listed "up Stairs" and "below Stairs". Also listed were the tools of his profession, such as fifteen beds, and quantities of liquors as well as decanters, punch bowls, etc.[35]

His widow, Elizabeth Moody Powers, did not delay in taking over the business. On the same day that her husband's will was probated, she applied for and was granted an ordinary license by the county court.[36] Every year until her death in 1729 Elizabeth Powers was granted a license to keep an ordinary. The location of the tippling house must have contributed to its popularity with the county court.

The prosperity which seemed to gravitate toward the ordinary keepers of colonial Yorktown proves the lucrative nature of the trade. Sufficient wealth was acquired by Elizabeth and Edward Powers so that her son, Ishmael Moody, was able to assume a leading role in the life of the town and be known as a gentleman. This generation of the family appeared to have forgotten the thrifty ways of its forebears, for on November 28, 1733, Ishmael Moody, Gent., mortgaged "all that Messuage or Tenement of him the said Ishmael Moody Situate in Yorktown on the East side of the

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[35] Ibid., 464.

[36] Ibid., 439.

County Court house and now in the Tenure and occupation of the sd Ishmael with all houses" to Philip Lightfoot for £ 100.[37]

Apparently his straitened situation forced him to return to the profession of his parents, for he was granted a license to keep an ordinary at his dwelling house on July 21, 1736 and again on March 20, 1737/8.[38] No other ordinary licenses in his name were included in the county records.

Ishmael Moody died in 1748. As was the custom, an inventory and appraisement was made of his estate. This most interesting document lists a total of ten buildings standing on this one lot. They included "The Back House", which had a "First Room", a "Little Room", and an up stairs; "The Ordinary", with two rooms, a bar room, a billiard room, and a "Billiard Room Left" downstairs, three rooms upstairs and a cellar; the "Lower House" which had a "Large Room", two rooms upstairs and a cellar; "the New House"; two meat houses; an old and a new dairy; a kitchen and a wash house. The articles listed included: fourteen beds, one dozen fan back chairs, nine gallons of arrack, a

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37 York county, Deeds, No. 4 (1729-1740), p. 337.

38 York county, Wills and Inventories, No. 18 (1732-1740), pp. 212 and 407.

billiard table with accessories, two silver punch ladles and much porter, ale, etc. The total of his personal property was valued at £ 314:5:4½.[39]

The son and heir of Ishmael Moody, Edward, moved from Yorktown to Chesterfield county. In 1767 he sold the ordinary and lot to John Gibbons, an inn keeper, for £ 500 current money.[40] John Gibbons came about his profession naturally as he was the son of an ordinary keeper of Yorktown. His father, also named John, had purchased Lots 67 and 71 from the town trustees in 1717.[41] Two years later he acquired Lots 64 and 65, and in the next year bought still another, Lot 59.[42] Even though he was known as a planter, he asked for and received an ordinary license in 1725.[43] From that date until his death in 1727, he operated an ordinary on Lot 71. By the terms of his will his son

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[39] Ibid., No. 20, pp. 134-8.

[40] York county, Deeds and Bonds, No. 7 (1763-1769), p. 432.

[41] Ibid., No. 3 (1713-1729), 221. John Gibbons had been made "Gealer" and agent of the public storehouse at Yorktown the latter part of 1716, after having served as subsheriff. York county, Orders, Wills, etc., No. 14 (1709-1716), pp. 155 and 204; also Ibid., No. 15 (1716-1720), pp. 28, 44 and 172.

[42] York county, Deeds and Bonds, No. 3 (1713-1729) p. 309; Ibid., 346.

[43] York county, Orders, Wills, etc., No. 16 (1720-1729), pt. 1, p. 200.

Lawrence was devised the "Lot in York Town Number (71) where my Ordinary now stands...." [44] Lawrence, however, did not continue to operate the ordinary. Lots 64 and 65 were bequeathed to his son John, who later became an ordinary keeper. He applied for his license in 1746, and apparently kept inn intermittently for the remainder of his life.[45] Prior to his purchase of Lot 30 in 1767, he operated an ordinary on Lot 34. The announcement of his change of location to the public at the time of the purchase of Lot 30 appeared as follows:

> York Town, August 20, 1767
>
> This is to inform my friends and customers, and all who may please to favor me with their company, that I have removed from the Fort to the house where Mrs. Moody lately lived, adjoining the court-house, where they may depend on the best entertainments, and civil usage from,
>
> their most humble servant,
> John Gibbons.[46]

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[44] Ibid., No. 16 (1730-1729), pt. 2, p. 458.

[45] York county, Wills and Inventories, No. 19 (1740-1746), p. 418; York county, Judgments and Orders, (1754-1756), p. 87. In 1748 John was tried for allowing unlawful gaming in his house, but was acquitted. York county, Judgments and Orders, No. 1 (1746-1752), p. 193.

[46] The Virginia Gazette, August 20, 1767. That the phrase "from the Fort" meant moving from Lot 34 is proved by an item in Richard Ambler's will, probated in 1766. Richard Ambler left to his son "Jacquelin, my Lott of Land and the Houses erected thereon situated between the Fort Hill and Church Yard now in the tenure of John Gibbons". York county, Wills and Inventories, No. 21 (1760-1771), p. 378.

It is possible that John Gibbons continued to operate the ordinary until his death in 1773, although no license has been found after 1752.[47] The inventory of his estate, valued at £ 995/10/0, lists thirteen slaves, twelve beds, sixty-eight chairs, twenty-one tables, a billiard table and a backgammon table, among other things.[48] After John Gibbons' death, his wife, Mary, continued to operate the ordinary until driven out by the British. She was granted her first license in 1777 and her last in 1781, just prior to the occupation of the town by Cornwallis.[49]

An ordinary was also operated by a neighbor of the

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[47] It is the belief of this investigator that the county clerks were extremely lax in copying the ordinary licenses, or the county court was negligent in prosecuting those failing to renew their licenses. The all too frequent gaps in the chains of licenses can not be understood otherwise. John Gibbons, for example, had acquired a very expensive ordinary in 1767, and notified his patrons that he was moving, yet there are no licenses on record for him.

[48] York county, Wills and Inventories, No. 22, pp. 159-60.

[49] York county, Order Book, No. 4 (1774-1784), pp. 144, 272.

Upon the death of her husband, Mary Gibbons was named joint ferry-keeper with Janet Mitchell, the widow of James Mitchell. York county, Judgments and Orders, No. 3 (1772-1774), p. 180. The joint keepers announced on April 1, 1774, that they desired "those Gentlemen who cross to pay their ferriages at the Swan Tavern, as it has been of infinite loss to the subscribers, their paying the Negroes; and also assure them, that the ferry shall be kept inferior to none in the Colony". The Virginia Gazette, April 7, 1774.

Moodys in Yorktown, Hester Sessions. She had been the wife of Thomas Sessions, carpenter and inn keeper, but had not been too constant in her fidelity. In 1705 her husband sued Hester for divorce, alleging that she and James Darbyshire, a blacksmith and neighbor, were "Living together as man & Wife & taking & possessing themselves with yt Sd Complaints [Sessions] Goods and Chattels & other Enormitys...." The court ordered that James and Hester be separated and that the estate of Thomas and Hester Sessions be equally divided between them.[50] This order was issued on May 24, 1705. It must have been complied with in a short time, for Hester Sessions purchased Lot 29 from the town trustees on January 24, 1705/6.[51]

Sometime after this purchase, Hester Sessions married Christopher Powell. On June 18, 1711 he was granted an ordinary license by the county court.[52] This move might have been brought about by the opportunity of obtaining some profit by entertaining the workmen on the Yorktown fort, which was under construction at this time. Christopher Powell died shortly after taking out his

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50 York county, Deeds, Orders, Wills, etc., No. 12 (1702-1706), p. 328.

51 York county, Deeds and Bonds, No. 2 (1701-1713), p. 165.

52 York county, Orders, Wills, etc., No. 14 (1709-1716), p. 90.

license and his widow, on October 15, 1711, preferred a claim to the court for seven shillings "for Entertainmt of Sevl men in the time of their working on the fortifications in Yorktown put under her Care by Major Buckner...." [53] She apparently discontinued her ordinary after 1713.[54] In 1715 she sold the southern part of her lot (70 by 120 feet) "with all houses" to William Davis, a cooper.[55] The remainder of the lot was divided in her will, probated July 15, 1717, between Herrit Rachford and Elizabeth Davis, the daughter of William Davis. The former was to receive "My Vandrys Shop & ground thereto belonging ..." while the latter obtained the dwelling house and appurtenances.[56]

Apparently Elizabeth Davis rented the house to John Roberts, who had been appointed ferry keeper with William Buckner on January 21, 1712/13.[57] Roberts obtained a license to operate an ordinary on January 20, 1717/18 and had it

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[53] Ibid., 114.

[54] Hester Powell was granted an ordinary license on July 16, 1712. Ibid., 107.

[55] York county, Deeds and Bonds, No. 3 (1713-1729), p. 83.

[56] York county, Orders, Wills, etc., No. 15 (1716-1720), p. 145.

[57] Ibid., No. 14 (1709-1716), p. 320.

renewed the following year.[58] An item in the will of John Roberts, which was probated on February 15, 1719/20, stated: "I bequeath to my lovi wife the Remaining time of a Lease I have for a house & part of a Lott in York-Town lately the dwelling house of Nater Powell dead."[59] This was apparently the last ordinary on Lot 29 during the colonial period.

One of the more noteworthy ordinary keepers of colonial Yorktown, when length of service is considered, was John Butterworth. His wife, Damaris, presumably initiated him into the profession, for she received permission from the court in 1719 to operate an ordinary at her dwelling house in Yorktown.[60] Beginning the next year and continuing until 1742, John Butterworth received licenses practically every year. The location of this ordinary is doubtful, but it is believed it stood on Lot 8, 10, 11, or 17 until 1727.[61]

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[58] Ibid., No. 15 (1716-1720), p. 181.

[59] Ibid., 560.

[60] Ibid., 439.

[61] The statement is based on a case in which the heirs of Joseph Walker sued John Butterworth for "rent of the houses" from June 24, 1722 to June 24, 1727 as by agreement at £ 24 a year. Ibid., No. 16, pt. 2, p. 481. As the estate of Walker owned only those lots, the houses must have stood on one or more of them.

John Butterworth and his wife apparently conducted a most prosperous business in their ordinary. On March 17, 1738/9 the county court granted permission to Sarah Hall, an indentured servant of Walter Taylor, to work at John Butterworth's and receive the benefit of her labor.[62] On May 8, 1740 Henry Lewis, a blacksmith, was brought before the court for stealing a silver tankard from John Butterworth. The defendant confessed to the crime but gave as his excuse that "he was very much in Liquor when he did it...." [63] By the terms of his will, probated November 19, 1744, John Butterworth devised three female slaves to his daughters and granddaughters and a lot in the town of Edenton, North Carolina, to his son-in-law, Thomas Brewer, besides leaving a sufficient estate to support his widow.[64]

Another long-term ordinary keeper of colonial Yorktown was Benjamin Catton. As in the case of Butterworth, the location of his ordinary has been lost. His first license to operate an ordinary in Yorktown was

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62 York County, Wills and Inventories, No. 13, (1732-1740), p. 479.

63 Ibid., 505.

64 Ibid., No. 20 (1746-1759), p. 40. On June 20, 1743, apparently some time before Butterworth's death, William Wyatt was granted a license to keep an ordinary "at the late dwelling house of John Butterworth, in York Town". Ibid., No. 19, (1740-1746), p. 194.

granted him by the county court on November 17, 1739.[65] From that time until 1742 he applied for and received his annual license. Catton appears finally to have forsaken the innkeeping profession to follow that of a barber. The following advertisement appeared in The Virginia Gazette on October 25, 1745:

> Ladies may be furnish'd with all sorts of Locks, and Tates de Ladies: And Gentlemen may have false hair, &c. And Ladies and Gentlemen may have their Hair cut in the most fashionable manner by
> Their Humble Servant,
> Benjamin Catton.

Since barbers usually served also as surgeons during the colonial period, the adoption of that profession by Catton naturally followed. On August 10, 1767 he announced that he had "removed to his new shop the back of Mr. Stevenson's store, where may be had a fresh assortment of drugs and Medecines, imported in the last ship from London".[66] Within a year after the publication of this announcement, Dr. Catton died and his estate was settled by his good colleague and partner, Dr. George Riddell. The latter placed an advertisement in The Virginia Gazette on October

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65 York county, Orders, Wills, etc., No. 17 (1729-1732), p. 1.

66 The Virginia Gazette, August 10, 1767. The location of Stevenson's store is also doubtful. In 1748 he leased Harwood and Moody's storehouse on the waterfront. York county, Deeds, No. 5 (1741-1754), p. 268.

14, 1768 requesting debtors to the estate, "particularly in the medical way", to make immediate provision to pay "as the circumstances of the estate will not admit of any indulgence". The estate of Dr. Catton obtained the sum of £ 320/18/10 by the sale of his personal property.[67]

Perhaps the most important of the ordinaries on the water front during the colonial period was that of Abraham Archer, a shipwright. He obtained his first license on December 15, 1729.[68] As he owned no lot in the town at that time, and as a license issued early in 1764 stated that his ordinary was "under the Hill at York Town", it is safe to assume that that was the location in 1729.[69]

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[67] York county, Wills and Inventories, No. 21 (1760-1771), pp. 434-35; Ibid., No. 22 (1771-1783), pp. 12-17. It is interesting to note how easily a person could enter the medical profession during the colonial period. Catton apparently changed from a barber to a doctor without any additional education or training. Both the announcement in The Virginia Gazette and the inventory of his estate referred to him as a doctor. There can be little doubt that he was a recognized member of the profession.

[68] York county, Orders, Wills, etc., No. 17 (1729-1732), p. 16. In the county court records under the date January 10, 1732/3, Abraham Archer was described as a "Shipwright of York Town". York county, Deeds, No. 4 (1729-1740), p. 152.

[69] York county, Orders, Wills, etc., No. 19 (1740-1746), p. 286. Archer did not purchase Lot 32 until 1735, and half of Lot 70 in 1742. York county, Deeds, No. 4 (1729-1740), p. 152, and Ibid., No. 5 (1741-1754), p. 27.

Abraham Archer continued to run the ordinary through 1748.[70] After that date the ordinary license was obtained by his son, Thomas Archer. In his will, probated May 18, 1752, Abraham Archer bequeathed "all my Housing under the Hill" to his son Thomas.[71] Licenses continued to be issued to Thomas Archer until shortly before the Revolution.

Of all the taverns and ordinaries in colonial Yorktown, the Swan was the most famous and important. Located at the corner of the main street and one of the principal cross streets of the town, and directly opposite the court house, this tavern was, with the possible exception of the courthouse itself, the main focal point of social activity in the port. Here the local inhabitants met and talked with the sea captains and learned of the latest developments in the world of affairs. Here met the merchants of the town and vicinity and over the festive

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[70] Both Abraham Archer and his son Thomas, were granted licenses on May 15, 1749. York county, Judgments and Orders, No. 1 (1746-1758), p. 195. Possibly father and son ran competitive ordinaries on the waterfront at this time.

In January 17, 1742/3 Anne Bond was issued a license "for keeping an ordinary at Abram Archers house at York Town...." York county, Wills and Inventories, No. 18 (1740-1746), p. 146. Archer did not apply for a license for that year. The relationship between the two has not been discovered.

[71] York county, Wills and Inventories, No. 20 (1746-1759), pp. 356-7.

board of the Swan negotiated and completed many business deals. At the sign of the Swan seamen, tobacco traders, merchants and all the varied classes of eighteenth century Virginia found rest and refreshment.

Although the exact date of its construction remains obscure, an approximation can be made. It was erected some time between August 17, 1719, when the lot was purchased by Thomas Nelson and Joseph Walker, merchants, and March 18, 1722/3, when the two owners of the property dissolved their joint tenancy and vested one moiety of the property in each of the owners.[72] The exact date of its opening may have been on March 19, 1721, for on that day Robert Wills, the first keeper of the Swan, received his first license to operate an ordinary.[73] Wills continued to operate the tavern for the next decade, and obtained his last annual license on August 16, 1731.[74]

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[72] The deed dissolving their joint tenancy described the property as follows: "All that Lot ... known by the Number (25) /of which/ Thomas Nelson and Joseph Walker are now jointly seized as well of the one Messuage or Tenement commonly called the Swan now in the tenure and Occupacon of Robert Wills which hath been built by the said Thomas Nelson and Joseph Walker upon the said Lot ... since the same was conveyed to them by the said Benjamin Clifton...." York county, Deeds and Bonds, No. 3 (1713-1729), p. 394.

[73] York county, Orders, Wills, etc., No. 16 (1720-1729), pt. 1, p. 115.

[74] Ibid., No. 17 (1729-1732), p. 214.



Figure 11.-- The Swan Tavern

The name of the keeper of the Swan for the next ten years has not been determined. The next known host was James Mitchell, who had granted him on February 15, 1741/2 a license "for keeping an ordry at the Swan in York Town".[75]

Shortly after James Mitchell obtained his license, William Nelson, the eldest son of Thomas Nelson, purchased the Walker interest in the tavern. This transaction must have taken place some time before 1761, for in the latter year William Nelson conveyed the lot with the buildings "known by the name of the Swan Tavern now in the Occupation of James Mitchell" to his son Thomas.[76] The tavern property stayed in the hands of the Nelson family until after the Revolution.

James Mitchell, who served as keeper of the Swan for such a long period, was, with his neighboring innkeeper John Gibbons, appointed keeper of the ferry from Yorktown to Gloucester Point by the county court on July 17, 1749.[77]

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[75] Ibid., No. 19 (1740-1748), p. 83.

[76] York county, Deeds, No. 6 (1755-1765), p. 318. The transaction must have taken place after the death of Thomas Nelson in 1745, for the will of Charles Carter of Cleve (who had married a daughter of Joseph Walker), dated September 10, 1768 mentioned "the purchase money paid by the Honble. William Nelson, Esqr. for the moiety of the Swann Tavern...." "The Will of Charles Carter of Cleve", The Virginia Magazine of History and Biography, XXXI (January, 1923), p. 60.

[77] York county, Judgments and Orders, No. 1 (1746-1752), p. 221.

This was not the end of his duties, for on some time prior to 1763 he was appointed "vendue-Master, Auctioneer, and Crier of public goods" in Yorktown by "commission from his Honour the President...."[78] This position undoubtedly contributed to the importance, as well as the business, of the Swan while the scene of public auctions and sales.

After a useful and busy life, James Mitchell died shortly before January 31, 1772.[79] On the following May 21 the owner of the Swan, Thomas Nelson, Jr., advertised for lease "the well accustomed SWAN TAVERN in York Town".[80] Apparently no response to this advertisement was made.

Following the death of James Mitchell, the line of keepers of the Swan again becomes vague. On March 16, 1772 his resourceful widow Janet Mitchell was appointed ferry keeper with John Gibbons.[81] Possibly she also took her

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[78] The Virginia Gazette, July 31, 1763.

[79] On January 30, 1772 The Virginia Gazette announced the death of "Mr. James Mitchell, of York Town, in his sixty eighth year; a Man who was as generally esteemed as any in the Colony".

[80] Ibid., May 21, 1772.

[81] York county, Judgments and Orders, No. 2 (1770-1772), p. 496. There is an almost complete lack of licenses recorded during this period.

The announcement placed in the newspaper by Janet Mitchell and Mary Gibbons in 1774, which has been cited above, asking users of the ferry to pay at the Swan Tavern rather than at the ferry, indicated that Janet Mitchell followed her husband as keeper of the Swan.

deceased husband's place as operator of the Swan.

Finally in 1778 the Swan passed out of the hands of the Nelson family when it was sold by Thomas Nelson, Jr., to Lawrence Gibbons for £ 1000 paper money.[82] The new owner lived in the tavern and operated it personally until his death in 1811.

No detailed descriptions of the Swan Tavern during the colonial period have been discovered. The best descriptions are fragmentary at best. The most important documentary evidence of the physical composition of the Tavern is the inventory of the personal estate of James Mitchell. This appraisement listed a total of £ 797/19/11 worth of property in the tavern, the kitchen and the stable.

As this inventory will serve the double purpose of describing the arrangement of the Swan and also indicating the equipment of a colonial tavern, it is considered sufficiently interesting to warrant a rather detailed account. Furnishings were listed according to the rooms in which they were to be found. In "the Rooms Upstairs" were listed a total of six beds with sheets, pillow cases, etc. "In the large room next the Street below Stairs" were twelve leather bottom chairs, several walnut and mahogany tables,

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[82] This deed is not of record, but the sale was described in a deposition of Lawrence Gibbons in the Ambler-Wyld case. York county, Loose Papers.

one of which was "for Cards lined", a looking glass and a "large map of Virginia". "In the Billiard Room" was the billiard table with its equipment, and "in the Room next the Billiard Room" were twelve more leather bottom chairs, two walnut tables, two pair of backgammon tables, and one chess board with two sets of chess men. "In the Room next the Kitchen" were twelve more leather bottom chairs, a leather couch, a mahogany tea table and other tables, and a clock with a mahogany case. The Chamber" must have been the public room of the tavern for the serving of food and drinks, for in this room were found such items as forty-one blue and white china plates, twelve red and white china plates, china bowls, slop bowls, tea pots and tea cups, china coffee cups, six quart decanters, and a large number of wine, cider and punch glasses, besides silverware. The furniture in this room included two walnut desks, one large oval table, one "Beaufat" of cherry, and a number of small tables. The "Passage" apparently served as a serving pantry, for here were kept dish and plate warmers, pewter plates, twenty-seven dishes, a tureen, a bed pan, three dozen knives and forks, and two dozen of the same with ivory handles, and one carving knife. The cellar was not too well stocked, holding only nineteen and a half bottles of madeira wine, two gross of empty bottles, two boxes of pipes, two large pine safes, four stone chamber pots, and

a few other miscellaneous items. The kitchen was well furnished with copper kettles and sauce pans and stew pots, four coffee and chocolate pots, a coffee mill and many other utensils such as "chafin dishes", dripping pans, "trevits", and a "salamander". The stable contained two saddles and bridles, one double chair with harness, one old single chair, one tumbril, harness for three horses, one horse, three cows and one yearling calf.[83]

This survey of one of the most characteristic phases of life in colonial Yorktown should indicate the importance of the ordinaries to the development and prosperity of the town. The great number of hostelries indicates that there was a very large transient population in the town during its heyday. This class may be considered an index to the prosperity and trade of the town. The number of ordinaries, therefore, might be taken as a measure of the economic condition of the place. The rapid decline in number of inn keepers after 1750 corroborates the belief that the period of decline of the port town began at about this time.

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[83] York county, Wills and Inventories, No. 22 (1771-1783), p. 104 et seq. Additional information concerning the physical appearance of the tavern has been found in the records of the Mutual Assurance Society, Richmond, Virginia. A policy taken out on the Swan in 1796 shows a wooden building of a story and a half, with a kitchen, smoke house and stable adjoining it.

CHAPTER V

THE PUBLIC BUILDINGS OF COLONIAL YORKTOWN

Although the port town for York county was founded in 1691, it did not become the political and religious center of the county until some years later. The act establishing the town did not provide that it should be the county seat, and, as a result, several years passed before the court and the church of York parish were moved to the town.

The first court of York county met on July 12, 1633 at "Utimaria," the residence of Captain John Utie.[1] For many years after this meeting, the court continued to be held in the different justices' homes. Finally in 1658 the house of Captain Robert Baldrey at old York on Formeley's creek was hired for a courthouse for the sum of one thousand pounds of tobacco a year.[2] In 1662 a ducking stool

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[1] York county, Deeds, Orders, Wills, etc., No. 1 (1633-1657; 1691-1694), p. 1.

[2] This annual rental was later increased to four thousand pounds of tobacco, which must have included entertainment as well. Lyon G. Tyler, "History of York County in the Seventeenth Century," Tyler's Quarterly Historical and Genealogical Magazine, I (April, 1920), 237.

was built on the creek at Jarmeley's Landing near the place "where it is supposed the town for York River will be built."[3] A prison, and a stock and pillory were also built at the same place by the county.[4]

Following Bacon's Rebellion the court complained to the governor over the lack of a courthouse in the county. Upon the receipt of the grievance, the governor ordered that the court hold its sessions "in the house lately belonging to Thomas Hansford, whose estate for his rebellion and treason is forfeited to his sacred majesty."[5] This order was later countermanded by the commissioners sent over by the king to investigate the condition of the colony. After this decision the county purchased in 1681 the house of Andrew Reader at the French Ordinary. The court was then moved to this house and a prison was erected nearby.[6]

The location of the court at the French Ordinary was

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[3] York county, Deeds, Orders, Wills, etc., No. 3, (1665-1662), p. 183; Supra pp.16-18 for discussion of the town act of 1662.

[4] A set of stocks and pillory had been built by Jerrard Hawthorne in 1661 by order of the court. He received the sum of eight hundred pounds of tobacco for the work. Tyler, loc. cit.

[5] Ibid., 255.

[6] The French Ordinary stood about half way between the sites of the later towns of Yorktown and Williamsburg. During the eighteenth century another famous ordinary, called the Halfway House, stood in the same location. The site is approximately seven miles from Yorktown. Ibid., 237.

very inconvenient for a great part of the inhabitants of the county, for "divers inhabitants of York county" petitioned the General Assembly to have the court moved. Acting on this petition the assembly in September, 1696 ordered the justices of York county to "take care that an house suitable and fitt to hold courts in and as big in dimension att least as the present court house now is" be built within the limits of Yorktown by the last day of October 1697. If the justices did not comply with this order, each of them was to forfeit the sum of fifty pounds sterling.[7]

This rather brusque order of the General Assembly forced the county to act. On November 24, 1696 the court ordered the sheriff, Captain William Buckner, to notify the justices that they were to meet at his house on December 14 to agree about the building of the new courthouse.[8] At the same court a letter from the former governor, Francis Nicholson, was read, in which he promised five pounds sterling to aid in the construction of the new courthouse.[9]

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[7] Hening, op. cit., III, 146-47.

[8] York county, Deeds, Orders, Wills, etc., No. 10 (1694-1697), p. 341.

[9] Nicholson's letter was copied in the records as follows:

"Yorke County October yr 26th 1696

I promise to give five pounds towards building the Cort

The justices met as ordered and selected Lot 24 in the town as the site of the new building.[10] This lot was on the main street near the center of the town, and was, therefore, the logical choice. On the following January 25 the court ordered the justices to meet again at the sheriff's home on February 1 "to agree with any Pson or Psons yt will undertake yg building A Cort house Att Yorke Towne."[11]

The contractor selected by the justices, Henry Cary, agreed to build the new courthouse for 23,000 pounds of tobacco and cask, or a total of 30,240 pounds.[12] Cary completed the building within the specified time, and on September 24, 1697 the court was adjourned to meet two months later in Yorktown.[13] After meeting in the new courthouse for some months, the justices on March 24, 1697/8

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house att Yorke Towne And twenty pounds sterl if within two years they build a brick Church att yg said Towne as Witness my hand yg day & year above written.
ffra: Nicholson"
Ibid., p. 344.

10 Lot 24 had been purchased by Thomas Jefferson, planter, in 1691, but he had apparently forfeited his title to it by not building.

11 Ibid., 380.

12 Ibid., 406

13 Ibid., 468. The fact that the justices were not made to forfeit the fifty pounds sterling by the General Assembly is additional proof that the courthouse was completed within the specified time.

ordered the sheriff to move to Yorktown within the next month "ye Standard of this County" and every other article possible to move from the old courthouse to the new. The prison stocks and pillory were also to be moved.[14]

Very little is known about the construction of this building. Evidence indicates either a wooden structure or one built of marl blocks. The cost of the building would not compare in any way with the known cost of the later courthouse, which was built of brick. The fact that the church, erected at about the same time, was built of native marl carved out of the banks of the river, might indicate that the courthouse was of the same material. The county records contain no clue, in fact the courthouse was not mentioned except for repairs every few years. In 1703 Lieutenant Colonel Thomas Ballard was paid 2,735 pounds of tobacco for covering the building with six thousand shingles,[15] and early in 1711 William Buckner was paid two hundred pounds of tobacco for tarring the courthouse.[16] Two years later Buckner received 15,120 pounds of tobacco for building additions to the structure, tarring them, and mending the

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[14] Ibid., No. 11 (1698-1702), pt. 1, p. 4.

[15] Ibid., No. 13 (1702-1706), pp. 137 and 153.

[16] York county, Orders, Wills, etc., No. 14 (1709-1716), p. 46.

windows.[17] For some reason, the principal source of trouble in maintaining the building was the continual breakage of windows. In the thirty-six years of the building's life, many orders of the court dealt with this type of repair work.[18] Finally in 1725 the door of the courthouse had to be replaced, and Robert Ballard, a local carpenter, built it for only thirty-seven pounds of tobacco.[19]

The reason for the abandonment of the first courthouse at Yorktown has not been determined, but apparently the rapid growth of the population and wealth of the town created a demand for more commodious quarters for the court. It is also possible that the deterioration of the building had made its condition beyond repair. Whatever the reason, the county court on December 21, 1730 appointed Lawrence Smith, Thomas Nelson, Archibald Blair, William Stark and Richard Ambler to "receive Proposals from proper workmen to undertake the erecting a new Courthouse...."[20] Nothing was forthcoming from this order, and so, in the following February, the court reappointed Lawrence Smith, Thomas

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17 Ibid., 295. The size, location, and purpose of these additions have not been determined.

18 Ibid., 465; Ibid., No. 15 (1716-1720), p. 172; and Ibid., No. 16 (1720-1729), pt. 1, p. 237.

19 Ibid., pt. 2, p. 364.

20 Ibid., No. 17 (1729-1732), p. 124.

Nelson and Richard Ambler to accept bids and draw up an agreement with a contractor to build a "brick Courthouse fourty eight feet long and Twenty four feet wide in the Clear."[21] Evidently the justices planned to erect a rectangular building with inside dimensions of forty-eight by twenty-four feet.

The three gentlemen appointed as a committee to arrange for the new courthouse had ideas of their own concerning the new building. In the next month they reported "a new draught of the same," and added that they had contracted to have it built for six hundred pounds.[22] This report was accepted by the court and the articles of agreement were ordered drawn up. Although these articles have been lost, the change in the plan apparently called for a T-shaped building rather than the rectangular one ordered by the court. This new plan followed the example of a number of the county courthouses of Tidewater Virginia built at about the same period. It presumably employed the classical lines so popular in England and the colonies at that time. The new building was placed in the southwestern corner of the lot, near the intersection of main street and

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21 Ibid., 151.

22 Ibid., 158. This sum was undoubtedly money rather than tobacco, for thousands of pounds of the latter had to be raised by the county to pay for the work.

the cross street leading to the Lightfoot development.[23]

The contractor, Robert Ballard, completed the building around July 16, 1733. On that date the court ordered the members of the building committee to examine the new courthouse and determine if the contractor had fulfilled the articles of agreement.[24] The committee must have approved of the structure, for no protest was entered against Ballard's work.

The cost of the new courthouse was defrayed by a series of annual levies beginning in 1723 and continuing through 1732.[25] The total sum collected amounted to 122,657½ pounds of tobacco. This amount of tobacco, even at the low prices prevailing at that time, must have brought a very sizeable sum when sold by the sheriff. A building to cost that much must have been imposing. A British visitor to the town in 1736 seems to have been impressed by it, for he said that "The Court-House is the only considerable

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[23] See Figure 13.

[24] York county, Wills and Inventories, No. 18 (1732-1740), p. 60.

[25] The annual levies for the courthouse raised the following sums: 1723 -- 8,640 pounds of tobacco; 1730 -- 23,460 pounds; 1731 -- 55,737½ pounds; and 1732 -- 34,320 pounds. Apparently there was no levy in 1729. York county, Orders, Wills, etc., No. 16 (1720-1729), pt. 2, p. 553; Ibid., No. 17 (1729-1732), pp. 123, 243 and 336.

publick Building, and is no unhandsome Structure."[26] That a building in the colonies could have been considered worthy of mention by an Englishman is indicative of some elegance.

Six years after the completion of the courthouse, the wooden floor had apparently rotted, and on July 18, 1739, the court ordered Messrs. Thomas and William Nelson, the leading merchants in Yorktown, to "send to England for Stone to lay the floor of the Court house and of the two offices and for one Yard and one Ell according to the Standard of England...."[27] These stones were accordingly ordered by the Nelsons, and delivered by them to the court. The cost to the county was £ 40 sterling.[28] The fact that the county would go to the trouble and expense of importing stone from England for the floor was evidence of the great pride the local authorities felt in the courthouse.

The new floor was the last major repair or change made to the courthouse until after the Revolution. Minor repairs, which were confined largely to the mending of

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26 "Observations in Several Voyages and Travels in America in the Year 1736," reprinted from The London Magazine, July, 1746 in William and Mary College Quarterly Historical Magazine, XV (First series; April, 1907), 222.

27 York county, Wills and Inventories, No. 18 (1732-1740), p. 503.

28 Ibid., 521.

windows, were made in 1746 and again in 1776.[29]

Since the act of 1696 had established the town of York as the only place for the convening of the county court, it was necessary to obtain another act of the assembly to allow the meeting to be held elsewhere. During the winter of 1758-1759 an epidemic of smallpox swept through the town. The uninfected people were naturally timorous about entering the town, and petitioned the General Assembly for permission to meet outside Yorktown. Upon due consideration of the matter, the legislature repealed the act of 1696.[30]

After forty-eight years of service to the public, which the county had reciprocated by keeping it in good repair, the courthouse was grossly maltreated by the British

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[29] In 1776 glass and nails were bought from Thomas Nelson and Company for the courthouse, and Charles Mennis was paid for repair work on it. Ibid., No. 19 (1740-1746), p. 435 and York county, Order Book No. 4 (1774-1784), pp. 121, 123, and 132.

[30] Hening, op. cit., VII, 320-21. The necessity for this petition and act cannot be understood, for the court had been moved out of the town on at least two other occasions. In 1748 Francis Jerdone complained in a letter of the prevalence of smallpox, which had caused the shops of the town to be closed, and the court adjourned to a place twelve miles off. "Letterbook of Francis Jerdone", William and Mary College Quarterly Historical Magazine, XI (First series; January, 1903), 154. Again in 1750 the sum of five hundred pounds of tobacco was paid William Corridon "for the Use of his House to hold Courts." York county, Judgements and Orders, No. 1 (1746-1752), p. 376. Corridon's house stood outside the town, as his ordinary license spoke of it as being "in the county." These licenses always differentiated carefully between the ordinaries in town and those in the county.

after their occupation of the town in 1781. To what use the building was put by the troops of Lord Cornwallis has not been determined, but since they pulled down the American hospital to clear the way for their fortifications, it is possible that the courthouse was appropriated for hospital service. Whatever the use, the entire interior of the building and all the windows were destroyed by the British. The extent of the damages was estimated by the county at £ 100.[31] Little damage was done to the buildings in the vicinity of the courthouse by the shellfire of the allied batteries, and so the injuries to the building must be attributed to the British.

The capitulation of the British army did not end the indignities which the building had to endure. When the French troops entered into winter quarters in the town after the siege, the courthouse served as a hospital for their sick and wounded. Although apparently no extensive damage was done the building during this time, it was impossible to use it as a court. In January, 1782 the magistrates of the county attempted to hold court there, but "the variety of disorders therein, and the disagreeable smell of the House

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[31] "Public Losses in York County from the invasions of the Enemy in the year 1781" in York county, Claims for Losses of York County Citizens in British Invasion of 1781, claim no. 31.

deter'd the Gentlemen from going in...."[32]

The General Assembly could not act to relieve this situation until its May, 1782 session. It acted at that time, however, by passing a law empowering the justices of the county court to meet at any other place in the county that they considered proper, as long as the courthouse was occupied by the French.[33] The slowness of the assembly could be excused, but the court did not act in accordance with this measure until October 21, 1782, several months after the departure of the French. On that date the justices adjourned from the courthouse "to the House of Mrs Gibbons," a leading ordinary of the town on the adjoining lot (Lot 30).[34]

After the departure of the French army, the county court on July 15, 1782 ordered William Coosley, William Reynolds and William Cary to engage workmen to repair the courthouse and the jail.[35] Either the lack of funds or the

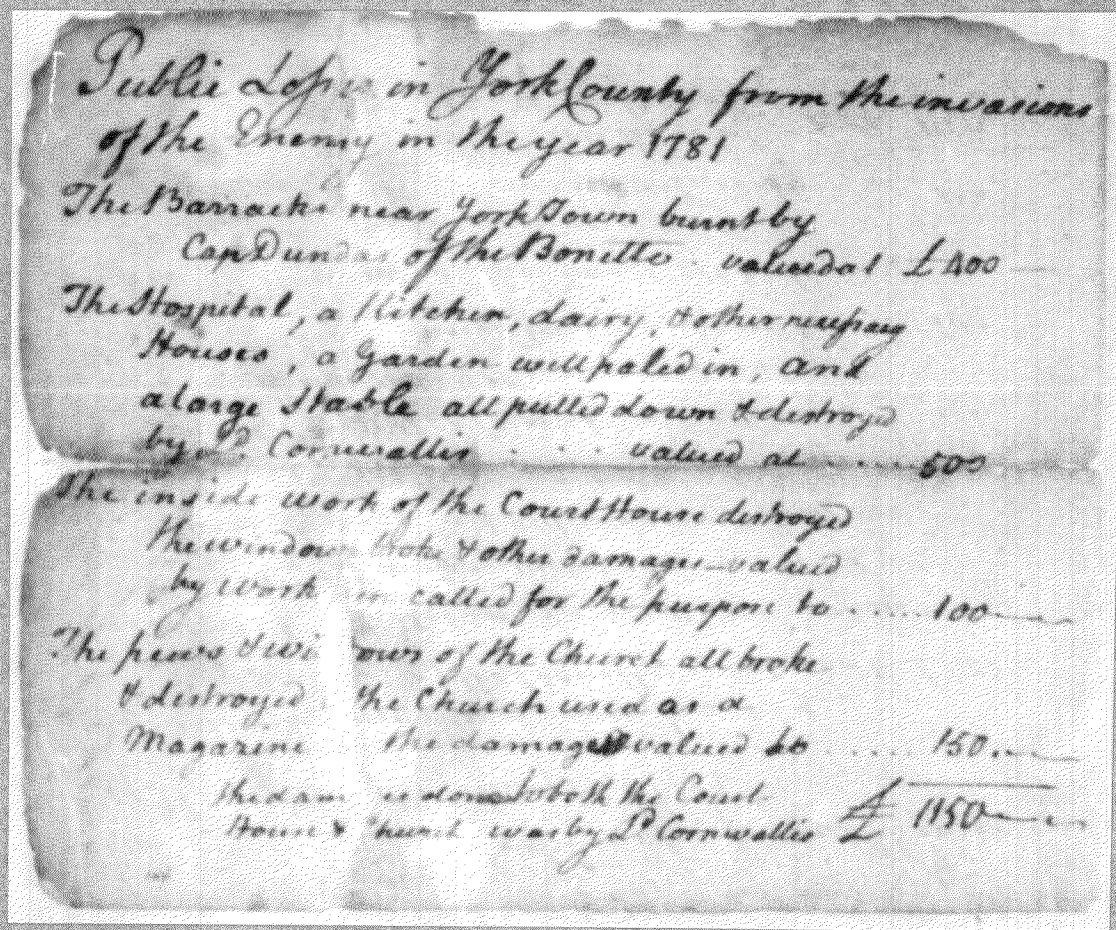
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[32] Letter of William Reynolds to Governor Harrison, dated January 23, 1782 in Wm. P. Palmer, et al., editor, Calendar of Virginia State Papers and Other Manuscripts, 1652-1781, Preserved in the Capitol at Richmond, III, 44.

[33] Hening, op. cit., XI, 20.

[34] York county, Order Book No. 4 (1774-1784), p. 308. Apparently the justices had been braving the "disagreeable smell of the House" until this date.

[35] Ibid., p. 302. The French soldiers, with the exception of a small force under the command of Colonel Lavalette, left Yorktown on July 1, 1782 to return to the north. Infra p. 319.



Publick Losses in York County from the invasions of the Enemy in the year 1781

The Barracks near York Town burnt by Capt Dundas of the Bonetta valued at £ 400 —

The Hospital, a Kitchen, dairy, & other outhouses, a Garden well paled in, and a large Stable all pulled down & destroyed by Lord Cornwallis . . . valued at . . . 500 —

The inside work of the Court House destroyed the windows broke & other damage — valued by Workmen called for the purpose to . . . . 100 —

The pews & windows of the Church all broke & destroyed. The Church used as a Magazine the damage valued to . . . . 150 . . —

The above is done to both the Court House & Church by Lord Cornwallis £ 1150 — —

Figure 12.— Copy of Damage Claim for Public Losses, 1781. York county, Claims for Losses of York County Citizens in British Invasion of 1781, claim no. 31.

slackening of interest prevented the work being carried to completion for some time, as another committee was appointed by the court on April 16, 1787 "to treat with any Person or Persons to compleat the repairs of the Court house and prison...."[36] Work was continued under the direction of this committee until 1794.

Itemized accounts of the work done by various workmen on the courthouse reveal the extensive nature of the damage which had been done, as well as provide information about the appearance of the colonial building. A total of 108 "sash lites" were made, which proved the veracity of the justices in claiming the total destruction of the windows. Thirty-six of these windows were listed as having "compass heads." Other architectural information concerning its construction and furnishing can be gleaned from references to paneled window shutters, dentil cornice, "A Circuling Seat for the Jury to Set on," a "Balluster Rail in Circule," a "Righting Desk at the Bar 15 feet & half Long," "two boxes for the Sherifs to Sett in wainscoted with three Steps to Each," a lawyers' bench, and "the Chair wainscoted 7 feet High 4 feet wide two pilasters Dentle Cornish." A total of 22,000 shingles was needed to cover the

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[36] York county, Order Book No. 5 (1784-1787), p. 442. William Reynolds, William Goosley and Robert Sheilds formed this committee.

building.[37] This information indicates that the courthouse at Yorktown was built in the style of the English Renaissance. Certainly it must have been a handsome example of public building, and have justified the apparent pride with which the colonial justices looked upon it.

These repairs having been completed, the courthouse resumed its normal functions. The structure was used until March 3, 1814 when, the most disastrous fire in the history of Yorktown destroyed a large part of the town, including the courthouse.[38]

The courthouses were associated very closely with the prisons in colonial Virginia. The construction of a new court building was practically always followed closely by the erection of a new prison. Thus it was that the construction of the first courthouse in Yorktown in 1697 was followed shortly by the erection of a new jail contiguous to it. For some years prior to the move from the French

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[37] York county, Loose Paper File.

[38] A newspaper account of the fire described its destructive power:

"York, March 4

Yesterday about 3 p.m. Mrs. Gibbon's house in this place took fire, and together with the county Court-house, the Church, the spacious dwelling of the late President Nelson, and the whole of the town below the hill, except Charlton's and Grant's houses, were consumed...." The Richmond Enquirer, March 9, 1814. Mrs. Gibbon's house stood on Lots 12 and 13 to the west of the courthouse.

Ordinary to Yorktown, the county sheriffs had entered their protests in court against the "insufficiency" of the old prison.[39] Finally on November 25, 1697, the second day of the first court session in the new building, the court ordered the justices to meet at the courthouse on the following December 20 to "agree with any Pson yt will undertake yᵉ building of A prisson Adjacent to yᵉ Said Cort house and such other yᵉ instruments of Justice as will then /be/ found necessary...."[40]

Either the justices failed to meet, or if they did, no decision was reached, for the same order was repeated by the court on March 24, 1697/8 asking the justices to meet on April 11, 1698.[41] At this meeting they contracted with Robert Harrison, a local carpenter, to build this structure for the sum of ten thousand pounds of tobacco and cask, a total of 10,800 pounds. The prison was accordingly built and completed prior to November 24, 1698. On that date the court paid the specified sum to Harrison, except two thousand pounds of tobacco which they withheld until the bar and lock were mended and the prison tarred.[42] This action by the

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[39] York county, Deeds, Orders, Wills, etc. No. 10 (1694-1697), pp. 180 and 427.

[40] Ibid., 480

[41] Ibid., No. 11 (1698-1702), pt. 1, p. 3

[42] Ibid., 127.

court indicates poor workmanship, a supposition which is corroborated by the co plaint of the sheriff in the very next year about the "insufficiency" of the new jail.[43] The court was forced to order repairs to be made. Almost every year after this saw the disbursement of varying sums for mending of the prison.[44]

Very little of a tangible nature has been found regarding the construction or appearance of this early prison. The cost of the building would probably eliminate any sizeable brick building, so it appears probable that it was of wooden construction.[45]

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[43] Ibid., 172.

[44] Payments were made by the county to various individuals for repairs to the prison in 1702, 1706, 1707, 1708, 1711, and 1712. As early as 1708 it was necessary to replace the door of the prison. York county, Deeds, Orders, Wills, etc., No. 12 (1702-1706), p. 73; Ibid., No. 13 (1706-1710), pp. 24, 71, 181-82; York county, Orders, Wills, etc., No. 14 (1709-1716), pp. 46-47, 209. Additional repairs were made in 1718, at which time Robert Ballard was paid for covering the building. Ibid., No. 15 (1716-1720), p. 361.

[45] This building was sold later to Philip Lightfoot and he moved it off the lot. This substantiates the statement that it was a wooden building. Infra, p. 178.
The only other reference to the prison in the county records has been badly damaged. Under the date August 22, 1722 appears the following: "...ent prison a ... room of 16 foot ... lined with oak plank wch ... other Conveniencys ... each ... ye old prisson." [Omissions indicate torn and missing passages.] York county, Orders, Wills, etc., No. 16 (1720-1729), pt. 1, p. 159. Evidently this court order dealt with an addition to be built onto the prison.

Although the laws of that period clearly specified that prison bounds should be established for the exercise of the inmates, the county court neglected to do this for several years. On February 24, 1700/1 the prisoners incarcerated for debts finally petitioned the court "that the rules to the Goale may be laid out in order to some release from close confinement...."[46] The justices considered the request reasonable and ordered the surveyor, with three of their own number, to lay out these bounds. On the following March 3 these gentlemen laid out twenty-two acres around the jail in which the prisoners could walk and exercise.[47]

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[46] York county, Deeds, Orders, Wills, etc., No. 11 (1698-1702), pt. 2, p. 382.

The prison rules or bounds was a peculiar colonial institution. All the previous laws on the matter were repealed and a new act passed by the General Assembly in April, 1684. According to this act, the justices were "to lay out a certaine space distance or parcell of land adjoyning or circumjacent to each prison, not exceeding eighty poles square to be a place of liberty and priviledge for each prisoner (not committed for treason or felony) giveing bond with good security to the sheriff of the county for his true imprisonment, to walke and abide in for their health and refreshment, within which compasse, soe long as such prisoner ... shall remaine and continue; he shall not be adjudged to have made an escape...." Hening, op. cit., III,15.

[47] York county, Deeds, Orders, Wills, etc., No. 11 (1698-1702), pt. 2, p. 523.

These bounds were greatly reduced by the court on July 15, 1751, when they surveyed the rules again. The new limits included only six acres or twelve lots around the jail. York county, Judgements and Orders, No. 1 (1746-1752), p. 435. On August 17, 1754 the court ordered that the church and yard should be included within the bounds. Ibid., (1752-1754), p. 481. Presumably there were complaints regarding the rules, for on October 21, 1765 the court doubled the size of the bounds. Ibid., (1765-1768), p. 41.

In addition to a prison the colonial court required "other necessary instruments of justice." These included a pillory and stocks, a whipping post, branding irons, and a ducking stool. The first of these had been brought to Yorktown from the old prison at the French Ordinary. By 1701, however, it was necessary to replace them.[48] Seven years later another set was built by Major William Buckner and branding irons were purchased for the use of the county.[49] Probably the most common form of punishment for minor crimes in the colonial period was the public whipping. The usual sentence was that thirty-nine lashes be "well laid on" the bare back. The whipping post was a prominent feature on the courthouse grounds, and received a great deal of use. Although a ducking stool had been erected on Formeley's creek in the seventeenth century, another one was not

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[48] Despite the slovenly work of Robert Harrison in building the prison, he received two hundred pounds of tobacco for erecting the pillory and stocks. York county, Deeds, Orders, Wills, etc., No. 11 (1698-1702), pt. 2, p. 326.

[49] Ibid., No. 13 (1706-1710), p. 71. The stocks and pillory were rebuilt every few years, perhaps because of their great use. On December 16, 1717, the court ordered James Burwell to be paid 550 pounds of tobacco for another set, and again in November, 1726 another pair and a ducking stool built at the cost of 2,230 pounds of tobacco. York county, Orders, Wills, etc., No. 15 (1716-1720), p. 172 and Ibid., No. 16 (1720-1729), p. 416. Only a few years later, in 1734, the court paid Robert Ballard five hundred pounds of tobacco for another pillory and stocks. York county, Wills and Inventories, No. 18 (1732-1740), p. 150.

ordered by the court until 1726. In 1746 the sheriff was again ordered to erect a ducking stool "at some convenient place on the waterside...."[50]

This first prison continued to serve the county for several years after the new courthouse was built. It apparently became entirely "insufficient" to meet the needs of the county, for on June 20, 1737 the court ordered five of the justices to "agree with Some Sufficient Workman to build a prison for the use of this County...."[51] These gentlemen made arrangements with William Rogers, the local brewer, to build the prison for the very sizeable sum of £ 160. At the county levy for the same year, this sum was set aside and the sheriff was ordered to raise it by a special tax of twenty pounds of tobacco or two shillings for each tithable in the county.[52] This amount was raised and after the justices had inspected the new building and approved it in August, the court paid Rogers the specified

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50 York county, Orders, Wills, etc., No. 16 (1720-1729), pt. 2, p. 397, and York county, Wills and Inventories, No. 19 (1740-1749), p. 97. The location of the ducking stool is not recorded, but on November 21, 1746 William Moss was paid £ 2/0/0 for building it. Ibid., p. 479.

Although the ducking stool must have been employed a great deal in the colonial period, a study of the court records does not reveal such a sentence.

51 The five justices were Lawrence Smith, Thomas Nelson, John Buckner, William Nelson, and William Nelson Jr. Ibid., No. 18 (1732-1740), p. 377.

52 Ibid., 394-95.

sum.[53]

The old prison was still standing on the lot after the completion of the new one. On October 12, 1738 the court sold it to Colonel Lightfoot for the sum of ten pistoles. Lightfoot was to remove it from the lot within the next twelve months.[54]

The sturdy construction of the building was shown in the sudden decrease in the amounts expended by the county for repairs. For many years the only repairs made were of a minor nature. By 1766 its condition had become so bad, however, that the court ordered certain of its members to secure workmen to repair or rebuild the prison.[55] The reconditioning must have been made in a very superficial manner, for four years later another group was appointed to have it repaired.[56]

Like the courthouse, the jail suffered from the effects of the Siege of 1781. On March 13, 1735 the same

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[53] Ibid., 441. The large sum paid the contractor for this building, and its length of service as a county prison (1738-1865), indicate that the jail was built of brick.

[54] Ibid., 454.

[55] Dudley Digges, Robert Sheild, Thomas Nelson, Jr., David Jameson, and Nicholas Dickson formed the committee. York county, Judgements and Orders (1765-1768), p. 73.

[56] Robert Sheild and Nicholas Dickson of the former committee were replaced by Jacqueline Ambler and Augustine Moore. Ibid., No. 2 (1770-1772), p. 29

three commissioners who were appointed to supervise the repairs of the courthouse, were appointed to have the jail repaired. At the same time it was ordered by the court that "the Public Jail ... be made use of till the Jail of York County is repaired."[57] It is probable that the public jail referred to in this order was the prison in the colonial capital of Williamsburg.

While the fire of 1814 seems to have completely destroyed the courthouse, it apparently did little damage to the jail. An itemized account of the repairs to this building in 1814 amounted to only thirty-two dollars and eighteen cents. The largest single item, with the exception of labor, was the cost of eight hundred shingles.[58]

A third important building associated with colonial courthouses was the county clerk's office. Here were stored the past records of the court, as well as the deeds, wills,

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[57] York county, Order Book No. 4 (1774-1784), p. 319.

[58] York county, Loose Paper File.
A description of the prison has been found in the inspector's report of 1834. It said in part: "That the Condition of the Jail is cleanly at present: the seize thereof forty feet by twenty or there abouts; the number of apartments are as follow. on the lower floor are two rooms for criminals and two passages. one of which leads to the east room, and is sometimes used as a dungeon, the other in the centre of the building leads to the upper story. On the upper floor are three cleanly and well ventilated apartments used as debtors rooms all of which are adequate to the Convenient accomodation of the prisoners who may be confined therein from time to time." Ibid.

etc. of the inhabitants of the county. These records were presumably kept at the home of the county clerk at the time of the removal of the court to Yorktown, for in January, 1692 the clerk, William Sedgewicke, received the permission of the court to remove his office and records from the courthouse to his rooms in the home of John Myhill.[59] Apparently this custom continued until brought to an abrupt end by the rascality of William Tunley, the county clerk early in the eighteenth century. On July 24, 1707 the county court ordered Tunley to return the records, but he refused to comply, since a part of the records, he alleged, belonged to him.[60] The county was at last forced to send the sheriff to seize the records and return them to the courthouse. Shortly after this episode, the Secretary of the Colony, Edmund Jenings, sued Tunley for one hundred and fifty pounds sterling for the sum of eighty thousand pounds of tobacco due the county for fees and business done while serving as clerk. The court found Tunley guilty of misappropriating the county's funds and settled a fine of 3,367½ pounds of tobacco on him.[61]

This criminal action of a county clerk may have

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[59] York county, Deeds, Orders, Wills, etc., No. 9 (1691-1694), p. 92.

[60] Ibid., No. 13 (1706-1713), p. 82.

[61] Ibid., 102 and 144.

caused the court to erect a clerk's office as a depository for the records. Whatever the reason, Major William Buckner on February 25, 1707/8, contracted to build such an office for six thousand pounds of tobacco. The articles of agreement have been preserved, and in them Buckner promised in return for the agreed sum:

> to build a good Substantial office of 16 feet Square to be weatherboarded with featheredged Plank or good Oak boards Larthed & Plastered to be Sealed with the Same wth good windows well glaized to be Set in Such place as by the Court Shall be appointed as also good Stocks & Pillory & other necessarys thereto with a Porch to the Court house Door of Seven foot Square & to joyn to the House wch he doth hereby promise to perform as soon as nails and Other Necessary may be had in order thereto.[62]

Work must have been begun on the office very shortly, for on December 24, 1708 Buckner was paid 6500 pounds of tobacco and cask, or a total of 7,020 pounds.[63] The reason for the increase over the agreed sum was not recorded.

This office, built in 1708, apparently served the county throughout the remainder of the colonial period. Despite its close proximity to the first courthouse, if the above agreement was followed, the office was not replaced with another building when the new courthouse or the new prison was built. No record has been found of any damage done the building during the occupation of the town by the British and the Siege of 1781. Presumably this building had been destroyed by the year 1808, for in July of that

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[62] Ibid., 121.

[63] Ibid., 182

year the court set aside the sum of £540.00 to pay for the construction of a clerk's office.[64]

Fortunately the county records were stored in places of safety every time that their destruction was imminent. Early in the year 1777 they were sent to Richmond for safe keeping.[65] They were apparently moved later to Dinwiddie county, where they stayed until peace returned to the land. On July 15, 1782 the court ordered the records to be brought back immediately, but nothing was done.[66] On the following January 20, the clerk was ordered to apply to William Cole for the records.[67] This order was obeyed, for John Nelson was paid in February, 1783 for "13½ Days Waggon Hire for removing the Records of the Court from Dinwiddie County...."[68]

During the War of 1812 the records were removed to the house of the clerk of the court for safety as long as the British "infested York River." They were ordered returned to the clerk's office on August 21, 1815.[69] Their absence in 1814 undoubtedly saved them from the destructive

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[64] York county, Order Book No. 8 (1803-1814), pp. 28-32.

[65] Ibid., No. 4 (1774-1784), p. 144.

[66] Ibid., 302

[67] Ibid., 311.

[68] York county, Loose Paper File.

[69] York county, Order Book No. 9 (1815-1820), p. 43.

fire of that year.

The most fortunate event in the history of the travels of the court record took place during the War Between the States. Instead of following the lead of the other counties in Virginia and sending the records to Richmond, the county clerk stored them on a nearby plantation. This action preserved not only the bound volumes, but also a large file of loose papers.[70] The records of the counties sent to Richmond were destroyed by the fire which swept that city at the time of its fall in 1865.

The other public building, the church of York parish, was, like the courthouse, located outside the limits of the town of York for several years after its founding in 1691. The church at that time stood at old York near Normeley's creek. This old church had been built prior to 1642, for a deed of that year conveyed two hundred acres of land to Robert Kinsey and Henry Lowry, "the present Church Wardens of the pish of York ... for their Glebe."[71] The appointment of churchwardens, from the very nature of their duties, presupposes the existence of a church. That it was a frame structure was shown by the will of Argall Blackstone in 1686, which gave permission to the vestry of York parish to

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[70] Bronze tablet to the memory of the county clerk, Bolivar Sheild, on the wall of the present clerk's office.

[71] York county, Wills and Deeds, No. 2 (1645-1649), p. 274.

use the trees on his land to cover the church with plank sawed feather-edged instead of clapboards.[72]

At the close of the century, when the inhabitants of the county were agitating for the removal of the courthouse to Yorktown, a similar movement was proposed for the church of York parish. After the church was moved, the old building on Kemsley creek was deserted and forgotten. So completely was it forgotten, that, when Howe visited the site a century and a half later, he referred to the remains as "the vestiges of an ancient temple" and its churchyard wall be described as a fortification "probably intended for defense against sudden attacks by the Indians."[73]

It was decided by the vestry to build the new church

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[72] York county, Deeds, Orders, Wills, etc., No. 8 (1687-1691), p. 107. In the same testament, Blackstone left to the church a silver wine bowl, inscribed with his name, to be purchased out of the sale of a hogshead of tobacco.

[73] Henry Howe, Historical Collections of Virginia, 522-23.

The ruins of this old church must have been visible in 1781, for site was marked as "an old chapel" on a British map of that date. Captain Fage, "A Plan of the Posts of York and Gloucester...." The site now lies in the reservation of the Naval Mine Warfare School, about two miles east of Yorktown. The church's slender foundations can be traced by means of a sounding rod. A student of early churches in Virginia described it as a rectangular building "with outside dimensions of about forty-two by twenty-four feet." George Carrington Mason, "The Colonial Churches of York County, Virginia," William and Mary College Quarterly Historical Magazine, XIX (Second series; April, 1939), 163. In the old churchyard can be seen the tomb of Major William Gooch, who died in 1655. This is the second oldest legible tombstone in Virginia.

in the center of Yorktown on Lot 35.[74] Although the exact date of the erection of the building has not been definitely determined, a letter of Francis Nicholson, dated October 26, 1696, indicates that it was built between 1697 and 1701. In this letter Nicholson offered the county twenty pounds sterling towards the erection of a brick church in Yorktown, provided it was accomplished within the next two years.[75] This condition must have been fulfilled, for the prison rules surveyed early in 1701, mentioned "the new Church."[76] The other condition in Nicholson's offer was not fulfilled. Instead of a brick building, the new church was built of native marl, which was probably quarried from the bluffs on which the town stood. Evidence indicates that the new church followed exactly the ecclesiastical laws of the Church of England in regard to the location and arrangement of the building. Apparently it was a rectangular structure at first, as were all the early colonial churches in Virginia. The building was placed due east and west, thus causing it to lie at an angle on the lot. Possibly the size

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[74] This lot had been purchased by Edmund Jennings in 1691, but he apparently forfeited his title to it by not complying with the building provision of the Port Act.

[75] York county, Deeds, Orders, Wills, etc., No. 10 (1694-1697), p. 344.

[76] Ibid., No. 11 (1698-1702), pt. 2, p. 523.

of the congregation became too large for this building, and it was enlarged by the addition of a transept. This practically doubled the size of the church without the expense of erecting a new building. This addition converted the church into a T-shaped building shown on maps of the town drawn in 1781.[77] According to the ecclesiastical law, the main entrance was in the west end, while the chancel was in the east. The pulpit was probably against the north wall, and the font was just inside the main entrance. The church had a steeple for the bell used to call the parishioners to worship.[78] The pews of the church had backs and sides so high that when seated the occupants could not see the occupants of other pews. Each pew was usually large enough to seat fifteen to twenty people. Except in the cases of pews belonging to the leading families of the parish, where the family would sit together, the sexes were separated in church. There were no arrangements for heating

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[77] See Figure 12.

[78] The bell, still in use, is inscribed "County of York, Virginia, 1725." The existence of a steeple on the church is proved by the statement of a French officer on reconnaissance before the Siege of 1781, who wrote that from his position "Nothing can be seen of York but a steeple ...." Cromot du Bourg, "Diary of a French Officer, 1781," Magazine of American History, IV (June, 1880), 445. Furthermore, an original water color sketch of Yorktown in 1781 in the papers of Lieutenant Colonel Simcoe shows a steeple on the church. See Figure 16.

or providing artificial light for the church.[79]

At the time of the removal of the church from old York to Yorktown, the county contained four parishes. New Poquoson parish was south of York, while Hampton and Bruton parishes stood to the west of it.[80] In 1707 the vestries of the parishes of York and Hampton petitioned the Council for permission to unite, since both were too small and poor to support ministers. The Council agreed to the request on April 30, 1707, and ordered the two parishes to be joined under the name of Yorkhampton parish.[81] The parish was again enlarged in 1712 when "Merchants's hundred" parish was added.[82]

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[79] Edward Lewis Goodwin, The Colonial Church in Virginia, 87-88.

[80] The bounds of these parishes were as follows: New Poquoson, from Back river to Poquoson river; York, from Poquoson river to Morgan's creek; Hampton, from Morgan's creek to Queen's creek; and Bruton, comprising the settlement known as Middle Plantation (Williamsburg), between Queen's creek and Archer's Hope creek (College creek). George Mason, op. cit., 160.

[81] McIlwaine, Council Executive Journals, III, 140 and 149.

This union of weak parishes was made in accordance with an act of the General Assembly of 1696. Hening, op. cit, III, 151. The old church of Hampton parish, called "Cheesecake" /Chiskiack/ church, continued to be used for many years. It was finally abandoned by its congregation early in the nineteenth century. George Mason, op. cit., 169. The minister of Yorkhampton parish conducted services in both churches. William Stevens Perry, editor, Papers Relating to the History of the Church in Virginia, A.D. 1650-1776, p. 282.

[82] McIlwaine, Council Executive Journals, III, 316.

Since the vestry books of the parish have not been preserved, there can be found very little information concerning the church and its parish during the colonial period. The most detailed information was given in 1724 by the minister, the Reverend Mr. Fontaine, when answering a series of questions propounded by the church officials in England. At this time the parish of Yorkhampton was twenty miles long and about four miles wide or equal to about nine miles square. There were about two hundred families and two churches in the parish. The minister's "Living" consisted of twenty thousand pounds of sweet-scented tobacco a year in addition to the regular fees. The glebe consisted of one hundred and eighty acres of land and a house. The latter was maintained by the parish. There were no public schools in the parish at that time, but a number of small schools were established "to teach children to read and write, where a convenient number of scholars can be found."[83]

"Merchant's hundred" parish was undoubtedly "Martin's hundred", which the Council decided to join to Hampton parish in 1699. This decision was adhered to after rejecting a proposal to strengthen Hampton parish by adding to it some of the tithables of Bruton, Mulberry Island and York parishes. H. R. McIlwaine, editor, Legislative Journals of the Council of Colonial Virginia, III, 1824.

[83] Perry, op. cit., 281-83.

Because of the high prices paid for its tobacco, Yorkhampton parish was one of the most desirable in the colony. Since the minister's salary was paid in tobacco, that of Yorkhampton parish was unusually high. For that reason it enjoyed the ministrations of a number of exceptionally able rectors. Their abilities were recognized at the time, for a number of them served on the faculty of the College of William and Mary. At the time of the founding of the town, the Reverend Mr. Stephen Fouace, a Walloon, was the minister. He continued to serve until 1708 as the rector of the parish, as well as one of the original trustees of the College.[84] Francis Fontaine was minister of the parish from 1722 until his death in 1749. From 1729 until his death he was the professor of Oriental Languages at the College.[85] The most famous of the colonial rectors of the parish was the Reverend Mr. John Camm. Shortly after graduating from Cambridge University, Mr. Camm emigrated to Virginia. In 1749 he was made the rector of Yorkhampton parish and at about the same time, he became the professor of Divinity at the College. With the passage of the "Two-penny Act" a great deal of controversy was stirred up in the

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84 Tyler, Encyclopedia, I, 238.

85 "York County Records, Some Wills and Other Records", Tyler's Quarterly Historical and Genealogical Magazine, II (January, 1921), 204.

colony. Camm's opposition to the act caused him to be turned out of his professorship at the college in 1757, but two years later he was sent to England by the clergy to defend their position and seek to obtain the invalidation of the act. He stayed in England for eighteen months and was successful in his efforts. He then returned to Virginia to lead the clergy in their fight in the courts of the colony. The prolonged legal battle over this law brought into prominence Patrick Henry, whose eloquence finally defeated the efforts of Mr. Camm. In 1763 Camm was reinstated to his professorship, and in 1771 he was elected to the presidency of the college. All during this time, with the exception of his stay in England, Camm apparently continued as rector of Yorkhampton Parish. In 1777 Camm, who was a staunch Tory, was removed from the presidency of the college. It is probable that he was removed as rector of the parish at the same time, for his parishioners were entirely sympathetic with the patriot cause.[86]

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86 "Sketch of John Camm", William and Mary College Quarterly Historical Magazine, XIX (First series; July, 1910), 28-30.

Mr. Camm was married late in life to Miss Betsy Hansford, many years his junior. A local gossip of Yorktown wrote that the marriage "has made a great noise here but Pray why may not an old Man afflicted with the Gout have the Pleasure of a fine hand to rub his feet and warm his flannels comfortable amusement you will say for a Girl of fifteen but She is to have a Chariot and there is to be no Padlock but upon her mind." Letter of Martha Goosley to John Norton, dated York, August 5, 1769 in Frances Norton Mason, editor, John Norton & Sons Merchants of London and Virginia, 102.

The church was greatly damaged by the British during their occupation of the town in 1781. A claim for damages suffered at their hands stated that Cornwallis used the building as a magazine. The pews and windows were all broken, and it was estimated that the damages amounted to £ 150.[87] Presumably the church escaped the destructive force of the allied bombardment during the Siege of 1781. As the repairs were made under the direction of the vestry, and their records have been lost, the exact extent of the damages cannot be determined.

The old church was practically destroyed in the great fire of 1814. The poverty of the parish would not allow it to pay the cost of rebuilding the church, and it was allowed to remain in ruins until about the middle of the nineteenth century.[88] When it was finally repaired the transept was not rebuilt. The church then consisted only of the nave of the original building and was only about half its former size. The old walls were covered with stucco to cover the scars of the conflagration. This church still stands in the town, and is used to this day for worship.

The importance of the court and the church in

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87 "Public Losses in York County from the invasions of the Enemy in the year 1781". Figure 12.

88 When Henry Howe visited the town circa 1843, the church was still in ruins. Howe, op. cit., 520.

colonial life cannot be overemphasized. Although the life in Yorktown was not as isolated as the purely agricultural regions, the courthouse and the church did serve as the principal meeting places for the inhabitants of the town and county. The monthly meetings of the court and the weekly services in the church were very important events in the social life of the community. Before or after these meetings the people would gather on the grounds of the courthouse, or in the church yard, and discuss the crops, trade, and the current events of the day. From the pulpit the minister would read the public notices, the governor's proclamations, or any of the new laws that was considered necessary to be brought quickly before the people. Thus it was that these two public buildings served many other purposes in addition to those for which they were built.

See also taverns

CHAPTER VI

SUBURBAN DEVELOPMENT AND THE TOWN

The Town of York was not confined throughout the colonial period to the fifty acres and eighty-five lots laid out in the original survey. During the years following its founding, the town's growth and development forced it to overspread these bounds, and a clamor was raised to increase its limits. Strangely enough, this movement of the town brought it into contact with one man, Gwyn Read, on both its river front and land side.

About forty years after the founding of the town Read laid claim to the land on both sides of the town. His great-grandfather, Nicholas Martiau, had received a grant of land including the present site of Yorktown. By the terms of his will a tract of this land, amounting to 350 acres, was devised to George Read, the husband of his eldest daughter.[1] Upon the death of George Read, this land was to be divided between his sons, George and Robert. If either of them died, Read's will specified that the decedent's share should be divided between his other two

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[1] York County, Deeds, Orders and Wills, No. 1 (1633-1657; 1691-1694), p. 337.

sons, Francis and Benjamin.[2] After the death of the son George, a deed of partition for the land was drawn up on November 12, 1688 between Robert Read on one part and Francis and Benjamin Read on the other. According to this deed, half of the land was to go to Robert, and the other half was to be divided between the other two.[3]

Of the 212½ acres obtained by this partition deed, Benjamin Read sold fifty acres to York county for the establishment of the port town. He then sold twelve acres in the southern part of his land to his brother Francis, and by deed dated January 13, 1692/3, he sold the remaining 150½ acres to his kinsman, Thomas Read.[4] The latter apparently sold parcels of this land amounting to approximately fifty acres, for it diminished to only one hundred acres in the next few years.[5]

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[2] The will of George Read, dated September 29, 1670, was recorded in the records of the General Court, and consequently destroyed by the Richmond fire of 1865. The will, however, was quoted in a deed of James Mitchell to Richard Ambler, dated May 16, 1741, in York county, Deeds, No. 5 (1741-1754), p. 3.

[3] York county, Deeds, Orders and Wills, No. 9 (1691-1694), p. 4.

[4] The deed for the 12 acres is not on record in York county, but the transaction was mentioned in a subsequent deed for the larger tract. York county, Deeds, Orders, and Wills, No. 1 (1633-1657; 1691-1694), p. 472

[5] By one of these deeds, dated April 6, 1695, Thomas Read sold 5 acres southeast of Yorktown to Robert Read. Ibid., p. 7.

Upon the death of Benjamin Read about 1735, his eldest son, Gwyn, instigated and won a suit in the General Court to recover this land. His plea was based on the law of entail, i.e., that since the land had been entailed by George Read, it was impossible for Benjamin Read to have sold any of it as he was a tenant in tail and not owner.[6]

The hundred acre tract thus recovered by Gwyn Read was situated on the southwestern park of the town and included, roughly, the land lying between the town and the ravine of Yorktown creek. As soon as he had acquired a lawful title to the property, Gwyn Read divided much of it

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[6] Benjamin Read moved to Kingston Parish in Gloucester county, and lived "above forty years" after selling the town land. Hening, op. cit., V, 70; "Reade Family," William and Mary College Quarterly Historical Magazine, XIV (First series; October, 1905), p. 121.

The colonial law of entail was employed by Gwyn Read to recover the water front land in 1738. The act of 1738 stated that he "pretends and sets up a title to the same, alledging, that his father was only tenant in tail, of the premises, and could sell and convey no more than fifty acres". Hening, op. cit., V, 70. This statement is born out by a subsequent deed which stated that the 100 acres were recovered by Gwyn Read by virtue of his grandfather's will. York county, Deeds, No. 5 (1741-1754), p. 3.

The exact method employed by Gwyn Read was the use of the writ in the nature of ad quod dannum. The method was defined by an act of the General Assembly passed in 1734. Hening, op. cit., IV, 400. It was determined in an inquisition as specified by this law, that the land was worth £ 100 sterling. York County, Deeds, No. 5,(1741-1754), p. 3. Upon payment of this sum, the land was deeded to Gwyn Read by the sheriff, Edmund Smith, on October 17, 1737. York county, Deeds, No. 4 (1729-1740), p. 466.

into half-acre lots and offered them for sale. Unfortunately all of the resulting deeds were recorded in the General Court, and were lost in the Richmond fire of 1865. For this reason it is practically impossible to obtain any clear conception of the ownership of the various lots, or if the entire tract was divided into lots and sold. It is known that streets were laid out in the subdivision, and that the lots were cheap and readily sold.[7]

A number of the wealthier citizens of the town purchased these lots as an investment, or to improve their town holdings by removing stables and other undesirable buildings outside the town. Among these investors was Richard Ambler, who purchased ten acres of this land for a garden and built a smith's shop on them. Philip Lightfoot, one of the wealthiest merchants of the town, purchased four of these lots. Captain John Ballard, another important merchant, acquired six lots, which he built upon and rented. The Nelson family purchased some of this land but it was not mentioned in their wills.[8]

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[7] The average price for an unimproved lot at a somewhat later date was between £ 5 and £ 7. A deed dated June 20, 1748 between Walter, Charles and William Harwood for three of these lots mentioned "the Street laid off by Gwyn Road". Ibid., No. 5 (1741-1754), p. 248.

[8] Will of Richard Ambler in York county, Wills and Inventories, No. 21 (1760-1771), p. 278; will of Philip Lightfoot in ibid., No. 20 (1746-1759), p. 103; and will

The next few years must have seen a great influx of mechanics and tradesmen to this new development. Although the majority of the deeds to these lots continued to be recorded in the General Court, there are frequent references to outlying lots in the York county records. Among the purchasers during this period may be found carpenters, wheelwrights, butchers, barbers, tailors and bricklayers.[9] The fact that workmen built in this region indicates that the prices asked for the lots remained comparatively cheap, and that the houses were usually small workmen's cottages.

The district, however, was not made up entirely of these cottages. For example, Dr. John Payras, a prominent French physician of Yorktown, moved out to the suburbs sometime prior to 1750. He built a rather imposing residence which was described as a "large well-built Brick House, with three Rooms on a floor, all finish'd, a Kitchen,

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of John Ballard in Ibid., p. 3.

Although Gwyn Road lots were not mentioned in any of the wills of the Nelson family, Mrs. Catherine Sheild has a manuscript deed from Gwyn Read and Dorothy, his wife, to William Nelson dated April 12, 1743 for six acres. The land was purchased for the sum of £ 48.

[9] Nicholas May and William Moss, carpenters; Richard Smith, butcher; William Sherrington, barber; Ephraim Goosley, blacksmith; Richard Hobday, wheelwright; John Brown and John Davis, tailors; Samuel James, cordwainer; Patrick Matthews, gardner. Ibid., 51, 55, 72, 83, 92, 110, 246, 234, 480; York county, Wills and Inventories, No. 23, p. 7.

Dairy, Meat-House, Stable, and other necessary Houses....." [10]

By 1757 much of the Gwyn Road development had been sold and built upon. The owners of these lots and houses petitioned the General Assembly that year for permission to be taken into the town so that they might "enjoy all the privileges of the freeholders and inhabitants thereof". The Assembly thereupon passed an act providing that the lots in the Gwyn Road development "which have been, or shall be hereafter built upon, and saved according to the rules and regulations required for saving lots in the said town", were to be added to Yorktown. Not only were the inhabitants of this new district to enjoy the privileges of the town's people, but the act specified that these new lots should be taxed toward the repairing and maintaining of the streets and landings of Yorktown.[11]

Until some additional information can be located on the subject, it is impossible to determine the number of lots brought into the town by this act, or their specific location. The county records contain no copy of a plat or plan of the new region, and no description has been found of it. It is known that the lots adjoining Yorktown were all taken up by purchasers, and it seems probable that they were

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[10] The Virginia Gazette, June 5, 1752.

[11] Hening, op. cit., VII, 139.

brought into it. It is difficult to see exactly how the act would have functioned, as it appears possible for a lot some distance removed from the town to be included within its boundaries, while the intervening land, because it was not built upon, would be outside the town limits. Such a development would create some difficulties.[12]

The siege of Yorktown in 1781 must have been more fatal to this suburban property than to the town itself. As all of the buildings in this new development would have been outside the line of the British fortifications, it seems likely that they were all pulled down by the English to clear their field of fire. If any were left standing, it is probable that they were destroyed by the bombardment, as a large part of the area would have been in the cross-fire between the allied and British batteries. The end of the siege must have found the Gwyn Read subdivision, with its small workmen's cottages, swept away.

One prominent feature of the landscape near Yorktown during the colonial period was the windmill erected by William Buckner. In 1711 John Lewis of Gloucester county

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[12] A list of the lot owners in 1732 included 111 lots. According to this list, only twenty-six lots had been added. This cannot be accepted as the size of the Gwyn Read development because of the great destruction of that property during the Siege of Yorktown, 1781. York county, Loose Papers.

rented one acre of ground on the point of the high land just east of Yorktown creek to William Buckner to erect a windmill. By the terms of the deed Buckner had to build the mill within the next seven years to keep the land. He and his family could occupy the property only so long as they paid twelve barrels of Indian corn a year to Lewis or his heirs, and maintained the mill in good condition.[13] Buckner apparently built the mill shortly after acquiring the land, and the point at the western end of the town became known as Windmill Point. John Buckner, the son of William, at his death in 1743 bequeathed his "wind Mill with the Lott of Ground it stands on" to his nephew Griffin Stith.[14] The windmill must have stood throughout the colonial period, and survived the siege of 1781, for it was mentioned in a deed to some adjoining property in 1801.[15]

Despite the fact that Yorktown had been established in 1691 as a port, the waterfront region of the town continued in an ambiguous relationship to the town for many years. As was explained above, the surveyor of the town boundaries did not follow the specific directions of the

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[13] Lease dated July 16, 1711. York county, Deeds and Bonds, No. 2 (1701-1713), p. 374.

[14] Will of John Buckner in Stafford county, Will Book (1729-48), p. 537.

[15] York county, Deed Book No. 7 (1790-1809), p. 386.

Act for Forts.[16] Instead of including the waterfront in the town, he placed the fifty acres on the high ground, omitting the beach below the bluffs. The five acres of the beach land he designated as a "Comon Shore of noe value".[17] Obviously the surveyor considered it as a common, and since no action was taken by Benjamin Read to stop its being used by the town's people, he must have agreed with this idea.[18]

Thus the situation stood for many years. As long as Benjamin Read lived the town's people considered the waterfront as a common for the town, and used it as such. Upon the death of Benjamin, however, conditions were altered. His eldest son and heir, Cwyn Read, laid claim to the waterfront region, employing argument similar to that used in recovering the property south of the town. This argument was that since the land was entailed, Benjamin Read had been able to sell only the fifty acres for the town, and

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16 Hening, op. cit., III, 58-9; Supra pp. 35-36. This study does not exhaust the material on the waterfront, but merely treats the subject in a general manner for the sake of continuity of subject matter. A report on The Waterfront of Yorktown is being prepared by Junior Historical Technician Charles E. Hatch, Jr.

17 The original plat of the town of York as surveyed by Lawrence Smith was recorded on September 24, 1691 in York county, Deeds, Orders, Wills, etc., No. 9, p. 69. See Figure 2.

18 The deed conveying the property to the town trustees declared that the town included the land down to the low water mark of the river. Ibid., p. 64. See Appendix A.

the five acres of the waterfront still belonged to the estate.[19]

This allegation by Gwyn Read must have caused much consternation among the town's citizens who had built on the waterfront. From the time of the establishment of the town, the waterfront had been an important functional part of it. The many references to warehouses and storehouses "under the hill" or "at the water side" in the wills and deeds of this early period indicate a rather extensive development of this region. Almost without exception, the owners of lots near the water side of the town, as well as the merchants, took up small plots on the beach to serve as landing places. Many of them built warehouses. As has been shown above, the leading merchants of the town, e.g., Thomas Nelson, Richard Ambler, and Cole Digges, and others had been granted patents for eighty foot or larger squares on the waterfront prior to 1738.[20] These patents were granted so that the petitioners could build warehouses "for

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[19] Hening, op. cit., V, 70.

[20] In addition to these patents discussed above (cf. supra, pp.88,91), Charles Chiswell received a hundred foot square in front of Lot 28. McIlwaine, Council Executive Journals, IV, 426 and 430. Charles Carter was granted as much of the beach as lay between his lot (No. 10) and the river, but was warned not to interfere with the land of Philip Lightfoot. Ibid., IV, 369.

the securing merchandizes of great bulk and weight, which through the steepness and height of the bank cannot easily be conveyed into the town...." [21] Rights were also given these individuals to build wharves at their landings. In addition to these patents, many other persons built warehouses on these five acres.

The waterfront district was divided into two main areas. One of these included the Carter, Buckner, and Lightfoot development which was located on the beach in front of the lots owned by these families (Lots 1, 4, 10, 16, and 22). The first public storehouses in Yorktown were built in this region by William Buckner.[22] Below this area and in front of Lots 28 and 34, apparently there was little or no development. The other main area extended from the land in front of Lot 40 to the eastern limits of the town. The principal development was concentrated between the land in front of Lot 40 and the "great Valley". In this area were established the leading merchants of Yorktown, such as the Nelsons, Amblers, and Digges, as well as the

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[21] Ibid., 183-84.

[22] On February 15, 1713/14 William Buckner was appointed to build the public storehouses and wharf in Yorktown. York county, Orders, Wills, etc., No. 14, p. 302. A memorandum of 1715 stated that two storehouses were built at "Buckner's Landing York Co...." Palmer, op. cit., I, 185. The public storehouses continued in the Buckner family until 1746, when John Buckner refused to repair them and the county built a storehouse. York county, Wills and

stores of the less important merchants, ordinaries, shops, and homes of the poorer people. This was the center of the life and activity of the waterfront area.

In order to meet the threat of Gwyn Read's acquisition of the waterfront, the inhabitants of the town petitioned the General Assembly for a bill providing for the purchase of the land for a reasonable sum and vesting it in the town trustees. It was proposed that this land would then be used as a common. Although the act was opposed by Gwyn Read it was passed by the House of Burgesses on December 21, 1733, and subsequently became a law. The sum to be paid Gwyn Read for his title to the land was set at £ 100, which was to be raised by assessing the lot owners in the town.[23]

After the purchase of the waterfront as a common in 1739, the district became the scene of much commercial activity. More storehouses, warehouses, private homes and ordinaries were built on this narrow strip of land. The

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Inventories, No. 19, p. 445. From this time until the Revolution, the York warehouses were built, repaired and operated by the county. York County, Deed Book No. 6 (1771-1791), p. 202.

[23] The Committee for Courts of Justice of the House of Burgesses reviewed the case and on December 8, 1738 reported that the Act for Ports of 1691 and subsequent acts of a similar nature, as well as Benjamin Read, had considered Gwyn Read's contention as doubtful. Kennedy and McIlwaine, op. cit., 1727-1734, 1736-1740, pp. 367-68. Despite this report the town had decided not to contest the case. It apparently would rather pay the £ 100 than go to the trouble of a law suit.

leading citizens of the town built substantial stores and wharves along it, one of which was described in an advertisement in 1774 offering for sale or rent a "commodius store-house on the beach ... with a compting room, a loft above for Grain or Sail-making, and a good stone cellar...."[24]

Considered in the main, it appears likely that the inhabitants of the beach were not of the higher classes. The region was primarily a commercial district, and persons living there were either store keepers for the wealthy merchants, ordinary keepers, or workmen. In other words, the waterfront was very similar to like districts all over the world.

The smallness of the district allowed a few merchants to monopolize the more desirable sites. In fact they could do much to hinder an undesired competitor. In 1746-1747, Francis Jerdone came to Yorktown with a view to settling there in the mercantile trade. Upon asking advice, he met with discouragement from the other merchants who did not want rivals. "Their endeavor", he wrote, "to remove me farther from them made me more anxious to settle among them."[25] Despite every effort, quite some time passed before he was

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[24] Advertisement of George Ridall in The Virginia Gazette, August 11, 1774.

[25] Letter quoted in "Letterbook of Francis Jerdone", William and Mary College Magazine of History and Biography, XI (First series; January, 1903), 154.

able to secure a storehouse. This situation must have been repeated many times. It was, no doubt, a contributing factor in the preeminence of Philip Lightfoot and Thomas Nelson, for example, in the mercantile business in Yorktown.

The inhabitants of the town felt that theyhad insufficient control of the waterfront while it remained a common. Apparently the period just prior to 1780 saw a great influx of people who settled "under the hill". In 1780 the inhabitants of the town petitioned the General Assembly asking permission to incorporate the town so that they might make laws to control and regulate the waterfront and its inhabitants. Despite the ardent language of the appeal, it was refused by the General Assembly.[26] It remained a common, therefore, until 1788. At that time the land was divided into lots and sold by the town trustees.[27] Almost all of the surviving colonial buildings on the waterfront were destroyed in the disastrous conflagration

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[26] The petition stated "That a great many people have settled along the Waterside under the Banks of the Town, but without the limites thereof. That many disorders and irregularities have prevailed and will still increase in spight of the most diligent exertions of the Magistrates." "Petition of Yorktown, May 1780", in Virginia State Archives.

[27] Hening, op. cit., XII, 218; also York county, Order Book, No. 6 (1738-1795), p. 60.

which swept the town in 1814. The fire broke out near the court house, but spread to the waterfront. A newspaper said "the whole of the town below the hill, except Charlton's and Grant's houses, were consumed. The lower town was occupied principally by poor people, who are now thrown upon the world without a shelter or a cent to aid them in procuring one."[28]

In addition to the wharves and warehouses, the waterfront contained two other important features, a ferry and a battery. As explained above, the former had been established many years prior to the founding of the town.[29] During the colonial period the ferry keepers were appointed by the county court, and their rates were set by the General Assembly.[30] The keepers during the colonial period were required by the court to maintain two well-manned

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[28] The Richmond Enquirer, March 9, 1814.

[29] /Supra, pp. 131, 132./ see notes

[30] Licenses were issued to the following ferrymen by the county court: Thomas Pate, January 24, 1699/1700; Mungo Somerwell, September 24, 1702; John Williard and Andrew Young, September 24, 1705; Andrew Young, September 26, 1706; John Wills, January 24, 1707/08; John Roberts, January 20, 1712/13; William Harwood, May 16, 1720; James Mitchell and John Gibbons, July 17, 1749; Janet Mitchell and Mary Gibbons, November 16, 1772; Thomas Lilly, November 16, 1778.

The rates for the York ferry remained the same throughout the colonial period, viz., seven and a half pence for a man or a horse. Hening, op. cit., III, 220 and 472; Ibid., IV, 16.

boats, one of which was to serve people, while the other was for the horses.[31] The ferry functioned throughout the colonial period. During the siege of Yorktown, 1781, its location was described as being under the guns of the battery on the right flank of the American second parallel.[32]

The location of the ferry cannot be determined exactly, as it was probably changed from time to time. Undoubtedly, the boats for the use of the public were small and required no special docking facilities. Information concerning the ferry at the time of the founding of Yorktown establishes its location on the water front near the eastern limits of the town.[33] After about 1702 it is more difficult to ascertain its location. Probably the site changed with the changing of the keepers.

The battery at Yorktown was a most prominent feature of the landscape. Many years prior to the establishment of the town, the colony had provided for the erection of a battery at Tindall's Point [later Gloucester Point] for the protection of the shipping. In 1667 a fortification called

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[31] York county, Orders, Wills, etc., No. 14, p. 280.

[32] Letter of Captain John Pryor to Colonel William Davis, dated October 16, 1781 in Palmer, op. cit., II, 550.

[33] The Act for Ports, 1691 directed that the line for the town should run "downward by the river towards the ferrey". Hening, op. cit., III, 59.

Fort James was built there, and in 1672 the Assembly ordered it to be rebuilt of brick, which was made from clay taken from Colonel Baldrey's land at old York.[34] By 1691 the fort had fallen into a state of disrepair, for in that year the governor wrote that the fort contained ten mounted and eleven unmounted guns, not all of which were serviceable.[35]

Shortly after the establishment of Yorktown, a battery was built on its side of the river.[36] This battery was built along the water's edge, and by 1699 it was reported to the council that the carriages and platforms of the guns at Yorktown and at Tindall's Point were rotten and decayed. The council thereupon ordered that no more money should be expended on the forts, but their importance was such that the question should be considered by the Burgesses.[37] Nothing appears to have been done until the threatened attack of the French in 1710-1711 caused Governor

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[34] Hening, op. cit., II, pp. 255, 293; "Extracts from the Records of York County", William and Mary College Magazine of History and Biography, XXVI (First series; July, 1917), 34.

[35] Letter of Lieutenant Governor Nicholson to the Secretary of State, dated James City, January 30, 1691, in Sainsbury, op. cit., 333, 1689-1692.

[36] Probably the fort was built between 1694 and 1696, for several payments were made by the council for carriages, platforms, etc. during this period. The "Yorke" fort was carefully differentiated from that on Tindall's Point. McIlwaine, Council Executive Journals, I, 411.

[37] Ibid., I, 432-33.

Spotswood to build four forts mounting seventy cannon for the protection of the colony. Two of these forts were at Yorktown and Tindall's Point.[38] The overseer of the work in Yorktown was Edward Powers, who appears to have employed a large number of slaves in the work.[39] The battery was again placed on the beach, although it was subject to inundation by very high tides. An undated memorandum, apparently written to Spotswood about 1721, stated that the battery at Tindall's Point consisted of fifteen guns, while that "Under the Bank" at Yorktown had eleven guns.[40]

Again by 1731 the platforms in the battery at Yorktown had rotted out because of frequent inundations. On May 6 of that year the council ordered the battery to be repaired. On the following November 2 it approved the

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38 Kennedy and McIlwaine, op. cit., 1702/3-1705, 1705-1706, 1710-1712, p. xli.

39 York county, Orders, Wills, etc., No. 14, p. 196. Many claims for payment for services done on the fortifications were certified to the General Assembly by the county court during 1711, 1712 and 1713.

40 "William and Mary College. Recently Discovered Documents," William and Mary College Quarterly Historical Magazine, X (Second series; July, 1930), 218.

Although there is clear proof that the battery was on the shore, Matthew Ballard preferred a claim to the county court in 1713 for two thousand pounds of tobacco damage "done his lott in Yorktown with trenches for a Fortification...." York county, Orders, Wills, etc., No. 14, p. 284. Ballard at that time owned Lot 16 in the town. Either some type of earthwork was raised on top the bluff at this time, or he laid claim to land on the waterfront.

suggestion of the governor that the battery be moved "to a more Convenient Scituation upon the Bank of the River".[41] In September, 1734 the council ordered twelve small guns for this battery.[42] It was completed by 1736, for in that year a visitor mentioned "the Battery of Guns before the Town upon the Pitch of the Bluff". He stated that it was "under the Direction of an awkward Engineer, by Trade a Barber, and is as despicably contriv'd for the Safety of the Place, as it, no doubt, would be conducted in a time of Danger".[43]

This battery must have been located on the bluffs overlooking the river near the western limits of the town. Possibly it was built along the line of the bluff in front of Lots 22, 23 and 34.[44]

The battery was considered inadequate almost as soon

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41 McIlwaine, Council Executive Journals, IV, 242 and 254.

42 Ibid., IV, 333.

43 "Observations in Several Voyages and Travels in America in the Year 1736", reprinted from The London Magazine (July, 1746) in William and Mary College Quarterly Historical Magazine, XV (First series; April, 1907) 223-223.

44 The Council determined on December 21, 1739 that as the part of the land purchased from Gwyn Read had been appropriated for a fort, the colony should pay £ 20 and the charge of passing the act. McIlwaine, Council Executive Journals, IV, 436. This sum amounted to £ 23/15/0. York county, Wills and Inventories, No. 18 (1732-1740), p. 479.

as it was built. Governor Gooch reported in 1743 that the batteries on the York river would merely protect the shipping from pirates.[45] This warning was repeated by Governor Dinwiddie in 1755.[46] In the next year another report stated that the battery at Yorktown mounted eleven guns of eighteen and nine pounds, and ten small guns of a pound and a half. The large guns, however, were all honeycombed and unfit for service. This report also requested fifteen eighteen pounder guns for the battery.[47] Although this number of guns was not received, some repairs were made and the battery enlarged. In 1750 there were four eighteen, two twelve, five six and twelve one pounder guns reported in the battery. Of these twenty-three guns, eleven were noted as being honeycombed and twelve were in good condition.[48]

This report in 1750 was the last mention made of the

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[45] Report of Gooch to the Board of Trade in 1743 quoted in Percy Scott Flippin, "William Gooch: Successful Royal Governor of Virginia", in William and Mary College Quarterly Historical Magazine, VI (Second series, January, 1926), 8.

[46] Report from Dinwiddie on the Present State of Virginia in Louis K. Koontz, The Virginia Frontier, 1754-1763, 149-156.

[47] The "Blair Report" on the State of the Colonies in Ibid., 164.

[48] British transcripts, Public Record Office C.O.-5, No. 1327, p. 209.

battery at Yorktown during the colonial period. It was apparently maintained, probably in wretched condition, as the guardian of the harbor. As far as is known it was not employed against an enemy during its entire existence, but was used merely to fire salutes and at celebrations.

The location of Yorktown on a high bluff overlooking the York river was as picturesque as any in Virginia. The first view of the town from a ship sailing up the river was dominated by these red marl cliffs. The magnificence of the scene was such that a visitor to the town in 1736 stated that "nothing could form a more romantic sight". After comparing the situation of the town to that of Dover, he described the town as "standing on a Descent, you can perceive 3 or 4 Houses at first View, and scarce any Thing presents itself but these steep, sandy Banks, dug into an infinite Number of Holes and Caverns, and the Battery of Guns before the Town upon the Pitch of the Bluff ".[49]

The prominent houses which one saw at first were the large mansions of the wealthy merchants. As the town drew closer, however, the smaller homes of the lower classes could be made out. Below the town, along the waterfront, could be seen the warehouses, stores, grog-shops, and the wharves of the merchants. The majority of these wharves

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[49] "Observations in Several Voyages...." Supra p. 212, f.n. 44.

were short, reaching only to the edge of the channel, which ran close to the shore at Yorktown. These wharves were probably constructed like those described by William Byrd upon his visit to Norfolk in 1728:

> The Method of building Wharffs here is after the following Manner. They lay down long Pine Logs, that reach from the Shore to the Edge of the Channel. These are bound fast together by Cross-Pieces notcht into them, according to the Architecture of the Log-Houses in North Carolina. A wharff built thus will stand Several Years, in spight of the Worm, which bites here very much, but may be soon repaired in a Place where so many Pines grow in the Neighbourhood.[50]

After the middle of the seventeenth century, the most prominent of the wharves was a large stone and wooden structure situated about in the center of the waterfront district. This was the town wharf, back of which stood the public warehouses. Here the tobacco to be sold and exported was rolled or shipped by shallops to be inspected and graded by the public tobacco inspectors. This wharf and its adjacent storehouses were maintained by the county.

Grouped around the public wharf were the warehouses, with their wooden wharves, of the Nelsons, Amblers and Digges, who were the leading citizens of the town. Scattered among these warehouses were the small homes of the

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[50] William K. Boyd, editor, William Byrd's Histories of the Dividing Line Betwixt Virginia and North Carolina, 36.

storekeepers, as well as a number of ordinaries.

As the visitor looked at the bluffs back of the waterfront, he would probably be astonished at their precipitousness. Closer inspection, however, would reveal ravines leading from the upper town to the waterfront. Down these ravines came the streets of the town. Since the very establishment of the town, special provisions had been made for the "streets and landings". Surveyors of the streets had been appointed regularly by the court to maintain them. Armed with authority to demand aid of the other citizens in the town, the surveyor must have been an important figure.[51] His duties were lightened by the fact that not all the cross streets of the town led to the river front. In fact there were only three such streets after 1745. One of these led past the mansions of the Nelsons down "the Great Valley", a second led past the home and storehouse of the Amblers, and the third ran past the Buckner lots and down the "Tobacco Warehouse hill".[52]

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[51] Evidence of the importance of the position might be found in the important men who held the office. The following leading citizens served in that capacity: Philip Lightfoot was appointed August 15, 1720 (York county, Orders, Wills, etc., No. 15, p. 668); William Gordon on April 17, 1722 (Ibid., No. 16, pt. 1, p. 133); John Ballard on December 21, 1731 (Ibid., No. 17, p. 248); William Rogers on August 17, 1741 (York county, Wills and Inventories, No. 19, p. 51).

[52] On July 15, 1745, the county court ordered "that the public Landings from York Town down to the River side be for the future that by Thos Nelsons, by Richard Amblers

But these streets were also steep natural watercourses and must have washed badly. Despite the efforts of the surveyors, by 1757 the streets had got "in so ruinous a condition that they cannot be repaired in the ordinary method by the surveyor".[53] Since it was necessary to widen some of the streets and build brick retaining walls along others, the General Assembly passed an act authorizing the court to levy as much money as needed for the work on the owners of the lots in the town. This levy was made, and the surveyor was given money to see to the repair of the "Ways to the several Landings".[54] After this the streets were not allowed to get in such bad repair.

The most striking buildings in town to the visitor were naturally the homes of the gentry, the Nelsons and

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and that down to the Ware house and no others". Ibid., 383. A deed to Lots 1-6 in 1783 described the hill leading to the beach in front of these lots as "the Tobacco Warehouse hill." York county, Deed Book No. 6 (1771-1791), p. 202

The only street in addition to Main street to be named in colonial records was Church street. A deed dated June 18, 1770 mentions "A Street called Church Street", which ran along the western side of the church lot (35). York county, Deeds, No. 8, p. 49.

[53] Hening, op. cit., VII, 138.

[54] The court ordered the surveyor to repair the streets on January 15, 1759/60, and on November 29, 1760 Patrick Matthews, the surveyor, was paid £ 8/8/9 "for the hire of Carts &c to repair the Streets in York Town." York county, Judgements and Orders, No. 3 (1759-1763), pp. 5 and 189.

Lightfoots. These large brick mansions, each surrounded by an elegant garden, attested to the wealth, good taste and culture of the owners. The homes of the Nelsons were concentrated along both sides of the main street about in the center of the town, except for the beautiful home of Secretary Nelson. Situated on the eastern limits of the town, it was not obstructed by surrounding buildings. An elegant garden filled the ravine which ran from this house to the waterside. The two large homes of the Lightfoot family, only slightly less elegant than those of the Nelsons, were near the edge of the bluff behind the water battery.

The church, a small T-shaped building of marl, and the court house, a larger brick building of the same shape, were near each other in the center of the town. Here on Sundays and on court days gathered the inhabitants of the town and county. Not only the center of the political and religious life of the community, these buildings also played a vital role in the social sphere.

Around these public buildings was the center of the commercial life of the town. The largest taverns were situated on opposite sides of the main street. The Swan tavern stood directly across the street from the court house, while the Moody tavern stood on the lot adjoining the court house on the east. In this vicinity also stood

the William Reynolds brick storehouse, as well as the storehouse or tenement of the Lightfoot family in the town. Near the court house on Lot 30 were gathered a number of small shops where jewelers, tailors, and other craftsmen advertised their wares and skills.

Not all of the town of York, however, was beautiful and pleasant. Back from the main street, and back of the town mansions of the wealthy, were the squalid huts of the lower classes. These spread past the original bounds of the town into the region to the south, which has been since called the Gwyn Road development. Here and there among these small structures, could be found small brick or frame homes built with taste and surrounded by small gardens. These, however, were the exception rather than the rule. For the most part the buildings of the working people were of "plaister" and were undoubtedly filthy and ramshackle to a degree. The unpleasant nature of the town can be illustrated by certain events of the year 1734. In August of that year Edmund Smith and the leading citizens of the town became disgusted at the conditions. They felt that the primary cause of the unpleasant nature of the town could be laid to the fact that the inhabitants kept "too great a Number of Cattle Horses Sheep and Hogge".[55] These

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[55] York county, Wills and Inventories, No. 18 (1732-1740), p. 148.

were allowed to go at large about the town, which must have been most annoying to the citizens. In addition, the town's leaders were afraid of the danger of a devastating fire, which might break out at any time among the houses of the lower classes. This danger was the more acute because of the prevalence of wooden chimneys. A petition was prepared and sent to the General Assembly, which passed an act in conformity with it. This act specified that it would be unlawful to build in the town of York a wooden chimney, and after the expiration of three years to use one. The sheriff of the county was empowered to pull down or otherwise demolish any wooden chimneys which were used or built contrary to the provisions of the act. As regarded the live stock, the inhabitants were given authority to kill any of these animals found running at large in the town. The dead animal could not be appropriated by its killer, but was to be returned to the owner, or if the owner could not be determined, it was to be given to the poor of the parish.[56] This act must have made Yorktown a more pleasant place in which to live.

1734

The region around the town was taken up by large plantations, some of which were owned by the citizens of Yorktown. These closely surrounded the town, in some cases

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[56] Hening, op. cit., IV, 465-67.

approaching very near the outskirts. The visitor during the middle of the eighteenth century would have found the land thickly settled and rather intensively cultivated. Tobacco was the money crop, and the best tobacco in the colony was grown in the vicinity of Yorktown. Slowly the effects of the intensive cultivation of tobacco made themselves felt. Fertile fields gradually lost their fertility, and the grade of tobacco became more and more inferior. The desertion of the land by the small farmers was first noticeable, but gradually the larger plantations included more and more vacant fields. Finally, the plantation itself would become deserted, as the owners moved to the fresh, cheap land to the west.

The decline of the town was hardly perceptible at first, but as the tobacco crops decreased, the town's importance lessened. The York river was exceedingly short and did not give access to the piedmont section. As the wealth of the colony moved slowly to the westward, towns situated on rivers like the James, which flowed deep into the land, surpassed the town of York in population as well as in trade. This lack of a back country in which the merchants of the town could trade, and from which the town could draw tobacco and other colonial products for shipment, spelled the doom of Yorktown as a commercial center. While it is undoubtedly true that the town grew during the entire colonial period, its growth was much slower than

that of its rivals, and its loss of prestige very rapid. This slow deterioration was suddenly accelerated by the Revolution, which completely disrupted the trade of the town, sending it into new channels. The part played by the town and its inhabitants during this struggle, however, made its doom a most glorious one.

CHAPTER VII

YORKTOWN DURING THE REVOLUTION

Despite the fact that Yorktown was essentially a seaport and therefore dependent on the continuance of trade with England for its prosperity, there can be found little evidence of opposition to the American cause here in the period of protest against British taxation and throughout the Revolution. The leaders of opinion in the town were naturally the merchants, who, strangely enough, supported the Revolution practically to the man. The position of preeminent importance among these merchants was occupied by the Nelson family. Possessing great wealth, and holding high offices under the royal government, it seems odd that they should have supported the colonial cause against Great Britain.[1] With the exception of Secretary Nelson, the family appears to have been ardent patriots and several members of the family played leading roles in the Revolutionary cause in Virginia. Beginning at the time of the Stamp Act, William Nelson, a leading Councillor, opposed

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[1] In describing Yorktown to Sir Henry Clinton, a British officer stated: "The people in and about it, influenced by the family of Nelson, are all Rebellious." Frederick Mackenzie, Diary of Frederick Mackenzie, II, 457.

the program of colonial taxation proposed by Parliament. When the feeling of the colony reached the point of forming an Association in 1769, William Nelson wrote to a merchant in England to cancel his previous orders "as I am an Associator in principle, & shall not import any more necessaries till the hateful acts are repealed."[2]

The eldest son of William Nelson, Thomas Nelson, Jr., followed the lead of his father. As a Burgess from York county, he supported all the various means employed by the House of Burgesses in attempting to obtain a redress of their grievances. As a signer of the various Associations advocating non-importation of goods from England, he supported the American cause even though at a cost to himself.

Thus led by the Nelson family and their associates, the inhabitants of the county of York met on July 19, 1774 "according to publick notice, at the Court-House, in York, to consider what was to be done in the present distressed and alarming situation of affairs throughout the British Colonies in America," and to choose delegates to the proposed convention of the counties of Virginia to meet in August, 1774. Thomas Nelson, Jr. was chosen moderator of the meeting. His address to the gathering reflected the

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[2] Letter to John Norton, November 18, 1769, in Letterbook of William Nelson in Virginia State Archives, Richmond, Virginia.

feelings of the majority of the people of the region. After calling attention to "the attacks which have been lately made by the British Parliament upon what is dearer to Americans than our Lives -- their liberties," Nelson described the conditions in Massachusetts, and the dissolving of the Virginia assembly, which left the colony "without law for its government, and without means of defending itself against an invading enemy." The convention, he said, had been called to consider these matters as well as the possibility of dropping all commercial intercourse with Great Britain.

After this address, the meeting elected Nelson, and Dudley Digges, their delegates to the August Convention. These two gentlemen had served as the Burgesses for York county for many years and were thoroughly familiar with legislative procedure. The delegates were instructed to choose representatives for the general congress of America. These representatives should prepare a declaration of American rights, stating that such acts as the import duties, and the Boston Port Bill were unconstitutional. It was also to contain a declaration that the only means of obtaining a redress of these wrongs was to stop all imports from Great Britain.[3]

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[3] Peter Force, compiler, American Archives ..., Fourth series, II, 595-97.

The August Convention, to which Nelson and Digges had been elected delegates, took two important steps along the road to eventual independence. The first was the selection of persons to meet delegates from other colonies in Philadelphia, and the second was the adoption of another non-intercourse agreement. For the better carrying out of the agreement, each county was urged to choose a committee, and in order that the whole colony might keep informed on what was being done, the local committees were requested to correspond with the central Committee of Correspondence.[4]

The local committee for York county must have been chosen at once, although this cannot be determined because of the destruction of its records. Shortly after the committee was chosen, there occurred an incident in Yorktown (on November 7, 1774), which expressed in no uncertain terms

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[4] Lord Dunmore wrote to Secretary Dartmouth on December 24, 1774 that each county had a committee, which "assumes an authority to inspect the books, invoices, and all other secrets of the trade and correspondence of Merchants; to watch the conduct of every inhabitant, without distinction, and to send for all such as come under their suspicion into their presence; to interrogate them respecting all matters which, at their pleasure, they think fit objects of their inquiry; and to stigmatize, as they term it, such as they find transgressing what they are now hardy enough to call the Laws of Congress, which stigmatizing is no other than inviting the vengeance of an outrageous and lawless mob to be exercised upon the unhappy victims." Ibid., I, 1061-62. The relentless work of these county committees was successful in practically eliminating Loyalism in Virginia, with the exception of the region around Norfolk, early in the Revolution. Cf. C. H. Lingley, Transition in Virginia from Colony to Commonwealth, 97-106.

the state of the revolutionary movement there. The following newspaper account was written by the York county committee:

> The Inhabitants of York having been informed that the Virginia, commanded by Howard Eaton, had on board two half chests of Tea, shipped by John Norton, Esq; and Sons, Merchants in London, by Order of Mess. Prentis and Company, Merchants in Williamsburg, assembled at 10 o'Clock this Morning, and went on Board the said Ship, where they waited some Time for the Determination of the Meeting of several Members of the House of Burgesses in Williamsburg, who had taken this Matter under Consideration. A Messenger was then sent on shore, to inquire for a Letter from the Meeting; but returning without one they immediately hoisted the Tea out of the Hold and threw it into the River, and then returned to the Shore without doing Damage to the Ship or any other Part of her Cargo.[5]

Shortly after this "tea party", the county committee met to consider the matter. They approved of the conduct of the people of Yorktown in destroying the tea, and condemned the conduct of the Virginia company for not countermanding their orders for tea, and of the London company for shipping the tea when they must have been acquainted with the attitude of the country. Lastly, they condemned the captain of the ship for "not remonstrating in stronger Terms against the Tea being put on Board the Ship."[6]

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[5] The Virginia Gazette, November 24, 1774.

[6] Loc. cit. There appeared in the same issue of this newspaper a copy of the resolutions of the Committee of Gloucester county heartily approving the actions of the citizens of Yorktown. This item was followed by an abject apology by Mr. Prentis.

During the remainder of the year nothing of any importance seems to have occurred in Yorktown. On the 28 of January of the next year, however, the freeholders of York county were notified that on the next court day (February 20), they were to gather at the court house and elect delegates to the convention to meet in Richmond on March 20, 1775.[7] The inhabitants of the county met as called and elected the same two delegates who had served the county so long, Thomas Nelson, Jr., and Dudley Digges.[8]

The Convention of March, 1775 carried the colony farther along toward Revolution. The first act of the convention was the unanimous approval of the actions of the Continental Congress. It was agreed, again unanimously, to follow the recommendations of the Congress to appoint another delegation to the next meeting in Philadelphia. The next work of the Convention -- and its most important and fundamental one -- was planning for a military establishment. The counties had already made a start. During the previous fall and winter most of the counties had established volunteer or independent companies. It was during the discussion of this law that Thomas Nelson,

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[7] Ibid., January 28, 1775.

[8] Dudley Digges had been a Burgess from York county since 1752, while Thomas Nelson, Jr. had served in a like capacity since 1761. See William G. and Mary Stanard, compilers, The Colonial Virginia Register.

Jr. first came to the foreground. A contemporary, Edmund Randolph, described his actions as follows:

> The generous and noble minded Thomas Nelson, who now for the first time, took a more than common part in a great discussion, convulsed the moderate by an ardent exclamation, in which he called God to witness, that if any British troops should be landed within the county, of which he was the lieutenant, he would wait no orders, and would obey none, which should forbid him to summon his militia and repel the invaders at the water edge. His temper though it was sanguine, and had been manifested in less scenes of opposition, seemed to be more than ordinarily excited. His example told those, who were happy in ease and wealth, that to shrink was to be dishonoured.[9]

Relations with Lord Dunmore, the royal governor of Virginia, were, on the surface, still pleasant, as he was thanked by the Convention for his "noble, wise, and spirited conduct" on a recent expedition against the Indians. This relationship was disrupted the following month. The spark that touched off the actual Revolution in Virginia was the removal by the governor of the gun powder from Williamsburg. It is probable that he was alarmed at the rise of the Independent or Volunteer Companies in the counties of the colony, and was fearful about the powder magazine. This magazine stood in the center of the city and contained a small store of powder and arms. Since it lay exposed to any attempt to seize it, the governor con-

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[9] Edmund Randolph, "Essay on the Revolutionary History of Virginia," The Virginia Magazine of History and Biography, XLIII (July, 1935), 223.

sidered it prudent to remove it. He therefore ordered a detachment of marines commanded by Captain Collins of the schooner Magdalen to convey the store from the magazine to the man-of-war Fowey lying off Yorktown. This was done during the night of April 20-21. The move was made in secrecy, but the people of the city learned what had happened. This resulted in a great commotion, and the assembling of the inhabitants of the city before the palace where the mayor, the city corporation, and others addressed the governor to find out the cause of the act. The governor replied that his only motive was a desire to keep the powder safe, as there had been an alarm of a slave insurrection in a nearby county. He promised to return the powder if needed and the citizens were quieted. The news of the act, however, spread over the colony and caused great excitement. This led to the march on Williamsburg by Patrick Henry and his forces. He and his men were turned back by the payment of £ 330 by the king's receiver-general in the colony. As soon as the followers of Henry had disbanded, Dunmore issued a proclamation outlawing him.

This incident, revealing the excited state of the people, greatly alarmed Lord Dunmore. As early as May 1 he wrote that he had sent his family to the Fowey since he was fearful for his safety, and as he felt that Williamsburg could not be defended, he intended to retire to Yorktown

to the protection of the Fowey and an armed schooner if attacked.[10]

Dunmore undoubtedly believed that he would be attacked in his palace by the colonists. On May 4, 1775 Captain Montague of the Fowey wrote to Secretary Nelson, the president of the council, that as he had received information that the governor was threatened with an attack at daybreak, he considered it necessary to send a detachment from his ship to support him. He asked Nelson "to make use of every endeavour to prevent the party from being molested and attacked, as in that case I must be under a necessity to fire upon this town."[11]

This letter was laid before the York county committee by Secretary Nelson, and its contents "somewhat alarmed" the town. The committee in considering the letter noted that it had been sent too late to permit Nelson to use his influence had the inhabitants "been disposed to molest and attack the detachment". Furthermore, Secretary Nelson, who would have been a principal sufferer if the threat had been carried out, was, at that very moment, "exerting his utmost endeavours in behalf of the Government, and the safety of his Excellency's person". The committee voted the following

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[10] Letter of Lord Dunmore to Lord Dartmouth, May 1, 1775 in Kennedy and Mellwaine, op. cit., 1773-1776, pp. xviii-xix; William Wirt, Sketches of the Life and Character of Patrick Henry, 131-32.

[11] The Virginia Gazette, May 6, 1775.

resolutions:

> Resolved, that Capt. Montague, in threatening to fire upon a defenseless town, in case of an attack upon the detachment, in which said town might not be concerned, has testified a spirit of cruelty unprecedented in the annals of civilized times; that, in his late notice to the President, he has added insult to cruelty; and that, considering the circumstances, already mentioned, of one of the most considerable inhabitants of said town, he has discovered the most hellish principles that actuate a human mind.
>
> Resolved, that it be recommended to the inhabitants of this town, and to the country in general, that they do not entertain or shew any other mark of civility to Capt. Montague, besides what common decency and absolute necessity require.[12]

For a few weeks after this incident, Yorktown returned to its customary quietude. On June 6, however, it again became the focal point of the interest of the colony. Early in the morning of that day, Lord Dunmore left his palace in Williamsburg and established quarters on the Fowey, which was lying in the York river off the town.

Dunmore left behind him a message to the House of Burgesses in which he ascribed his change of residence to apprehensions of his personal safety, but assured the assembly that this need not interrupt their sitting as he would always be available on shipboard. Even though the house gave repeated assurances of the safety of Dunmore and his family in Williamsburg, and complained of the hindrance

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[12] Loc. cit.

to their work, the governor would not return to the palace. He suggested finally that the assembly adjourn to Yorktown, but they refused as the town "could not afford tolerable Accomodations for so numerous an Assembly". The house and council then joined in an address to the governor stating that it was unconstitutional for the legislative business to be transacted in any other place than Williamsburg. Thus the situation stood in June, 1775, the assembly refusing to meet anywhere outside the capital and the governor refusing to return to it.[13]

Royal government in Virginia was almost at an end. The assembly now went ahead and began to do business without the governor. On June 29, 1775 the Fowey and the Magdalen sailed from Yorktown. The latter took Lady Dunmore and her family to England, while the former with the governor returned to Yorktown for a brief stay.[14] In July the Mercury arrived at Yorktown from New York to relieve the Fowey. On July 14, 1775 the governor on board the latter vessel left Yorktown and proceeded to Portsmouth.[15] The departure of the governor from Yorktown may be taken as the end of the colonial period in Virginia. It marked the end of the authority of the

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[13] Kennedy and McIlwaine, op. cit., 1773-1776, p. 305 et seq.

[14] The Virginia Gazette, July 1, 1775.

[15] Ibid., July 15, 1775.

royal governor, which was not to return. It is true that Dunmore stayed some time in Norfolk and later at Gwynn's Island, but he occupied these places to make war on Virginia, not as its governor.

From the time of the flight of Lord Dunmore, Virginia progressed steadily down the revolutionary way. The part played by the citizens of Yorktown in this movement was outstanding. One of its citizens, Thomas Nelson, Jr., after playing a leading role in the revolutionary movement, had his abilities recognized by being elected governor of the state in 1781. The convention of July, 1775 witnessed the first recognition of his leadership and outstanding qualities. Not only was he selected as the colonel of the second of the two regiments of militia raised in the state, but he received the signal honor of being elected a delegate to the Continental Congress. He served in this capacity until his resignation because of poor health in May, 1777. While in Congress he was a member of the Committee on Articles of Confederation, and on August 2, 1776 affixed his signature to the Declaration of Independence. In August, 1777 he was appointed commander of the Virginia state forces. On December 10, 1778 the House of Delegates elected him a member of Congress, but he resigned in June, 1779. When the state was threatened by an invasion in May, 1779, he organized the militia. Finally on June 12, 1781

Nelson was elected governor of Virginia. He resigned his office on November 22, 1781, because of criticism of his regime. His administration included the most perilous and critical days of the Revolution. Having supported the revolutionary cause with his wealth as well as his physical and mental being, Nelson died relatively a pauper in the year 1789.[16]

Thomas Nelson, the uncle of General Nelson, had served long and faithfully as secretary of the colony under the old regime. Although he did not play a prominent part in the revolutionary movement, he could not be termed a Loyalist. He was nominated for the governorship after the drafting of the constitution by the convention of May, 1776. At the final vote, Patrick Henry received a total of sixty-nine votes, Nelson, forty-five and John Page, one vote. A contemporary wrote later of this election:

> Nelson had long been secretary of the colony, and ranked high in the aristocracy who propagated with zeal the expediency of accommodating ancient prejudices, by electing a man, whose pretensions to the chief magistracy, were obvious from his now being nominally the governor under the old order of things; and out of one hundred and eleven members, forty-five were caught by the desire of bringing all parties together, although Mr. Nelson had not been at all prominent in the revolution.[17]

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[16] R. A. Brock, "The Nelson House Yorktown, Virginia," Magazine of American History, VII (July, 1881), 50-52.

[17] Randolph, op. cit., XLIV (April, 1936), 107.

Later he was elected to the council, but resigned, and on July 23, 1776 he qualified and was sworn in as Secretary of the Commonwealth.[18] He probably served in this office all through the Revolution.

At the same time that Nelson was elected governor, the lieutenant governor was another Yorktown merchant, David Jamieson, who had served on the council of the State since December 4, 1776.[19]

Three other citizens to gain fame in the political sphere during the Revolution were Jacqueline Ambler, Thomas Everyard, and Dudley Digges. The first resigned his position as naval officer for the York River District early in 1776 and was elected a member of the council sometime prior to June 20, 1780. He served on this board until appointed Treasurer of the State in 1781.[20] Thomas Everard, the clerk of York county, also served as one of the Commissioners of Accounts for Virginia from early 1776 until January 31, 1781. He refused an appointment as auditor of public accounts on that date.[21] Dudley Digges'

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18 H. R. McIlwaine, editor, Journals of the Council of the State of Virginia, I, 86. Hereafter cited as McIlwaine, State Council Journals.

19 Journal of House of Delegates 1776, p. 81. Jamieson took the oath of office on December 12, 1776. McIlwaine, State Council Journals, I, 277. See also Tyler, Encyclopedia, II, 389

20 Ibid., 335; McIlwaine, State Council Journals, II, 257.

21 Ibid., I, 62 and II, 382.

services as a member of the revolutionary conventions and councillor have been discussed above.[22]

Most of these gentlemen were present when the revolutionary convention convened in July, 1775. The most important matter to be considered by this body was the establishment of provisions for the defense of the state. An ordinance was passed which, among other things, grouped the counties of the state into convenient districts in order to raise minute men. Elizabeth City, Warwick, York, James City, Charles City and New Kent counties, together with the City of Williamsburg, were to form one of these districts and were to raise a battalion of 500 men. The various county committees were to choose delegates to a general committee to elect officers for the troops as well as to settle the number of men each county was to furnish toward the total.[23] The general committee met on September 11, 1775. Among the committeemen were Dr. Corbin Griffin, a prominent physician of Yorktown, and Rev. Robert Andrews, the rector of Yorkhampton parish. It was determined in this meeting that York county was to raise two companies of minute men of fifty men each. Apparently, the first company was to be raised in the southern part of the county and was to be commanded by a

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[22] Supra p.106.

[23] Hening, op. cit., IX, 9-35.

Captain Selater. The other company was to be drawn from the rest of the county, including Yorktown, and was captained by William Goosley, with William Harwood as lieutenant and Frederick Bryan as ensign.[24]

The great importance of Yorktown in the military sphere was recognized early. Possessing an excellent harbor, it was of inestimable value as a means of protecting shipping as well as an offensive base for raids in the Chesapeake Bay. Its location, fifteen miles from the capital of the state, also added to its value as a defensive post. This interest in the town was shown in the great efforts made by the state government to garrison the post.

The companies of minute men raised in accordance with the ordinance mentioned above, probably formed the first Yorktown garrison. They were joined in February by Captain Thomas Nelson's company of regulars, which took over the houses of Mr. Nathaniel Littleton Savage as barracks.[25] It is not known definitely the length of time that these companies served.

The station at Yorktown was garrisoned by order of

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[24] The Virginia Gazette, September 16, 1775.

[25] See warrants to Captain Goosley's company, February 15, 1776, in McIlwaine, State Council Journals, II, 413, and to Captain Selater, March 3, 1776, in Ibid., 443; also Savage's petition in Virginia, Journal of the House of Delegates of Virginia 1776, p. 45.

the council on June 22, 1776. Colonel Meredith was ordered to march four companies of the first battalion of minute men to Yorktown. Apparently these companies were sent to Portsmouth some time between July 29 and August 13, for on the former date there were four companies stationed at Yorktown, but by the latter date these had been reduced to two. These were described by General Lewis as sickly and anxious to go home.[26] One of these two companies was probably that of Captain Reeve, whose minute men, stationed at York, were ordered discharged by the council on August 30, 1776. Their place was taken by Captain Judkin's company of "Volunteer Militia of the County of Sussex".[27] The other company could have been either that of Captain James Mason or that of Captain Carrington, as both were stationed in Yorktown during 1776.[28]

The most colorful body of troops stationed at Yorktown during the early part of the Revolution was the Sixth Troop of Horse, commanded by John Nelson, the son of Secretary Nelson, who had been appointed its colonel by the Convention on June 13, 1776.[29] On the following July 5

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[26] McIlwaine, State Council Journals, I, 56-7, 99; letter of General Andrew Lewis to General Charles Lee, August 13, 1776, in "Lee Papers," New York Historical Society Collections, II, 213.

[27] McIlwaine, State Council Journals, I, 142.

[28] Ibid., 189.

[29] Virginia, Journal of the Convention, May 1776, p. 45.

the council issued a warrant for £ 750 to purchase horses, arms and accoutrement for this troop.[30] Two days later there appeared in The Virginia Gazette an advertisement for horses between four and seven years old and over fourteen hands high, to mount the troop.[31] This organization apparently made preparations to establish a permanent station at Yorktown for six hundred and sixty feet of plank were purchased to build stalls for the horses.[32]

Yorktown, as well as other posts, was depleted of soldiers during the latter part of 1776 by the necessity of sending troops to reinforce the army under General Washington after his defeats in the north. This situation became suddenly dangerous in February of 1777, when three frigates of the English navy under the command of Commodore Hotham invaded the Chesapeake Bay. The council was forced to call in the militia of adjacent countries to protect Hampton, Yorktown and Williamsburg. On February 5 the council ordered one hundred men from Gloucester county and fifty men from King and Queen county to march to Yorktown.[33] It appears that these men remained there until mustered out

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[30] McIlwaine, State Council Journals, I, 60.

[31] The Virginia Gazette, July 6, 1776.

[32] McIlwaine, State Council Journals, I, 256.

[33] Ibid., 327.

around the middle of September. On September 30 the council noted that the discharge of the militia had made the garrison at Yorktown very weak and ordered half of the new recruits for the state artillery to repair to that station as they were brought in.[34]

These state artillerymen probably formed Colonel Charles Harrison's artillery regiment, which was stationed at Yorktown and Portsmouth. Lieutenant Colonel Carrington was probably the commanding officer of the artillery stationed at Yorktown.[35]

For the next few years the garrison at Yorktown had periodic changes in numbers and supplies. During 1778 there was a great growth in the number of soldiers at this

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[34] Ibid., 500.

[35] Governor Henry wrote General Washington on October 29, 1777 that this regiment was still stationed at Portsmouth and Yorktown "under leave of Congress," because of the presence of British vessels in the bay. H. R. McIlwaine, editor, Official Letters of the Governors of the State of Virginia, I, 197. Hereafter cited as McIlwaine, Governors' Letters.

On March 13, 1778 the Continental Congress ordered Colonel Harrison's regiment of artillery to join Washington's army "without the least further delay." Worthington C. Ford, et al., editors, Journals of the Continental Congress, X, 255. Presumably the regiment remained at Portsmouth and Yorktown until receipt of this order.

Charles Harrison was made colonel of the Virginia Regiment of Artillery (First Continental Regiment) on November 30, 1776. Edward Carrington was elected its lieutenant-colonel and William Pierce was one of the captains. Ibid., VI, 996. William Pierce's company was stationed at Yorktown, for on June 6, 1777 he advertised in The Virginia Gazette for deserters from that post.

post. This was probably due to the anticipation of the use of the harbor by the French fleet after the signing of the alliance between that country and the United States. This strong garrison apparently continued in Yorktown until 1780. In that year the financial condition of the commonwealth had reached the state where it was imperative that every unnecessary expense be stopped. The few troops that remained received little in the way of provisions. On July 31 Captain Moody, the commanding officer, wrote to Colonel George Muter pleading for a little rum for the garrison to add somewhat to the comfort to the men. He was also extremely anxious to obtain some salt meat as the purchase of fresh meat was a great expense and "by no means agreeable to the health of the men".[36] Mr. Jamason, a member of the Council, raised their spirits by promising "this almost expiring Garrison" some clothes, money and rum.[37]

Despite this happy prospect, little seems to have been done to relieve the conditions in Yorktown. By December 1 of that year the men were in pitiful condition. Captain Moody wrote:

> The few men which I have here, considering their present condition as to cloathing are very

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[36] Palmer, op. cit., I, 367.

[37] Letter of Dr. Mathew Pope to Colonel George Muter, August 1, 1780, in Ibid., 360.

> insufficient to guard the Fort & Stores - There is not one of them that has either Shoes or Stockings & are miserably ragged in every other respect.[38]

The remainder of the winter saw no alleviation of their sufferings. In a letter of February 21, 1781, Colonel John Innes, commander of the forces on the Peninsula, stated that he was in fear of a mutiny unless something was done for the men.[39] This was the pitiful condition of the soldiers at the time of the invasion of Virginia by Benedict Arnold.

The soldiers stationed at Yorktown were employed at intervals from early 1776 until the actual occupation of the town by the British in 1781, in erecting fortifications to command the harbor. When General Charles Lee was appointed commander of the southern army, he stayed in Virginia for several months to superintend the defense of the state.[40] He expected the British to strike first at Yorktown and Williamsburg and so, on April 3, 1776, he wrote from the latter place that he was employing himself "in rendering this place and York inaccessible as possible....".[41]

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38 Letter to Muter, December 1, 1780, in Ibid., 304.

39 Letter to Governor Jefferson, in Ibid., 332.

40 General Lee was appointed commander of the American army in the southern states on March 1, 1776. Ford, op. cit., IV, 180-81. He reached Williamsburg on March 29, 1776. H. J. Eckenrode, The Revolution in Virginia, 90.

41 Letter to Edward Rutledge in "Lee Papers," New York Historical Society Collections, I, 372.

Presumably on Lee's orders to fortify the town, Captain James Innes wrote him on April 7 that the battery at Yorktown contained two 18 pounders, two 12 pounders, one 9 pounder and four 6 pounders, but they were in no condition for service. He had put twenty-six artificers belonging to the companies stationed at the post to work on the guns. On Gloucester Point, across the river, was another battery containing fifteen cannon, but these were practically ruined by the salt water.[42] 1776

This work appears to have been carried forward, for on May 27, 1776 General Andrew Lewis wrote General Lee that the works at York were going as well as could be expected from the number of men stationed there.[43] When completed, the battery still did not seem sufficient to General Lewis, and in August he ordered six of the thirty guns "scraped out of the sand and Dirt at several Places" to be mounted at York, and three or four of them at Gloucester.[44]

Despite this work, the state was not satisfied with the battery at Yorktown. During the October session of the Assembly an act was passed authorizing the governor with the

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[42] Ibid., 389-90.

[43] Ibid., II, 44.

[44] Ibid., 213. These guns added to the ones reported by Captain Innes made a total of fifteen cannon at Yorktown by the end of 1776.

advice of the council to erect whatever fortifications were necessary at Yorktown and four other harbors in Virginia for the protection of trade and commerce. Yorktown and Hampton were "to be strengthened in the most effectual manner on the land side also...." The governor was to employ an engineer for the general service of the commonwealth. In addition, three battalions of infantry were to be raised to garrison the fortifications; barracks and hospitals were to be built for them.[45] Some work was done on the battery at Yorktown after the passage of this act, for on October 24 Robert Gibbons was paid for smith's work and nails for the battery while Jacquelin Ambler furnished timber for it.[46]

Early in the next year, on April 29, 1777, Nicholas Cresswell visited Yorktown and described the battery at Yorktown in his journal thus: "Here is a battery of 12 pieces of heavy cannon to command the River and a company of artillery stationed here, but they make a sorry appearance for so respectable a Corps, as the Artillery ought to be".[47]

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[45] Hening, op. cit., IX, 192.

[46] McIlwaine, State Council Journals, I, 214 and 278.

[47] A. G. Bradley, editor, The Journal of Nicholas Cresswell, 207. Additional guns must have been added to the battery shortly after this, for Prudhomme de Borre, a French soldier of fortune, visited Yorktown shortly after Cresswell and stated that there were eighteen guns in the fortification. Prudhomme de Borre manuscript, Archives Nationales, Marine B4 144.

From the information gathered from these sources it seems apparent that the fortifications at Yorktown consisted merely of the water battery on the north western side of the town, which had stood for so many years before the Revolution. Apparently the battery had been allowed to fall into state of disrepair, as it was necessary to remount the guns and perhaps to rebuild the entire fortification.

During the remainder of 1777, little additional information can be found concerning the Yorktown fortifications. On July 22 William Mitchell, the quartermaster, was directed to hire twenty-five negro laborers to finish the fortifications as there were too few troops at the garrison to do the work.[48]

The military establishment at Yorktown included other persons than soldiers. These were employed to look after the welfare of the troops stationed there. Stephen Mitchell, a local carpenter and the son of the keeper of the Swan Tavern, was quartermaster, wagon master and forage master for the post in 1776. The next year, William Mitchell was appointed to this position. He continued to serve for the remainder of the war. His quartermaster sergeant was James Trice, also a carpenter. The adjutant of the garrison was at first John Overton, who served also in the same capacity for

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[48] McIlwaine, State Council Journals, I, 455.

the garrison at Hampton. Later Littlebury Mosby was made adjutant for the post at Yorktown. The garrison also employed a drum major in the person of Joseph McMeakin.[49]

In addition to these persons, the garrison at Yorktown hired Robert Gibbons and Thomas Gibbs, local blacksmiths, to repair the arms of the troops. At first they were hired only as needed.[50] With the increase in the size of the garrison, however, in 1779, the council employed Robert Gibbons as blacksmith and armorer for the post. He was to furnish not only his own services, but his shop with two forges, the necessary tools and three apprentices. For this he was to receive thirty-five pounds a month and four rations a day. If he found it necessary to employ a journeyman, his wages were to be paid by the state. This agreement was to run until Christmas day of that year.[51] It must have been renewed, for Gibbons continued to serve until dismissed by the council on June 29, 1780, because of the poor financial condition of the state.[52]

Presumably a surgeon was hired for the Yorktown garrison as soon as troops were stationed there. Dr. Corbin

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[49] Ibid., 99 at passim; II, 3 et passim.

[50] Ibid., I, 189; II, 423.

[51] Ibid., II, 193.

[52] Letter of the Commissioner of War to the Commanding Officer at Yorktown, June 29, 1780, in McIlwaine, Governors' Letters, II, 134.

Griffin, a prominent Yorktown physician, served in this capacity until May 1, 1777.[53] The council, for no apparent reason, replaced him on that date with Dr. Matthew Pope, also a Yorktown physician.[54] The officers and men appear to have been highly pleased with the services of Dr. Griffin and objected strenuously to the Council's action. On May 10 the officers of the garrison presented an address to Dr. Griffin, in which they expressed their satisfaction with his services so as to protect his reputation from any false accusations due to his dismissal. Dr. Griffin received the address and thanked the officers. Later that same week the noncommissioned officers and soldiers of the post, together with the continental artillery men, went to Dr. Griffin's door and presented him with another address of appreciation.[55] These addresses did not mean that the soldiers were displeased with the appointment of Dr. Pope, but it did prove that Dr. Griffin had fulfilled his duties ably, and that he was well-loved by the post.

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[53] See warrants issued to Dr. Griffin as surgeon of the Yorktown garrison in McIlwaine, State Council Journals, I, 57 at passim.

[54] Ibid., 403. Dr. Pope had been appointed Naval Officer of the York River District by the State Council on February 3, 1777. Ibid., 322. He resigned when appointed surgeon of the Yorktown garrison, and Abraham Archer was selected to the vacant office. Ibid., 418.

[55] The Virginia Gazette, May 16, 1777.

A few months after Dr. Pope was appointed surgeon of the Yorktown garrison, the council became interested in providing a hospital for the troops. On July 21, 1777 it ordered Dr. Pope to purchase the "Commodious dwelling house and outhouses at York Town" which belonged to Mr. James Anderson. The sum to be paid for the property was to be two hundred and forty pounds.[56] It was believed that these houses would answer all the purposes of a hospital for the garrison. In the first place, the property had probably been used as an ordinary for a number of years. The lots upon which the houses stood had been known for some time as the "Fethouse lots". In addition, its situation in the center of the town made it ideal for the intended purpose. Negotiations were apparently prolonged for the warrant to Mr. James Anderson for L 240 was not issued by the council until October 17.[57]

The increase in the number of troops at Yorktown led the council on August 20 to empower Dr. Pope to hire one or more assistants "as the Number and condition of yg Troops at that Station may require".[58] On the next day Dr. Pope placed an advertisement in The Virginia Gazette for one or

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[56] McIlwaine, State Council Journals, I, 453-54.

[57] Ibid., II, 11.

[58] Ibid., I, 471.

two surgeon mates for the hospital at Yorktown.

The hospital was acquired just in time, for the winter brought the scourge of small pox to the garrison. It became so bad that the York county court on December 15 ordered Secretary Nelson "to apply to the Governor and Council to give Orders to the Commanding Officer of the Garrison at York to remove out of the Town of York all such Soldiers as are infected and such of them as have not had the Small Pox and that Guards be appointed to prevent the spreading of the Distemper".[59] No record of the outcome of this court order can be found. The council did act, however, to aid the overworked hospital staff, for on December 30 it empowered William Mitchell to hire "by the year" eight negroes for the hospital and garrison.[60] The disease apparently ravaged the post for the remainder of the winter. The inhabitants of the town became alarmed over the spread of the contagion, and on January 19, 1778 the county court ordered the justices of the peace to select places "to Inoculate Persons with small Pox".[61] This action apparently contributed to the abatement of the scourge in the spring.

Dr. Pope appears to have been very energetic and

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[59] York county, Order Book No. 4 (1774-1784), p. 155.

[60] McIlwaine, State Council Journals, II, 54.

[61] York county, Order Book No. 4 (1774-1784), p. 158.

successful in obtaining assistance from the government. On July 1, 1778, for example, the council finding the surgeon's duties at Yorktown had been "rendered very fatiguing and disagreeable" because of the lack of a mate, agreed to pay Dr. Pope five shillings a day for as long as he had been without a mate.[62]

In the fall of 1780, Dr. Pope was named surgeon and apothecary for the state and moved to Richmond. Dr. Griffin apparently replaced him at Yorktown. On January 22, 1781 Dr. Pope wrote to Governor Jefferson suggesting the establishment of a state Medical Department. Among the facts presented in support of his argument, he said that the hospital attendants throughout the state had not been paid for some time. In fact the orderly, his wife and negro woman at Yorktown, who had been hired the July before, had never been paid.[63] Probably acting on this suggestion, the council appointed Dr. Pope chief surgeon of the militia on February 1, 1781.[64]

Because of the exposed position of Yorktown, and the almost universal belief that it would be attacked by the British, a general exodus of its citizens occurred at the

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[62] McIlwaine, State Council Journals, II, 168.

[63] W. P. Palmer, op. cit., I, 452-53.

[64] McIlwaine, State Council Journals, II, 232-33.

outbreak of war in 1776. These vacant houses were immediately occupied by the soldiers stationed there, and were greatly damaged by them. This led to many serious complaints and petitions to the House of Delegates for reimbursements for damages.[65] Nicholas Cresswell was particularly impressed with the great damage done the houses by the soldiers and described the appearance of Yorktown in April, 1777 as follows:

> This is a pleasant town situated upon York River which is navigable for the largest ships. Close to the town there are several very good Gentlemen's houses built of brick and some of their gardens laid out with the greatest taste of any I have seen in America, but now almost ruined by the disorderly soldiers, and what is more extraordinary, their own soldiers, the guardians of the people and the defenders of their rights. Houses burnt down, others pulled to pieces for fuel, most of the Gardens thrown to the street, everything in disorder and confusion and no appearance of trade. This melancholy scene fills the mind of the itinerant traveller with gloomy and horrid ideas.[66]

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65 The damage done the property of Jacquelin Ambler, as described in his petition to the House of Delegates, has been mentioned above. Supra p. 95. Nathaniel L. Savage petitioned the house on November 7, 1776, for a redress for damages done his "several houses and a garden in the town of York, which were in the month of February last taken possession of by Capt. Nelson's company of regulars...." Virginia, Journal of the House of Delegates of Virginia, 1776, p. 45. In a similar petition Seymour Powell stated that his houses in Yorktown had been taken by the soldiers "and have so broken, rended, and spoiled them, that they are not now habitable, nor can be made so, without great expense." Virginia, Journal of the House of Delegates, 1777-80, pp. 54-55.

66 Bradley, op. cit., 206-7.

This situation probably drove the state to provide barracks for the troops at Yorktown. The first effort was made on April 5, 1777, when the council purchased from Colonel William Finnie the wood tents that he had purchased as quartermaster for the use of the continental army. One third of these tents were to be placed at Yorktown.[67]

These wood tents seem to have been insufficient for on July 25 the council resolved that it was necessary to erect barracks at Yorktown sufficient to accommodate 250 men.[68] Advertisements were placed in The Virginia Gazette on August 1 asking for contractors, but finally, on August 22, as no one had answered them, Charles Minnis, a Yorktown carpenter who offered his services "as far as he is able", was directed to procure materials and workmen to build the barracks "with all possible Despatch".[69]

The contractor, in his search for materials, was unable to obtain sufficient brick. The council at last acquired the necessary brick by purchasing the walls of the Yorktown house of Mr. John Hatley Norton "which was lately burned in that town".[70] Since the house had been burned by

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[67] McIlwaine, State Council Journals, I, 382.

[68] Ibid., 457.

[69] Ibid., 472-73.

[70] Ibid., 481.

soldiers using it as quarters, the council pledged that the sale of the walls would not affect any claim that Mr. Norton might make.

Mennis died before the building was completed and the Council appointed James Taylor to complete the work.[71] In order to hasten the project, journeymen were hired to assist him.[72] The building must have been almost completed when it was burned "by some unknown accident". The council thereupon agreed that it was absolutely necessary that it should be rebuilt as speedily as possible and directed James Taylor to purchase timber and materials for the undertaking as soon as persons could be employed to construct it.[73] The new barracks were completed very rapidly, for on July 14, 1773 the council ordered Messrs. Benjamin Powell and John Saunders to examine the work and report to the council.[74]

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[71] Ibid., II, 96.

[72] Ibid., 115.

[73] Ibid., 138.

[74] Ibid., 165.

The barracks must have stood back of the town, on the banks of Yorktown creek. Several French maps of the Siege of 1781 show four chimneys in a line on that site. See Querenet de la Combe, "Plan d'York en Virginie avec les attaques faites par les armees Francoise et Americaine en 8bre 1781," MS map in Map Division, Library of Congress. These barracks were burned at the time of Simcoe's raid early in 1781. Infra p.261 . Early in 1782 William Reynolds, in a letter to the governor, stated that the town's people hoped that the "Barracks will be built to the chimneys of the former." Letter to Governor Harrison, January 23, 1782, in Palmer, op. cit., III, 44. Furthermore, the

To return to the actual warfare of the Revolution - with the exception of the brief and relatively minor invasion of the Chesapeake Bay in May, 1779 by Major General Matthew and Vice Admiral Collier, nothing of great importance occurred in the region about Yorktown until the latter part of 1780. At that time a British force under Major General Leslie was sent to Virginia to make a diversion in favor of Lord Cornwallis, then operating in the Carolinas. He landed at Portsmouth, but soon sailed to reinforce Cornwallis. The state was not long free of the invader, however, for on January 3, 1781 a force of 1500 men, under the command of Brigadier General Benedict Arnold, arrived in the Chesapeake Bay and proceeded up the James river. Arnold reached Richmond early in February and sent out detachments to destroy stores in the vicinity. After this excursion he returned to Portsmouth.

The movements of Arnold in Virginia were carefully watched by Washington, who, upon hearing of his exact whereabouts, organized a land and naval expedition to effect his capture. To supplement the forces of militia under Steuben,

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damage claim of the county for its losses due to the invasion by the British mentioned the burned barracks "near Yorktown." "Public Losses in York county from the invasions of the Enemy in the year 1781" in York county, Claims for Losses of York County Citizens in British Invasion of 1781, claim no. 51. Figure 12. These facts prove that the barracks stood near the town and not in it, and that the chimneys were standing in 1782.

Nelson, Weedon and others, Washington detached the elite corps of his army, the Light Infantry, and placed Lafayette in command. He persuaded Admiral Destouches, commanding the French naval forces in Rhode Island, to blockade Arnold by sea. The expedition, however, failed of its object. The British naval force, under Arbuthnot, intercepted the French near the entrance to the Chesapeake, where on March 16, a naval action occurred, in which Destouches was turned back. In the meantime, Lafayette had sailed down the Chesapeake and landed at Yorktown on March 14.[75] The defeat of Destouches made it necessary to abandon the entire enterprise.

Yorktown now became a place of importance as a possible naval base in the opinion of both the French and the British. In fact the interest of the French reached back to 1778. In May of that year the governor of the state and the council bestirred themselves to provide a proper fortification at Yorktown to protect French ships. They directed Mr. Loyaute, the Inspector General, and Mr. Fournier, the Assistant Engineer, to examine Yorktown and make plans for any necessary alterations in the works there.[76]

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[75] Letter of Lafayette to Baron von Steuben, March 14, 1781, quoted in Charlemagne Tower, Jr., The Marquis de la Fayette in the American Revolution, II, 243; also letters of Lafayette to Washington, March 25 and April 8, 1781, in Marquis de Lafayette, Memoirs Correspondence and Manuscripts of General Lafayette Published by His Family, I, 391-96 and 397-401.

[76] McIlwaine, State Council Journals, II, 132.

On May 19 the governor was requested by the Council to write to William Lee in Paris "to procure the proper Cannon, Mortars, Howitzers with all the Implements and Apparatus necessary for the fortifying of York Town....".[77] Upon receipt of the report of Mr. Fournier, the council ordered Colonel Marshall to consult with him to "take the proper Steps for extending the works" at Yorktown and Gloucester. Sufficient laborers were to be hired to carry on the work.[78] On December 23 William Mitchell was issued a warrant to hire laborers and purchase "Necessaries" for the battery at Yorktown.[79]

The work on the batteries at Yorktown and Gloucester must have been completed during the next year, for French war vessels used the harbor as a refuge during the winter of 1779-1780. On November 30, 1779 the French war ship Le Fendant, under the command of the Marquis de Vaudreuil, with two frigates anchored under the protection of these guns. These vessels were part of the fleet of the Comte d'Estaing, which had been sent north after the unsuccessful attack on Savannah, Georgia. These ships stayed in the harbor until January 25, 1780, when the fleet departed for the West

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[77] Ibid., 135.

[78] Ibid., 138.

[79] Ibid., 247.

Indies.[80]

With the revival of active military and naval activities in the Chesapeake, Yorktown became even more useful. Prior to the defeat of the French by Arbuthnot, Destouches had sent the ship of the line, the Eveille, two frigates, the Surveillante and the Gentille, and the sutler the Queen, to attack Arnold at Portsmouth. The expedition was under the command of M. le Gardeur de Tilly, the captain of the Eveille. The French vessels drew more water than the British ships supporting Arnold, and so could do little in the Chesapeake. They did succeed in capturing the British 44-gun ship, the Romulus, three privateers and six brigs.[81] These ships were brought to Yorktown for protection, and Colonel James Innes, commanding the militia in Williamsburg, sent Captain Edens' company of artillery with two field pieces to protect the

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[80] Ministere des Affaires Etrangeres, Les Combattants Francaise de la Guerre Americaine 1778-1783, p. 93. In a letter to Lord Germain on March 1, 1781, Sir Henry Clinton suggested that if Destouches forced his way into the bay, the French "will most probably secure themselves, in York River at York Town, under cover of Works which were raised last Year on very commanding Ground on each Side of that River, for the Protection of the Pendant and two Frigates which wintered there." "Correspondence and other Papers relative to the capture of Cornwallis's army in the House of Lords Library," British Reproductions in the Manuscripts Division of the Library of Congress. Hereafter cited as Cornwallis's Papers.

[81] Thomas Balch, The French in America During the War of Independence of the United States 1777-1783, p. 133.

prises.[82]

This naval and military activity in Virginia had emphasized anew the possibilities of Yorktown as a naval base. Governor Jefferson exerted himself in trying to fit Yorktown as an asylum for the French ships. Lafayette on his way to Virginia wrote Jefferson from the Head of the Elk on March 3, 1781 requesting the governor "to direct that the fort at York be put in the best State of defence, the Safety of the french squadron wholly depends upon this point and we Have assured them this fort would be particularly attended to".[83] Jefferson had already written to General Nelson to solicit his aid, and on March 28, Baron von Steuben wrote to George Weedon to march his troop to Yorktown to cover the battery there.[84] These orders must have been countermanded with the failure of the expedition.

The interest of the British in Yorktown was shown in the instructions given General Phillips when he was sent with 2000 men in March, 1781 to reinforce Arnold. His commander in chief, Sir Henry Clinton said of Yorktown:

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[82] Letter to Governor Jefferson, February 21, 1781, in W. P. Palmer, op. cit., I, 532.

[83] "Letters of Lafayette," The Virginia Magazine of History and Biography, VI, (July, 1898), 57.

[84] Letter to Nelson, February 16, 1781, in McIlwaine, Governors' Letters, II, 347; "Calendar of the Correspondence of George Weedon," American Philosophical Society Proceedings, vol. 38 (1899), p. 98.

> With regard to a Station for the Protection of the King's Ships, I know of no place so proper as York Town, if it could be taken Possession of, fortified & garrisoned with 1,000 Men. As by having 1,000 Men more at a Post somewhere in Elizabeth River, York & James Rivers would be ours, and our Cruizers might command the Waters of the Chesapeak.[85]

In less than a month after joining Arnold at Portsmouth, Phillips determined to attack the militia force at Williamsburg and destroy the battery at Yorktown. On April 18 he embarked a force and on the next day proceeded up the James river to Burwell's Ferry, where the men landed. Lieutenant Colonel Simcoe and his famous Queen's Rangers were detached to attack Yorktown. He was given detailed instructions as to his actions. One of these was to the effect that if the works were closed, he was not to attack them without further orders. Simcoe and his forty men rode toward their objective for the remainder of the day, but were halted some distance from Yorktown by a violent storm. Having learned that the town was defended by "only the artillery men, who superintend the battery, and a few militia", Simcoe and his men galloped into the town the next morning. They captured a few artillery men, but the majority of them escaped in a boat. After this success he

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85 "Substance of Opinions given to Major General Phillips in several Conversations previous to his Embarkation, on the Subject of Operations in the Chesapeak," Cornwallis's Papers.

fired the already loaded guns of the battery as a signal to the Bonetta, a sloop of war sent to cooperate with him, and at that time hovering downstream. The sloop sailed up the river and anchored off the town. Either under the orders of Simcoe or Captain Dundas of the Bonetta, "a range of the rebel barracks" was burned and some cannon were destroyed. On the following morning Simcoe joined Phillips at Williamsburg. He reported to his commander that it would take two thousand men to defend Yorktown.[86] This must have discouraged any idea that Phillips might have had to occupy Yorktown as instructed by Clinton.

The British under Phillips and Arnold continued the destruction of military stores on their subsequent march to Petersburg. Meanwhile, Lord Cornwallis with his southern army had been unsuccessful in his attempts to conquer the Carolinas. He determined, therefore, to march northward and join his forces, weakened by arduous marches and severe battles, with those of Phillips. After that he would be able to carry on extensive operations in Virginia, which, if conquered, would divide the colonies as well as eliminate the strongest factor in the rebellion. Marching northward into Virginia, Cornwallis joined Arnold at Petersburg on

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[86] Lieutenant-Colonel Simcoe, A Journal of the Operations of the Queen's Rangers, From the End of the Year 1777, to the Conclusion of the late American War, 131-34. See also letter of Arnold to Clinton of May 12, 1781 in Cornwallis's Papers.

May 20.[87] General Phillips had died a few days before.

Lafayette, meanwhile, had reentered Virginia with his Light Infantry to aid in the defense of that state. He was encamped at Richmond, and Cornwallis determined to attack him. He put his army into motion the last of May, but Lafayette was not to be caught. He retired before the superior British army, and a campaign of gruelling marches began. Clinton, meanwhile, feared an attack on New York by Washington. He therefore sent a peremptory order to Cornwallis to take up a defensive post at Williamsburg and Yorktown, or Old Point Comfort, and send every man he could spare to New York.[88] Following this order, Cornwallis visited Yorktown on June 28, escorted by Lieutenant Colonel Simcoe and his Rangers. The Americans fired a few shots from Gloucester at the escort when it marched into Yorktown from Williamsburg, "and were prepared to repeat it on its return; but this was avoided by keeping on the heights...."[89]

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[87] A few days after Cornwallis reached Petersburg, his army was strengthened by the arrival of the Seventeenth and Forty-third regiments and two battalions of the Anspach. His army then numbered over 7,000 men. Lieutenant-colonel Tarleton, A History of the Campaigns of 1780 and 1781, in the Southern Provinces of North America, 300.

[88] Letter of Clinton to Cornwallis, June 11, 1781, in Benjamin Franklin Stevens, editor, The Campaign in Virginia 1781. An exact Reprint of Six rare Pamphlets on the Clinton-Cornwallis Controversy ..., II, 18-23.

[89] Simcoe, op. cit., 167-68.

Cornwallis disapproved of Yorktown at this time, writing Clinton "that it far exceeds our power, consistent with your plans to make safe defensive posts there & at Gloucester, both of which would be necessary for the protection of Shipping".[90] After relaying this information to his commander, Cornwallis continued to Portsmouth, where he received word that he was to keep all of his men. He was ordered, however, to inspect Old Point Comfort as a possible naval base.[91] Upon receipt of this order, the engineers and naval commanders, together with Lord Cornwallis, inspected Old Point. On the advice of his experts, the British commander decided against it as a base since his guns could not command Hampton Roads. He was advised that a better post could be established at Yorktown and Gloucester, since he was now permitted to retain his whole force, Cornwallis's former objection to Yorktown was no longer valid and he decided to occupy it.[92]

After making this decision, Cornwallis embarked with about 4500 men on the twenty-ninth of July for Yorktown. Due to contrary winds all of his advance force did not

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[90] Letter of Cornwallis to Clinton, June 30, 1781, in Stevens, op. cit., II, 35-36.

[91] Letter of Clinton to Cornwallis, July 11, 1781, in Ibid., II, 62-3.

[92] Letter of Cornwallis to Clinton, July 27, 1781, in Ibid., II, 104-8.

arrive until August 2. Brigadier General O'Hara remained at Portsmouth with a rear guard and a large group of refugees to destroy the works at that post.[93] He was to join the main army at a later date.

Yorktown as it appeared at the time of the arrival of the British was described by Johann Doehla, a German soldier in the advance force of Cornwallis:

> This Yorktown, or Little-York, is a small city of approximately 300 houses; it has, moreover, considerable circumference. It is located on the bank of the York River, somewhat high on a sandy but level ground. It has 3 churches, 2 reformed English and 1 German Lutheran, but without steeples, and 2 Quaker meeting houses, and a beautiful court or meeting house, which building, like the majority of the houses, is built of bricks. Here stood many houses which were destroyed and abandoned by their occupants. There was a garrison of 800 militia men here, but upon our arrival they marched away without firing a shot back to Williamsburg, which is 16 English miles from here.[94]

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[93] Letter of Captain Hudson to Admiral Graves, August 18, 1781, in French Ensor Chadwick, editor, The Graves Papers and Other Documents Relating to The Naval Operations of the Yorktown Campaign July to October, 1781, pp. 37-38.

[94] Johann Conrad Doehla, Tagebuch eines Bayreuther Soldaten des Johann Conrad Dohla aus dem Nordamerikanischen Freiheitskrieg von 1777 bis 1783, 133-34. This is the only mention of churches, other than that of Yorkhampton parish, being in Yorktown in 1781.

"Great part of the houses," wrote Tarleton, "form one street, on the edge of a cliff, which overlooks the river. The buildings stand within a small compass, and the environs of the town are intersected by creeks and ravines." Tarleton, op. cit., 372.

While it is true that Yorktown did not include as much land as Williamsburg, it was one of the larger towns in the colony. Although the best houses of the town were along the

Upon arriving, Cornwallis divided his force between Yorktown and Gloucester. The former appears to have been practically deserted by its citizens. "We found few inhabitants here", wrote Doehla on landing on July 31, "as they had mostly gone with bag and baggage into the country beyond."[95]

Shortly after his arrival, Cornwallis, on August 9, notified the inhabitants of Elizabeth City, York and Warwick counties that they were in the power of the British and ordered them to come to his headquarters in Yorktown before August 20 to give their paroles. They were also notified at the same time that reasonable prices would be paid for provisions. Any person who failed to take out a parole would be imprisoned when taken, and his cattle and corn confiscated.[96] Following this notification, Cornwallis ordered the families of the persons who had left Yorktown to remove

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main street, it is doubtful that the greater part of them were along it at the time of the arrival of the British. This statement became true after the devastation of the siege.

[95] Doehla, op. cit., 134. This statement was corroborated by Corporal Stephen Popp, another German mercenary, who said that "most of the owners of the houses had left them,..." Joseph G. Rosengarten, translator and editor, Popp's Journal 1777-1783, 17.

[96] MS copy of this notification in St. George Tucker papers, Division of Research and Record, Colonial Williamsburg, Inc., Williamsburg, Virginia.

with their effects by August 22.[97] In this way he was able to remove possible drains on his food provisions.

Despite this order, several prominent citizens of Yorktown were held by the British when they occupied the town. Abraham Archer, the local customs collector, and Dr. Corbin Griffin were siezed and placed on prison ships. Governor Nelson made every effort to obtain the release of these men.[98] In addition many of the families of the town were held for a period of time by Cornwallis. Mr. William Reynolds, the merchant, wrote after the siege that his family had been held prisoners by the British for six weeks.[99] On September 25, just prior to the siege, the Governor wrote a letter to Cornwallis asking permission for former inhabitants of Yorktown to bring out their effects. If permission were granted, wagons would be furnished for the purpose. It appears that several of the citizens were still in the town at this time, for Nelson requested leave to allow the remaining

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[97] Letter of Lafayette to Nelson, August 19, 1781, in Gilbert Chinard, editor, Lafayette in Virginia: Unpublished Letters From the Original Manuscripts in the Virginia State Library and the Library of Congress, 50.

[98] Letter of Nelson to Cornwallis concerning Archer, September 3, 1781, in Palmer, op. cit., II, 331; also letter from Nelson to Cornwallis about Griffin, September 25, 1781, in McIlwaine, Governors' Letters, III, 66.

[99] Letter to William Murdoch, October 26, 1781, in MS Letterbooks of William Reynolds (1771-1785), Manuscripts Division, Library of Congress.

inhabitants to come out at the same time.[100] At least one prominent citizen, Secretary Nelson, stayed in town, but not as a prisoner, until after the actual bombardment began. He was sent through the lines under a flag of truce on October 10, the day after the opening of the allied batteries. The policy followed by the British with respect to the inhabitants of the town has not been clearly understood. The retaining of some persons as prisoners, while forcing the removal of others, must have had some basis of selection. The prominence of the individuals did not seem to have much bearing on the decision.

Upon learning of the move of the British from Portsmouth to Yorktown, Lafayette moved his forces from Malvern Hill to the Pamunkey river so that he could keep a better watch on Cornwallis. Colonel James Innes was sent to Gloucester with a force of militia to harrass the enemy, while Colonel Matthews operated on the York side.[101]

When Cornwallis first arrived in the York river harbor, he ordered Lieutenant Sutherland, of the engineers, to trace out a chain of redoubts to cover Gloucester. At that time a small village of about a dozen houses stood on

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100 Letter of Nelson to Cornwallis, September 29, 1781, in McIlwaine, Governors' Letters, III, 66.

101 Letter of Lafayette to Nelson, August 16, 1781, in Chinard, op. cit., 48.

Gloucester Point. This point protruded into the river opposite Yorktown and narrowed its course to about one-half mile. The large water battery on the Gloucester shore, which was probably built originally by the Americans, was protected by a line of four redoubts and two batteries stretching across the neck of land. The Eightieth Regiment, who were afterwards joined by the Hessian battalion of Prince Hereditaire, with the aid of work forces from the other regiments, made rapid progress with the fortification of this post.[102] The work of the army was concentrated on these fortifications, and on August 22 Cornwallis wrote Clinton that "the works at Gloucester are now in such forwardness, that a smaller detachment than the present garrison would be in safety against a sudden attack; but I make no alteration there, as I cannot hope that the labour of the whole will complete that post in less than five or six weeks."[103]

In this same letter Cornwallis stated that O'Hara had arrived on that day with the stores and troops "and a great number of refugees have accompanied him from the counties of Norfolk, Suffolk, and Princess Anne." With the arrival of his full army, Cornwallis began the erection of fortifications around Yorktown. According to his letter to Clinton,

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[102] Tarleton, op. cit., 371-2.

[103] Stevens, op. cit., II, 138.

the engineer had completed his survey and proposed a plan which Cornwallis considered "judicious" and he therefore ordered it carried out. The letter continued:

> My experience there [at Gloucester] of the fatigue and difficulty of constructing works in this warm season, convinces me, that all the labour that the troops here will be capable of, without ruining their health, will be required at least for six weeks to put the intended works at this place in a tolerable state of defence. And as your Excellency has been pleased to communicate to me your intention to re-commencing operations in the Chesapeak about the beginning of October, I will not venture to take any step that might retard the establishing of this post; ...[104]

Cornwallis' military and food stores were not in the best condition. He had taken few supplies at Yorktown, only four eighteen and one twenty-four pounder cannon, and he possessed only six hundred stand of spare arms.[105] This contributed to the shortage of artillery and engineer's stores. The consumption of his provisions was increased greatly by the large group of refugees which came with O'Hara, "and by

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[104] Loc. cit. Cornwallis did not exaggerate the danger of overworking his men in the oppressive summer heat of Tidewater Virginia. The extreme humidity of the climate must have been especially debilitating to the British army, as they were not only "unseasoned", but had also endured a most grueling campaign.

[105] Ibid., 139. These cannon were probably the ones mentioned by Governor Harrison in a letter to Colonel Dabney on August 3, 1782: "When the Town fell into the Hands of the English there were some fine cannon in it belonging to the State...." McIlwaine, Governors' Letters, III, 238.

negroes that are employed in different branches of the public service".[106]

The plan for fortifying Yorktown, as prepared by the British, appears to have been most judiciously designed. The town stood on the bank of the river, thirty or forty feet above the water. Its situation made it formidable against an attack from the river, but it possessed no commanding features against a land attack. The British defenses, however, took advantage of every usable feature of the ground. The town was covered both to east and west by creeks or swamps, which were impassable for an army. These formed, therefore, perfect defenses for the flanks of the British position. In the center, between the heads of these creeks, the high ground was approximately half a mile wide. This was easily defensible.

The plan of the fortifications called for the establishment of two lines. The inner works, close around the town, consisted of ten redoubts and ten batteries. On the right of this line, the redoubts and batteries were slightly advanced, with a line of stockade in the rear, which supported a high parapet of earth. On the left of the center of the line, covering the York-Hampton road, was a projecting redoubt, known as the horn work, which was the

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106 Stevens, loc. cit.

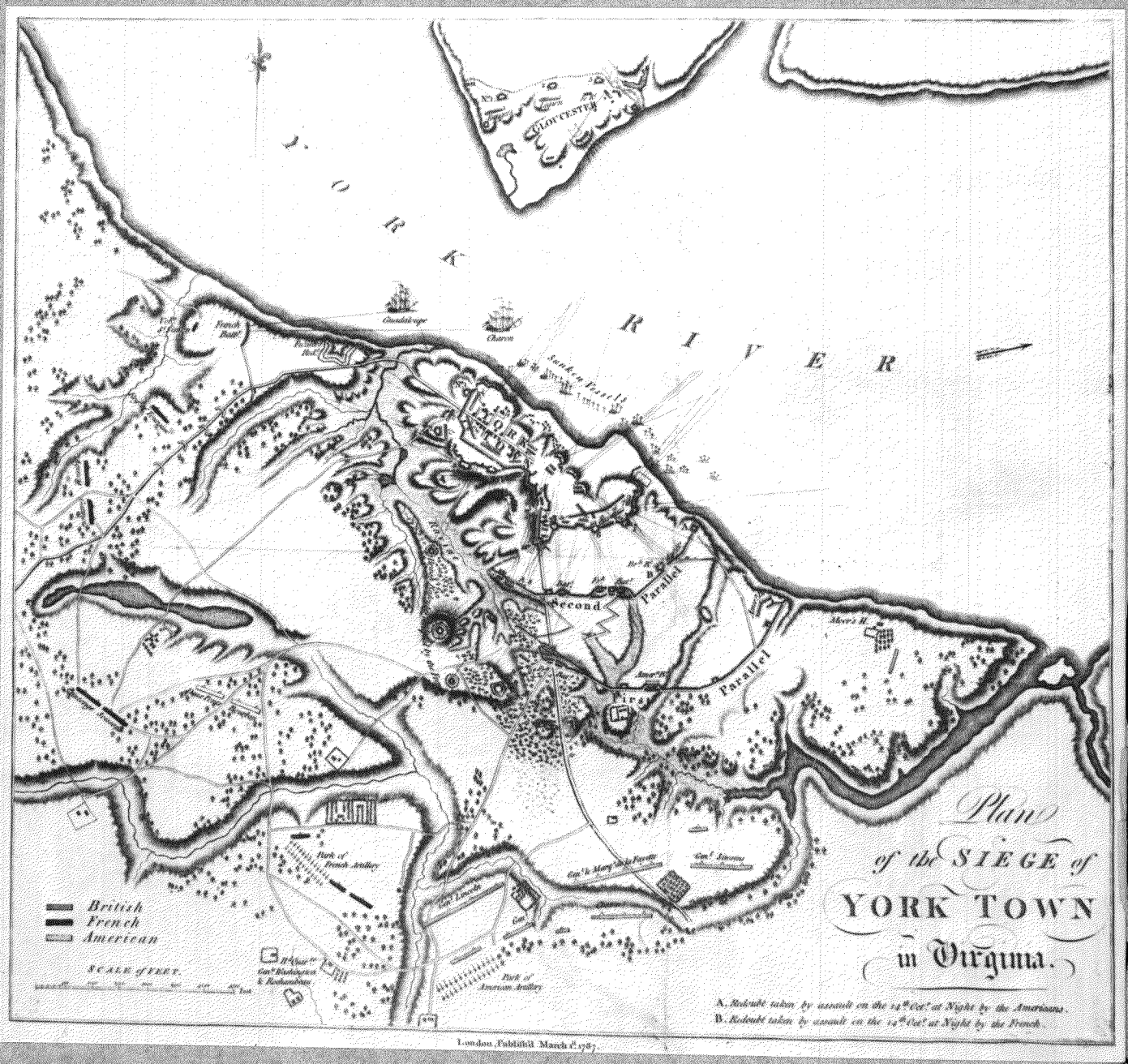


Figure 14.-- Copy of "Plan of the Siege of York Town in Virginia," in Lieutenant-Colonel Tarleton, A History of the Campaigns of 1780 and 1781, in the Southern Provinces of North America (London, 1787), 394.

strong point in the line and was, therefore, ditched, fraised and abatised. On the left the inner line was stronger with the redoubts and batteries connected by communicating trenches, with deep ditches in front. This part of the line was fraised, but had no stockade or abatis. Two redoubts, called Redoubts Nos. 9 and 10, were placed in advance of the left to furnish additional protection to it. They were ditched, fraised and had good abatis placed around them.

The outer works were constructed with the idea of commanding all approaches to the town, and to take advantage of the natural features of the topography. On the right, in front of the morass, was a strong star-shaped redoubt, named Fusiliers' Redoubt after its defenders, the Royal Welch Fusiliers (23rd Regiment of Foot). A good ditch, fraising, abatis and small cannon aided in its defense. It commanded the river road to Williamsburg. On the left, batteries and fleches were built to command all approaches. Trees were felled to further block the swamps and roads. On the high ground in the center, called the "gorge", ran the main roads to Hampton and Williamsburg. On this site the engineers planned three redoubts, one on each side of the Williamsburg road, and a third, a field work mounting cannon, commanded the Hampton road. In addition, field guns were placed by Captain Rochfort of the Royal Artillery, at locations to strengthen the defense. The entire center was protected by

a thin wood, the front of which the engineers cut down with the branches facing outwards.[107] These were the defensive fortifications as planned by the British, but the heat and the lack of intrenching tools delayed their completion.

Cornwallis having approved of the plan and ordered its execution, the works were traced out on the ground. In the case of the inner line, since it ran through the town and since the fields of fire had to be cleared, it was necessary to tear down many houses.[108] Working parties were ordered out of all the corps, except Tarleton's British Legion, who were stationed at an advanced post. The troops were encamped around the town, mainly on the level land to the left of the British lines.

Work on the fortifications around Yorktown was conducted in a leisurely fashion until August 30. On that day news was received that a French fleet had arrived in Chesapeake Bay. The French West Indies fleet under the command of the Comte de Grasse sailed into the bay, drove back some British cruisers, and captured one of them, the Loyalist. A ship of the line, the Glorieux, two frigates and the

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107 The description of the British fortifications at Yorktown is taken from the following works: Tarleton, op. cit., 364-65; John Hayman, "Map of the Siege of Yorktown," British Museum Add. MS 15535.6; John Mills, "A Plan of York Town and Gloucester,..." Map Division of Library of Congress.

108 Tarleton stated that "the troops after levelling some houses, proceeded to construct the fortifications." Tarleton, op. cit., 372.

captured sloop anchored in the mouth of the York river.[109] Boats were detached and the Marquis de Saint Simon with three thousand French troops sailed up the James river to Jamestown. They then marched to Williamsburg where they joined forces with Lafayette, who had moved down from his position at the forks of the York river.[110] On September 5 the French fleet defeated the British fleet commanded by Graves, and then was able to maintain the blockade.

The result of the information of the arrival of the French fleet on the British at Yorktown was the circulation of wild rumors among the men, and the increase in the work on the fortifications. Stephan Popp recorded that they were working day and night strengthening the lines, and that they had hardly time to eat and little food.[111] When not engaged

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[109] Doehla, op. cit., 135; "Journal historique Des mes Voyages en Amerique mles D'un Requeil fidelle Des Differents Campagne que j'y ai faite Et De Different Evenement arrivee aux Antille." MS diary in Manuscripts Division of the Library of Congress.

[110] Henry P. Johnston, The Yorktown Campaign and the Surrender of Cornwallis, 1781, 95. Tarleton criticized Cornwallis severely for not attacking Lafayette at Williamsburg. Considering the strong position occupied by the French and American forces, and the reassuring news from New York, there appears to be little reason for such criticism. Tarleton, op. cit., 380. Cf. C. Stedman, The History of the Origin, Progress, and Termination of the American War, II, 407-8.

[111] Rosengarten, op. cit., 17. The wild rumors are illustrated by the following sentences from Doehla: "There must be 46 men-of-war and frigates, as well as a fleet of transports, of at least 42 sail, which landed troops at Hampton and took on fresh water. Furthermore, General

in digging and revetting the fortifications, the British and German troops were busy providing protection for the powder magazines in town and felling trees so as to block the roads approaching Yorktown.[112] Despite the hard work and the imminence of attack, the feeling of optimism among the British was strong. Lieutenant Colonel Duncan McPherson of the 71st regiment wrote to a friend on the night of August 31:

> Nothing but hard Labour goes on here at present in constructing & making Batteries towards the River, & Redoubts towards the Land. The troops are in perfect health & if our Enemies are polite enough to give us three day's grace, we shall be able to receive the Count de Grass, & his friend the Marquiss in a proper manner = ... [A few days later he added to this same letter:] We most heartily dispise in our present situation the united force of the Yankies & the amatiated West India French lately landed, our position being naturally so strong & assisted with the greatest skill by Art, a fine train of Artillery ....[113]

Washington approached us on the land side from Williamsburg, with an army of 20,000 men, to whom the French General the Marquis de la Fayette and the Prince von Nassau-Zweibruechen [Comte de Deux-Ponts], with a corps of 10-12,000 Frenchmen, were advancing. And thus we must sumit attack by land and water." Doehla, op. cit., 136. The actual strength of the combined American and French army was about 16,000 men.

112 "In front of our lines and encampment," wrote Doehla on September 4, "all the roads were barricaded with tangled trees, over which the enemy could not march so easily." Ibid., 137.

113 Letter of McPherson to [W], August 31-September 6, 1781, MS letter in Washington Papers, vol. 185, in Manuscripts Division of the Library of Congress.

In order to make up the deficiency of cannon to mount in the fortifications, the ships in the harbor had their munitions and provisions brought ashore, and the lower tiers of guns in the warships and frigates were brought into the earthworks. The seamen were employed in constructing the water batteries and the outlying field works. Captain Thomas Symonds wrote to Rear Admiral Graves on September 8 that

> most of the Cannon & ammunition of the Charon are landed, and great part of the Crew in tents, and employed in enlarging the Sea Battery, and assisting the Army; the Guadaloupe is moor'd head & stern, opposite a Creek above York Town to enfilade a Gulley should the Enemy attempt to cross it.
>
> The Foweys Ammunition & Provisions are ashore, and she is haul'd close in, and her Men assisting at the Batteries: - The Bonetta at Gloucester side, Captn Dundas ashore with his officers and Men, to Man the Batteries, Assisted by 30 of the Fowey's Men.[114]

The seamen were also busy in preparing fireships to be sent against the French fleet. Five such ships, filled with resin sailed out on the night of September 22 toward the four French ships at the mouth of the York, but the attempt failed. It appears that the ships were lighted too soon, and the French were warned and made their escape.[115]

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[114] Chadwick, op. cit., 103-4.

[115] In his report of this attempt against the blockading French fleet, Captain Symonds wrote:

"On the 21t the Enemy's Ships advanced consisting of three Sail of the Line and a frigate, from a Report from our

Meanwhile events were moving toward a climax. At the middle of August word had come to Washington that de Grasse had sailed from the West Indies for the Chesapeake. Washington instantly gave up his proposed attack on New York and with nearly 8000 French troops and about 2000 troops of his own army marched to meet de Grasse in Virginia. The movement started on August 18 with a feint toward Clinton. This was so effective that not until September 2 could Clinton write to Cornwallis: "By intelligence I have this day received, it would seem that Mr. Washington is moving an army to the southward, with an appearance of haste ...."[116] The Americans and French pushed southward rapidly to the

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Guard Boats, their not keeping that look out, which might be expected from advanced Ships I ordered four Vessels belonging to the Quarter Master Generals Department to be fitted as Fire Vessels, with the utmost expedition, and directed Captain Palmer of the Vulcan to proceed in the Night, whenever the Wind offered to endeavour to destroy the Enemy, or drive them from the Post they had taken as it prevented a Communication from New York or the Eastern Shore, he took a favourable Opportunity of the Night of the 32d about twelve O.Clock to slip with the other Vessels, and ran down to the French Squadron, and though he did not meet with the Success which was to be wished, he obliged all the Enemys Ships to cut, and two Sail of the Line were run ashore, and on board each other, but afterwards got off, owing to very moderate Weather, one of which I am convinced met with considerable Damage as she ran down the next Day to join her Admiral. I cannot say too much in favor of Captn. Palmers behaviour on this Occasion, it was Spirited and well conducted, and had not the Enemy been alarmed at almost the Instant he was within hail of them, when they sliped, two Ships of the line must have been destroyed." Letter to Graves, September 29, 1781, in ibid., 128-29.

[116] Stevens, op. cit., II, 149.

Head of the Elk and Annapolis, where they were met by transports collected by the local authorities or sent there by de Grasse. The armies were then carried down the Chesapeake, then up the James river to landings near Jamestown. By September 26 the American and French armies under Washington had joined Lafayette and St. Simon in Williamsburg. Together with the assembled Virginia militia, the allied forces totaled about 16,000 men.

The news of the march of the Americans and French served to intensify the work on the fortifications around Yorktown. On September 8 Cornwallis wrote Clinton: "As my works were not in a state of defence, I have taken a strong position out of the town. I am now working hard at the redoubts of the place."[117] The blockading of the roads and the strengthening of the abatis and palisades continued. The town of York, however, was paying a heavy price. Both Popp and Doehla mention on September 12 the destruction of many houses. Doehla states that they were destroyed "because they were a hindrance outside our line".[118] This would indicate that the houses stood outside of the inner line and were torn down to make a clear field of fire.

Despite the great efforts of the British, the works progressed slowly. Cornwallis spoke of his "half-finished

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117 Ibid., 155.

118 Doehla, op. cit., 133; Rosengarten, op. cit., 18.

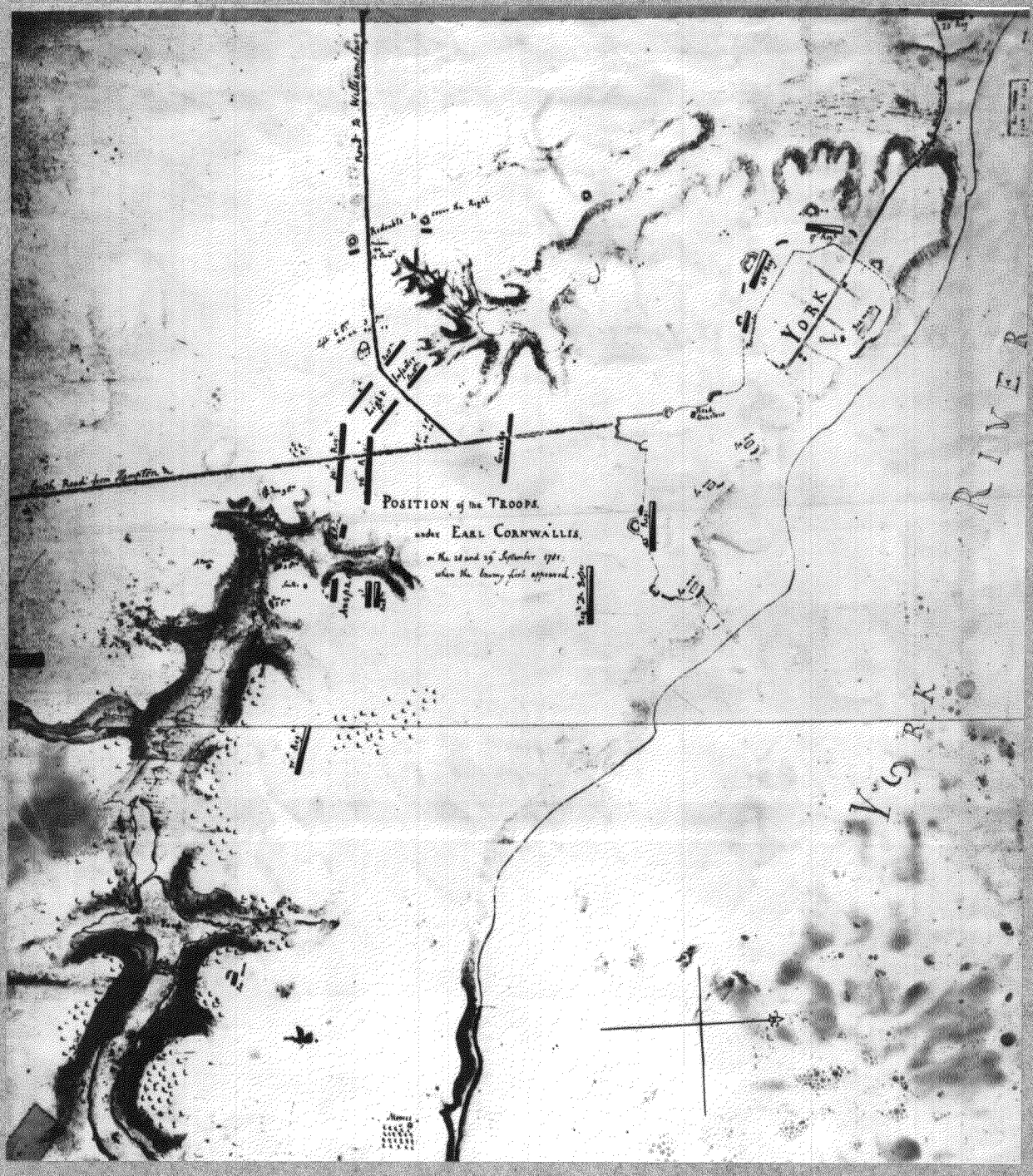


Figure 15.— "Position of the Troops Under Earl Cornwallis, on the 28 and 29th September 1781". Copy of original map in Clinton Papers, William L. Clements Library, Ann Arbor, Michigan.

works" in a letter to Clinton on September 16.[119] At the time of the approach of the allies, the British had been arranged outside of Yorktown. The British Legion occupied an advanced post beyond the "gorge", while the second battalion of the Anspach formed the first line on the "gorge". The 1st battalion of the Light Infantry, the Brigade of Guards, the 76th regiment and the 1st battalion of the Anspach formed a second line. The 33rd and De Bose regiments formed the reserve. The 17th, 23rd, 43rd, with some provincial corps, as well as loyalists embodied into companies, occupied the redoubts near the town. The seamen appear to have occupied all of the batteries. Across the river in Gloucester the lines were occupied by Prince Hereditaire Regiment, the Queen's Rangers and some Jagers. A study of a contemporary map giving these locations and the appearance of the British lines indicates the poor state of the inner line. Work had been apparently concentrated on the redoubts and batteries, and the connecting trenches

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119 Cornwallis was not optimistic about his chances of withstanding a siege at this time. "If I had hopes of Relief," he wrote in this same letter, "I would rather risk an Action than defend my half-finished Works." On the next day, September 17, he added a postscript: "This place is in no State of defence. If you cannot relieve me very soon, you must be prepared to hear the Worst." Stevens, op. cit., II, 157-58.

had not been dug.[120] Thus stood the British army at the time of the advance of the allies.

After assembling the allied forces and organising them, Washington ordered the army at Williamsburg to march toward Yorktown on September 28. The Duke de Lauzun's Legion had been sent previously to reinforce General Weedon and his militia at Gloucester. To the approach of the allies no resistance was offered. For Cornwallis it would have been a waste of men, and as the advance corps appeared the British pickets fell back. The Light Infantry, commanded by Abercrombie, which covered the British right, were the first to contact the enemy. After giving the alarm, they fell back before some artillery ordered up by Rochambeau. Tarleton's Legion covered the British left, and also made contact with the allies. The Americans were separated from the Legion by a creek, which for the moment permitted no aggressive action other than the firing of a few cannon by the Americans. Tarleton withdrew his command at sunset to the Moore House, about one mile below Yorktown. No casualties occurred on either side in this advance. The allies formed a line extending

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[120] The positions of the British army and the condition of the works before Yorktown are taken from the map entitled "Position of the Troops under Earl Cornwallis, on the 28 and 29th September 1781", MS map in Clinton Papers, William L. Clements Library, Ann Arbor, Michigan.

from the York river, above the town, to a creek known as Beaverdam, the French on the left and the Americans on the right, within about a mile of the British posts. Here the allies lay on their arms for the night. The British had struck their tents and moved their encampments into the narrow confines of the town at the first alarm.[121]

On the following morning the American wing moved to the right, and nearer the enemy, and the entire army formed into permanent camps, forming a semicircle around the British forces.

At the time that the allied forces were completing their investment of the British position, Cornwallis received a letter from Clinton advising him of the arrival of Admiral Digby with three ships from Europe. Clinton, furthermore, stated that it was his determination to embark more than 5000 men for the relief of Cornwallis, and that he believed they would sail from New York by October 5.[122] This information probably caused Cornwallis to order his troops to withdraw from the extended outer line and take up positions in the much shorter line of fortifications around the town. In his letter to his commander in chief

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[121] Johnston, op. cit., 106-8; Tarleton, op. cit., 362-64; Doehla, op. cit., 130.

[122] Letter of Clinton to Cornwallis, September 24, 1781, in Stevens, op. cit., II, 160.

on the night of September 29, Cornwallis boasted:

> I have ventured these last two days to look General Washington's whole force in the face in the position outside of my works, and I have the pleasure to assure your excellency, that there was but one wish throughout the whole army, which was, that the enemy would advance.[183]

This wish of the British was soon answered by the allies. On the morning of September 30 they discovered the empty redoubts, and immediately occupied them. After reversing them, the Americans constructed another work to complete the line. With the occupation of this line the allies obtained without loss of life the only practicable approach to the town of York. Tarleton wrote of the situation of the British after the withdrawal:

> The ground in front of the left was in some parts on a level with the works, in others cut by ravines, and altogether very convenient for the besiegers. The space within the works was exceedingly narrow, not large enough for retrenchments, and, except under the cliff, exposed to enfilade.

He later expressed the belief that the relinquishing of these outer works "to coop the troops up in the contracted

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[183] The letter continued: "I have this evening received your letter of the 24th, which has given me the greatest satisfaction. I shall retire this night within the works, and have no doubt, if relief arrives in any reasonable time, York and Gloucester will be both in possession of his Majesty's troops." Ibid., 169. This expression of confidence is in marked contrast to his gloom of the 16th and 17th. The reason for the change must have been the information about the relief party in Clinton's letter.

and unfinished works of York town, unexpectedly hastened the surrender of the British army". [134]

On the morning of September 30 the French attacked Fusiliers' Redoubt on the right of the British line, but were driven off. The British also kept up a constant bombardment of the allies working on the abandoned lines. As the allies had not been able to bring up their heavy artillery, the fire of the British was not answered. On October 2, according to Colonel Butler of the American army, the British fired three hundred and fifty-one shot between sunrise and sunset. [135]

The British were also employed in attempting to complete their line of fortifications. The intensification of this work indicates the unfinished condition of the inner line. Deahla wrote that by October 1 the troops had

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[134] Tarleton, op. cit., 385. Sir Henry Clinton also seized upon this move by Cornwallis for much bitter criticism during the famed controversy between these two officers. See Sir Henry Clinton, Observations on Mr. Stedman's History of the American War, 22. It cannot be seen how this action by Cornwallis did more than hasten the inevitable end. He had been assured by Clinton that aid was on its way, and, as Johnston pointed out, his left flank could be turned by the passage of Wormeley creek. Johnston, op. cit., 121.

[135] Richard Butler, "General Richard Butler's Journal of the Siege of Yorktown," Historical Magazine, VIII (March, 1864), 107. Captain John Davis of the American army said that on October 1 the British fired about forty guns an hour during the day and ten an hour at night. Captain John Davis, "The Yorktown Campaign. Journal of Captain John Davis of the Pennsylvania Line," Pennsylvania Magazine of History and Biography, V (1881), 303.

been placed on a schedule of four hours work on the fortifications and four hours rest; or three duties of four hours' work on the fortifications every twenty-four hours. In this way there was a force of 2000 men laboring constantly on the works.[126] Progress appears to have been made in this work for on October 3, Cornwallis was able to say that the works were "in a better state of defense than we had reason to hope".[127] Other parties of the infantry were employed on the magazines in town, and on the outlying redoubts on the left.

The withdrawal from the outer line must have also affected the houses in the town of York. Cut off from the wooded areas which would have furnished the timber necessary for the completion of their fortifications, it is logical to assume that the British should turn to the wooden houses in the town to secure revetment material. Lieutenant John

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[126] Doehla, op. cit., 140. The heavy labor under the summer heat must have been one of the main causes of the high percentage of sick among the British and German troops. As early as September 2, Corporal Popp wrote that there was much sickness in the army — "1500 said to be in the hospitals." Rosengarten, op. cit., 17. Doehla said of the sickness on September 11th: "Many of the men have taken sick here with dysentery or the bloody flux and with diarrhea. Also the foul fever /typhoid fever/ is spreading, partly on account of the many hardships from which one has little rest day or night, and partly on account of the awful food; but mostly, the nitre-bearing water is to blame for it." Doehla, op. cit., 137.

[127] Letter to Clinton, October 3, 1781, in Stevens, op. cit., II, 175.

Bell Tilden of the Second Pennsylvania Line wrote of this work in his journal. On a reconnaisance close to the British lines on the night of September 30 he "heard a confused noise of tearing down buildings, for to make fortifications".[128] The destruction of the houses in Yorktown must have been very evident for on October 2 Captain John Pryor wrote: "The Enemy have pull'd down almost every Wooden House in Town & I suppose we shall knock down every Brick one, so that the Town between us will be demolish'd entirely."[129]

The British were especially fearful of a water attack by the French navy. On September 16 Captain Thomas Symonds of H. M. S. Charon in the York River wrote to Rear Admiral Graves that as soon as the allied forces were

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[128] John Bell Tilden, "Extract from the Journal of Lieutenant John Bell Tilden, Second Pennsylvania Line, 1781-1782," The Pennsylvania Magazine of History and Biography, XII (April, 1888), 50.

The French army used bundles of branches, called fascines, to form the embrasures for their guns, while the English employed planking for this purpose. Claude C. Robin, New Travels through North-America: in a Series of Letters; exhibiting the History of the Victorious Campaign of the Allied Armies, under His Excellency General Washington and the Count de Rochambeau, in the year 1781, 58.

[129] Letter to Colonel W. Davies, October 2, 1781, in Palmer, op. cit., II, 518. See Appendix G for additional information on the buildings in Yorktown destroyed by the British.

united "York will be attacked both by land and Sea".[130] Additional proof of this belief on the part of the British can be seen in their preparations against an attack from water. On October 4 a commander of a boat captured as it came out of the York river told his inquisitors that ten or twelve large merchant ships had been sunk before Yorktown and piles driven in front of them to prevent the French vessels from approaching the town close enough to land troops "which they are infinitely afraid of. . . ."[131]

Meantime there was activity and excitement on the Gloucester side. After the arrival of the Duke of Lauzun's Legion, six hundred strong, eight hundred marines were sent to Gloucester by the French navy. Brigadier General M. de Choisy was named commander of the entire force. On October 3 a force of Legion dragoons under the Duke de Lauzun met a corps of Tarleton's Legion as the latter was returning from a foraging expedition. After a brief, but brisk, skirmish the British retired within their lines. Choisy fixed his main camp, placing strong advanced posts within a mile and a half of Gloucester. The two opposing forces

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130 Chadwick, op. cit., 107. Cornwallis in his letter to Clinton after the siege gave as one of the reasons for his surrender that "a diversion by the French ships of war at the mouth of York-river, was to be expected." Letter to Clinton, October 20, 1781, in Stevens, op. cit., II, 213.

131 Washington Papers, vol. 185, Manuscripts Division of the Library of Congress.

stayed in that situation until the close of the siege. The Gloucester operations thereafter took on the character of a blockade.

On the Yorktown side, the allies by the night of October 6 had collected sufficient material to open their first parallel. Information concerning the move was given to the British by a French Hussar who deserted to them. Since he was stationed on the British right in front of Fusiliers' Redoubt, his information was completely misleading. Knowing nothing of the intentions of the allies beyond the information given them by the Hussar, the British concentrated all their fire on the extreme left of the allied position. The remainder of the British line was kept on the alert to repulse an expected attack.[132] On the following morning the allies had dug their trenches sufficiently deep to afford protection to the workmen. This parallel was about 1,000 yards long and averaged about 600 yards distance from the British lines.

The British continued to work on their fortifications, and since the allies had not brought up their cannon, they were not interrupted by the enemies' fire. At the time of

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[132] The British apparently believed that the allies would make an assault on the town. Doehla stated that on the night of October 7 his regiment remained dressed and watchful all night, and the men in the trenches were posted so as to support the advanced pickets in case they were attacked. Doehla, op. cit., 141.

the opening of the allied batteries, Doehla wrote: "Until today the enemy had not fired a single cannon shot at us, and so worked on for 9-10 days, day and night. Unheeded we fired at them continually this whole time both by day as well as by night, with cannon, bombs, and howitzers; but they labored on notwithstanding at their works."[133]

After prodigious work in dragging the heavy cannon over the poor roads and stumpy fields, and the construction of the battery positions in the first parallel, the allies were ready on October 9 to open their bombardment of the British position. At three o'clock in the afternoon the French battery opposite Fusiliers' Redoubt opened fire on the right wing of the British line and the shipping in the river. The fire caused some consternation in the British ranks because they had been led to believe "that they had only their regimental cannon here and could, in view of the dense wood and swamps, bring up no heavy guns".[134] That same evening the batteries of the first parallel opposite the British left opened fire.

The most graphic description of the bombardment from the British viewpoint is that of a German soldier. It is evident that the terrific intensity of the bombardment was

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[133] Lee, cit.

[134] Ibid., 142.

completely unexpected. On October 10 he wrote in his Tagebuch:

> 10. October. Early this morning we had to change our camp and pitch our tents in the earthworks, on account of the heavy fire of the enemy. They threw bombs in here from 100, 150 pounds and also some of 200 pounds; and their howitzer and cannon balls were of 18, 24, and 36, and a very few of 12 pounds. One could therefore not avoid the horribly many cannon balls either inside or outside the city. Most of the inhabitants who were still to be found here fled with their best possessions seatward to the bank of the York River, and dug in among the sand cliffs, but there also they did not stay undamaged; for many were badly injured and mortally wounded by the fragments of bombs which exploded partly in the air and partly on the ground, their arms and legs severed or themselves struck dead. The ships in the harbour also suffered great damage because the cannon balls flew across the whole river to the Gloucester shore ....[135]

During the night the French battery opposite Fusiliers' Redoubt fired red hot shot at the British ships in the river. This was successful in setting fire to the Charon, a 44-gun frigate, which in turn set fire to two transports. This conflagration must have been an awe-inspiring sight. At the opening of the fire from this battery, the Guadaloupe, and other vessels, had been forced to retire across the river to

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[135] Ibid., 143-45. The Grand French Battery, the largest array of guns assembled by the allies in one battery, opened fire on the morning of the 10th. General Richard Butler stated that the battery opened at dawn "and played incessantly, and destroyed houses, works, and everything before it." Butler, op. cit., 106.

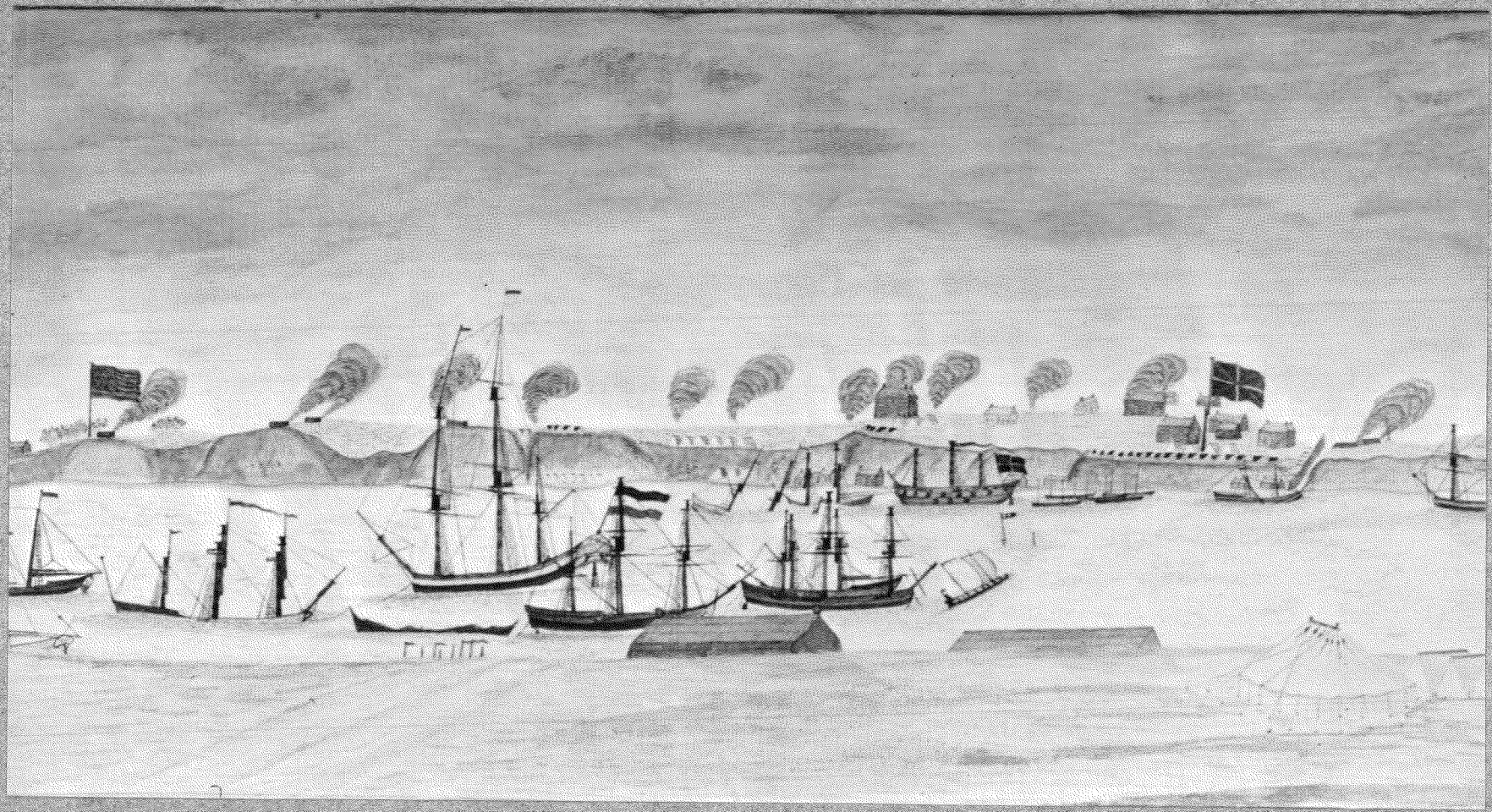


Figure 16.-- Copy of Watercolor Sketch of Yorktown During Siege of 1781, in Simcoe Papers, Colonial Williamsburg, Inc., Williamsburg, Virginia.

the Gloucester shore for protection.[136]

On the next day, Doehla witnessed the bombardment from the vantage point of a ship in the harbor:

> 11. October. I went on the ship watch on the water. Today there was stupendous commanding on both sides; during these 24 hours 5,600 shot were counted from the enemy, which they fired at the town, our line, and at the ships in the harbor. These ships were miserably ruined and shot to pieces. Also the bombs and cannon balls hit many inhabitants and negroes of the city, and marines, and soldiers. One saw men lying nearly everywhere who were mortally wounded and whose heads, arms, and legs had been shot off. Also one saw wounded continually dragged and carried past down by the water. Likewise on watch and on post in the lines, on trench and work details, they were wounded by the terribly heavy fire; and soldiers and sailors were always digging in the sand by the water. I saw with astonishment today on my watch how the enemy cannon balls of 24 and more pounds flew over our whole line and the city into the river, where they often struck through 1 and 2 ships, and indeed even struck 10-12 times in the water; yes, some even went clear across the river to Gloucester, where they even injured some soldiers on the beach. I saw bombs fall into the water and lie there for 5, 6-8 and more minutes and then still explode, which was so repulsive and horrible in the water that one can scarcely believe it. It showered upon the river bank the sand and mud from below; if one sat there, it felt like the shocks of an earthquake.
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> The fragments and pieces of these bombs flew back again and fell on the houses and buildings of the city and in our camp, where they still did much damage and robbed many a brave soldier of his life or struck off his arm and leg. I had myself a piece of an exploded bomb in my hands which weighed more

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[136] General Butler wrote that at about noon of the 10th, the cannon fire sank "several of their shipping, which set them to work to scuttle and sink several more.... About 9 o'clock, P.M., a fire broke out among the shipping--three were burned, among which was the Charon, of 40 guns. The sailors got them towed towards the Gloster shore, in doing which two others took fire, so that the total loss is five burnt." Ibid., 109.

than 30 pounds and was over 3 inches thick.[157]

The spectators from the allied entrenchments were also impressed by the effectiveness of the bombardment. M. le Abbe Robin wrote the following account:

> I now behold the cannon, those infernal machines, playing with the utmost fury; I saw the rapid bullet striking or rebounding from the redoubts of the enemy, and driving thro' the air the planks and timber, which formed the embrasures for the great guns. I followed with my eye, in its parabolic path, the slow and destructive bomb, sometimes burying itself in the roofs of houses, sometimes when it burst, raising clouds of dust and rubbish from the ruins of the buildings, at other times blowing the unfortunate wretches, that happened to be within its reach, more than twenty feet high in the air, and letting them fall at a considerable distance most pitiably torn. Such terrible sights as these fix and captivate the attention, and fill the mind at the same instant with trouble, wonder and consternation.[158]

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[157] Doehla, op. cit., 143-44.
Colonel Daniel Trabue visited the town after the siege, and wrote a most interesting account of the actions of the British under bombardment: "When a shell fell on the ground it would sink under the ground so Deep that when it burst it would throw up a wagon load, or even more of Dirt; and when it fell on a house it tore it to pieces. The British had a number of holes and Pits Dug all over the Fort, some large and some small with timber in the top edge; when the soldiers would see a shell comin, near them they could jump in one of the pits and squat Down until it had burst.
. . . . . .
When a shell would fall on any hard place, so that it would not go under the ground, a soldier would go to it and knock off the fix, or neck, and then it would not burst. The soldier then received a shilling for the act. They said that they did not care much about their life, but that the shilling would buy spirits!" Lillie Du Puy Harper, Colonial Men and Times, Containing the Journal of Colonel Daniel Trabue, 110-16.

[158] Robin, op. cit., 58.

Under this intense bombardment the British were suffering greatly. The effective firing of the allies hindered the British in their attempts to reply.[139]

Conditions in the town, as well as proof of the effectiveness of the bombardment, were related by Secretary Nelson, when he was sent out of town under a flag of truce on October 10. The Secretary told the allies that the British had been forced to kill over 1000 horses; that the town "was quite cut to pieces with works of different kinds", and that the British were sickly.[140] He told the Americans and French that their bombardment had produced great effects in annoying the British and destroying their works. His house, which was used by Cornwallis as headquarters, was being completely destroyed by the shells fired from the allied batteries. He reported that Cornwallis had built "a kind of Grotto at the foot of the secretary's Garden where he lives under Ground...."[141]

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139 Count William de Deux-Ponts noted that on the 10th the British fired "scarcely six guns an hour, while heretofore he has kept up rather a steady fire, and well directed ...." Samuel Abbott Green, translator and editor, My Campaigns in America: A Journal Kept by Count William de Deux-Ponts, 1780-81, p. 141. The cause of the slackening of the British fire was the accuracy of the allied gunners. Cornwallis stated that the cannon of the first parallel silenced all of his batteries on the left of his line. Letter of Cornwallis to Clinton, October 20, 1781, in Stevens, op. cit., II, 210.

140 Butler, op. cit., 108-9.

141 Tucker, op. cit.

On this same day Major Cochrane arrived with a dispatch from Sir Henry Clinton informing Cornwallis regarding the condition of the British navy at New York and the possibilities of relief. Clinton emphasized as strongly as he could the many things that would delay the expedition, but said that he would persist in his idea of a direct move until the middle of November if Cornwallis could hold out that long. The letter concluded with Clinton asking Cornwallis if he considered a diversion by the British forces against Philadelphia would be of any assistance.[142] This must have disheartened Cornwallis, as it postponed considerably the prospect of relief held out in previous communications from the commander in chief.

By the next day the allies had fifty-two heavy pieces playing upon the British, and had succeeded in nearly silencing the latter's fire. At noon of that day Cornwallis wrote Clinton that he had received his dispatch, and that nothing but a direct move, which included a successful naval engagement, would save him. He continued:

> On the evening of the 9th their batteries opened, and have since continued firing without intermission, with about forty pieces of cannon, mostly heavy, and sixteen mortars, from eight to sixteen inches. We have lost about seventy men, and many of our works are considerably damaged; with such works on disadvantageous ground, against so powerful an

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142 Letter of Clinton to Cornwallis, September 30, 1781, in Stevens, op. cit., II, 172-73.

attack, we cannot hope to make a very long resistance.

In the postscript at 5 P. M. he added: "Since my last letter was written we have lost thirty men."[143]

The next advance of the allies occurred on the night of October 11, when the second parallel was begun. This entrenchment was designed to cut the distance between the allies and the British lines in half. From there the guns in the batteries could more effectively batter down the British fortifications. The working party moved out at dusk, by way of approach trenches which had been previously dug, to the lines which had been marked by the engineers. The cannonade of the allied batteries of the first parallel was intensified to cover the workers. The British returned the fire briskly, but they did not attack the working parties. By morning the trenches were sufficiently deep to protect the workmen. The new line did not run to the river as the way was blocked by the two outlying British redoubts, Numbers 9 and 10.

The next day was marked by a particularly heavy cannon fire from both sides. At seven o'clock that night Cornwallis added the following postscript to his letter to Clinton: "Last night the enemy made their second parallel at the

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[143] Letter of Cornwallis to Clinton, October 11, 1781, in Ibid., 176-77.

distance of three hundred yards. We continue to lose men very fast."[144]

Not only did the British lose men by the terrific bombardment, but desertion and sickness took their toll. Desertion was especially rife among the Hessian and German corps. The journal kept by Johann Doehla mentions desertions almost every day from his corps and the other German regiments. The desertions were most heavy among those soldiers that were stationed as pickets in advance of the lines.[145] The prevalence of desertion among the British and Hessians can also be seen by the notations of information received by the allies from deserters, which appear in the American and French journals and diaries. This information was of great value to the allies.

Desertions were not limited to the army. The loyalists and merchants, who had followed the British to York, began leaving the town as soon as it was invested by the allies. A lookout stationed across the river near Gloucester reported on October 2 that a large number of small

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144 Loc. cit.
On the following day, Doehla wrote: "All day there were many dead and wounded in all regiments, but especially among the light infantry, who were in the hornwork or middle of our line; the enemy attacked them heavily." Doehla, op. cit., 145.

145 Doehla stated on October 14: "Since this siege there have altogether many men deserted to the enemy from us, the English, and the Hessians." Ibid., 146.

boats had been noticed on the river which he fancied "were refugees and merchants getting out of York".[146] Many of these Loyalists fled across the bay for Ephraim Blaine, Commissary General of the American Army, sent word to Colonel John Cropper of Accomac to watch everyone landing there.[147] Not all were able to effect their escape, however. Knowing that they could expect little mercy from the Patriots, Cornwallis, at the time of the capitulation, demanded that the Loyalists in Yorktown should be regarded as prisoners of war, and treated accordingly. In the three days of negotiations he made every effort to save the refugees from a more severe fate than that of prisoners of war. The tenth article of the capitulation, as proposed by the British, provided for their treatment as ordinary prisoners. But Washington steadfastly refused to grant this concession, declaring that their case fell under the civil law of the State, over which he had no control. The tenth article was not granted in the capitulation.[148]

Sickness increased from the time of the investment of

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146 Washington Papers, vol. 185, in Manuscripts Division of the Library of Congress.

147 Letter of Blaine to Cropper, October 1, 1781, in Palmer, Op. cit., II, 516.

148 A draft of the Articles of Capitulation, presumably Washington's personal copy, is in Washington Papers, vol. 186, in Manuscripts Division of the Library of Congress. This draft has been copied in Appendix F.

the town. Smallpox appears to have broken out in the army, and to have taken a terrible toll. On October 6, James Thacher, a physician in the American army, wrote in his journal that the British had sent from Yorktown "a large number of negroes sick with the smallpox, probably for the purpose of communicating the infection to our army..."[149] These negroes had been seized by the British in their raids over the state, and had been used by them to help dig the fortifications at Yorktown and Gloucester. Having served their purposes, the sick negroes were sent out of the camp to prevent the spread of the dreaded disease. The sad plight of the negroes in Yorktown was related by Secretary Nelson who told St. George Tucker: "An immense number of negroes have died, in the most miserable manner in York."[150] It was, of course, impossible to prevent the spread of the disease to the army. Sickness was later mentioned by Cornwallis as having diminished the number of his men more than the cannon fire of the allies.[151]

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149 James Thacher, A Military Journal during the American Revolutionary War, from 1775 to 1783; Describing Interesting Events and Transactions of this Period; with Numerous Historical Facts and Anecdotes, from the Original Manuscript, 278.

150 Tucker, op. cit.

151 Letter of Cornwallis to Clinton, October 20, 1781, in Stevens, op. cit., II, 215.

A General Order of September 30, 1781, located the English cemeteries as follows: "The Burial Ground for the Right Wing is within the Stockade, close to the Water side, the same on Ye left Wing." "British General and Brigade Orders, Lord Cornwallis, Virginia and Yorktown. May 28-October 22, 1781," II, 46.

Returning to the siege operations, the allies worked constantly on the batteries and redoubts of the second parallel during the next two days. Cornwallis in his report on the siege stated that he did everything in his power to interrupt their work "by opening new embrasures for guns, and keeping up a constant fire with all the howitzers and small mortars that we could man".[152] The allies apparently kept up a heavy fire during the day, but slacked off at night. On that same night (the thirteenth) the British increased their fire. Washington wrote in his diary under that date: "The fire of the enemy this Night became brisk, both from their Cannon and Royals and more injurious to us than it had been...." [153]

The two outlying redoubts on the British left had to be taken by the allies before the new parallel could be completed to the river, constituting a sufficiently close investment of the town for preparation of a final assault. Redoubt Number 9, blocking the road from the town to the Moore House, was garrisoned by Lieutenant Colonel McPherson and about one hundred and twenty British and Hessians. Redoubt Number 10, which stood on the river bank, was held

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[152] Letter of Cornwallis to Clinton, October 20, 1781, in Stevens, op. cit., II, 210-11.

[153] John C. Fitzpatrick, editor, The Diaries of George Washington 1748-1799, II, 266.

by Major Campbell and about seventy men. It was determined by the allies that 400 French troops would attack Redoubt Number 9, while 400 Americans attacked Redoubt Number 10. The attacking forces moved forward at about eight o'clock at night under the cover of a thick fog, and arrived at the abatis around the redoubts before they were discovered by the defenders. A brisk hand-to-hand fight occurred in both redoubts, but they were soon captured.[154]

The cheering of the attacking forces made the British think a much larger force was attacking the redoubts, and the alarm was sounded in the camp. All the troops were ordered to the ramparts. The entire length of the left wing kept up a brisk musketry fire. The British expected the allies to attack the left wing in order to take the British position. Nothing further happened, however, except that heavy firing was continued by both sides throughout the night.[155]

The result of this successful attack by the Americans and French was summarized by Cornwallis in a letter to Sir Henry Clinton, written on the following day:

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[154] Deux-Ponts's account of the attack on Redoubt No. 9 in Green, op. cit., 142-48; letter of Hamilton to Lafayette, October 15, 1781, reporting an attack on Redoubt No. 10 in John C. Hamilton, editor, The Works of Alexander Hamilton; Comprising his Correspondence, and his Political and Official Writings, Exclusive of the Federalist, Civil and Military, I, 270-73.

[155] Doehla, op. cit., 146.

> Last evening the enemy carried two advanced redoubts on the left by storm, and during the night have included them in their second parallel, which they are at present busy in perfecting. My situation now becomes very critical; we dare not show a gun to their old batteries, and I expect that their new ones will open tomorrow morning: Experience has shewn, that our fresh earthen works do not resist their powerful artillery; so that we shall soon be exposed to an assault in ruining works, in a bad position, and with weakened numbers. The safety of the place is, therefore, so precarious, that I cannot recommend that the fleet and army should run great risk in endeavouring to save us.[156]

The situation of the British forces was truly critical. Cornwallis knew that his fortifications could not stand for many hours after the opening of the batteries of the second parallel. The British tried to hinder the work as much as possible by maintaining a constant fire from their howitzers and mortars. This apparently had little effect on the progress of the work, so Cornwallis ordered a sortie to be made at about three o'clock in the morning of the sixteenth. Three hundred and fifty men under the command of Lieutenant Colonel Abercrombie were ordered to attack two batteries in the center of the parallel and spike the guns, as these batteries appeared to be most nearly finished. A detachment of guards, with a company of grenadiers of the 80th regiment, under the command of Lieutenant Colonel Lake, attacked one of the batteries. The other was attacked by the light infantry

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[156] Letter of Cornwallis to Clinton, October 15, 1781, in Stevens, op. cit., II, 188.

under the command of Major Armstrong. Taking the defenders by surprise, the British drove them out of the protecting redoubts and spiked eleven of the guns. The French defenders then charged and drove the British out. The allies lost twenty officers and men and an American sergeant, while the British lost eight killed and twelve captured. It was a gallant sortie, but was of little aid to the British. Having no regular spikes, the British tried to disable the guns by breaking off their bayonet points in the touch holes. These were easily removed and the cannon were ready for service in about six hours.[157]

The sortie had failed in delaying the progress of the allies to any appreciable extent. It was evident that the batteries of the second parallel were practically finished, and that they would open fire the next morning. Furthermore, the British were unable to show a gun in the left of their lines, and their shells were nearly expended. Cornwallis was faced with the choice of "preparing to surrender next day, or endeavouring to get off with the greatest part of the troops...." [158] At night the Anspach regiment sent 250 men into the hornwork to take the place of the Light

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[157] Letter of Cornwallis to Clinton, October 20, 1781, in Ibid., 211.

[158] Ibid., 211-12.

Infantry, who were to cross the river.[159] Sixteen large boats were prepared and, while keeping the reason secret, were ordered to be ready at ten o'clock that night. Cornwallis hoped to employ these boats in transferring his infantry during the night to Gloucester. A small force was to remain in Yorktown to surrender for the people in town, and the sick and wounded. After assembling his forces on the Gloucester side, he hoped to break through the comparatively weak American and French forces there and by rapid marches push northward to New York or to some nearer junction with Clinton. These forces, with the greatest part of the Guards and part of the 23rd Regiment, were landed at Gloucester. At this point a sudden change in the weather completely frustrated the attempt. A violent wind storm arose, and drove all the boats, some with troops on board, down the river. It was impossible to carry out the intended passage, and the absence of boats made it equally impossible to bring back the troops taken across the river. Daybreak found the British with their forces still divided, and the batteries of the second parallel opened. It was necessary to bring the troops back across the river in daylight, for the boats did not return until late. The passage was greatly exposed, but in the words of Cornwallis "they joined in the forenoon

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[159] Doehla, op. cit., 146-47.

without much loss".[160]

Further resistance by the British would have been madness. The condition of the British was ably described by their commander in his dispatch to Clinton:

> Our works in the mean time were going to ruin; and not having been able to strengthen them by abbatis, nor in any manner than by a slight fraising, which the enemy's artillery was demolishing wherever they fired, my opinion entirely coincided with that of the engineer and principal officers of the army, that they were in many places assailable in the forenoon, and that by the continuance of the same fire for a few hours longer, they would be in such a state as to render it desperate, with out numbers, to attempt to maintain them. We at that time could not fire a single gun; only one eight-inch and little more than a hundred cohorn shells remained; a diversion by the French ships of war that lay at the mouth of York-river was to be expected. Our numbers had been diminished by the enemy's fire, but particularly by sickness; and the strength and spirits of those in the works were much exhausted by the fatigue of constant watching and unremitting duty. Under all these circumstances, I thought it would have been wanton and inhuman to the last degree to sacrifice the lives of this small body of gallant soldiers, who had ever behaved with so much fidelity and courage, by exposing them to an assault, which, from the numbers and preparation of the enemy, would not fail to succeed.[161]

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160 Stevens, loc. cit.

161 Ibid., #12-13.

A passage in the journal of the Chevalier d'Anstéville substantiates Cornwallis's belief that the allies were preparing to storm the town. On October 16 and 17 he stated that: "We were preparing an assured route for a forward movement to take the place by storm. Twenty-four hours of our fire fixed the moment for it." Chevalier d'Anstéville, "Campagne de la Chesapeake," original manuscript in Archives Nationales, Marine B4 194, folio 145 to 157.

The decision to capitulate was strengthened when Cornwallis visited the Hornwork early in the morning of the 17th and noted the close approaches of the allies. He returned to his headquarters and immediately sent a flag of truce to Washington.[162] The flag was carried by an officer who attracted the attention of the allies by placing a drummer on the parapet to beat the parley. In the note sent out under the flag of truce Cornwallis proposed a cessation of hostilities for twenty-four hours, and that two officers should be appointed for each side to meet at the Moore house to settle the terms of the capitulation. Washington, perhaps from fear that the British fleet would arrive to relieve Cornwallis, granted him only two hours to submit his proposals for a capitulation.[163] Cornwallis complied, and

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[162] During the night of the 16-17, the allies did not fire a gun, but occupied themselves with work on the new batteries and redoubts. The morning found them with a strong battery of fourteen guns so close to the hornwork "that one could nearly throw stones into it." Doehla, op. cit., 147. At daybreak "the bombardment began again from the enemy side even more horribly than ever before; they fired from all redoubts without stopping. Our detachment, which stood in the hornwork, could scarcely avoid the enemy's bombs, howitzer shot, and cannon balls any more; one saw nothing but bombs and balls raining on our whole line...."

"Also, this morning right after reveille General Cornwallis came into the hornwork and observed the enemy and his works. As soon as he had gone back to his quarters, he immediately sent a flag-of-truce, with a white standard, over to the enemy." Loc. cit.

[163] Sir Henry Clinton, after many delays, finally sailed from New York on October 19 with about seven thousand of the best British and German troops to go to the aid of Cornwallis. The fleet consisted of twenty-five sail of the

sent in the terms on which he proposed to capitulate. Among his demands was that the soldiers of the garrisons at York and Gloucester should be paroled and sent to England or Germany. Although all the arms and public stores would be surrendered, the officers were to retain their side arms and the officers and soldiers their private property. Washington answered this letter on the next morning with an ultimatum. He stated that the same honors would be granted the British as were granted the Americans at the surrender of Charleston, South Carolina. Cornwallis agreed to this proposal but he said that he expected "a compensation in the articles of capitulation for the surrender of Gloucester in its present state of defence". This compensation was the placing of the sloop of war Bonetta at the disposal of Cornwallis to carry his dispatches to Clinton. The boat was to sail without examination, with the promise that it would be returned to the allies and the crew accounted for in future exchanges, and also that the traders and inhabitants should retain their property and that "no person may be punished or molested for having joined the British troops".[164]

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line, and ten frigates. On the 24th Clinton learned of Cornwallis's surrender, but remained off the entrance of Chesapeake Bay until the 29th. Stedman, op. cit., II, 414-15.

164 Copies of this correspondence between Cornwallis and Washington may be found in Stevens, op. cit., II, 199-203. The Bonetta sloop-of-war, must have been greatly crowded on its voyage to the north. Doehla said that Cornwallis placed on board "the men from the light infantry,

After this exchange of letters in which the basic terms of the capitulation were worked out, the commissioners representing the armies met at the Moore House, about one mile below Yorktown, on the afternoon of October 18. The French and Americans were represented by the Vicomte de Noailles and Lieutenant Colonel John Laurens of South Carolina, and the British by Lieutenant Colonel Dundas and Major Ross. After a rather stormy session, lasting into the night, the commissioners agreed to fourteen articles providing for the surrender of the garrison, and the disposition of the stores, ships, and Loyalists. On the following morning the articles were signed in the town by Cornwallis and Thomas Symonds, and in Redoubt Number 10 by the allied commanders, Washington, Rochambeau, and Barras.[165]

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the light horse, Rangers, the loyally-minded country-men and many sailors and ships' people, as well as many deserters who had come over from the French and Americans during the siege." Doehla, op. cit. 150. Frederick MacKenzie, who was in New York when the Bonetta arrived there, wrote: "About 250 Soldiers belonging to the troops taken at York & Gloucester, came from thence in the Bonetta. They had most of them been in the Rebel Service, and were therefore sent here by virtue of the 8th Article of the Capitulation, lest the Rebels lay hold of them." MacKenzie, op. cit., II, 635. Additional information on the Bonetta and the Loyalists can be found in the British Transcripts in the Library of Congress, Public Record Office, C.O.5, vol. 175.

165 Letter of Laurens to Ross or Dundas, October 19, 1781, in which he said that he was instructed "to inform you that the Generals of the Allied Army will be at the Redoubt on the right of our second parallel at 9 o clock this morning — when they expect to receive L^d — Cornwallis's definitive Answer and sign the Capitulation—"

Meanwhile, the military discipline of the British army had apparently disappeared. When the first flag of truce was sent to Washington, the Light Infantry began to cut up their tents and destroy their arms. Apparently brandy was to be had, for the explosion of a powder magazine in the town on the night of the seventeenth was attributed to some drunken soldiers who became careless.[165]

At noon of the nineteenth occurred the first act of surrender. Yorktown changed hands. Two redoubts on the left of the British line were occupied at that time by detachments from the allied army. At two o'clock the final scene was enacted. At that time the British army, resplendent in new uniforms which had just been issued, marched slowly out of Yorktown with their flags encased and, according to tradition, with the drums beating the song "The World Turned Upside Down" in accordance with the provision of the

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MS letter in Pierpont Morgan Library, New York City. This letter does not agree with the following notes in Washington's diary for October 19: "In the Morning early I had them /the Articles of Capitulation/ copied and sent word to Lord Cornwallis that I expected to have them signed at 11 o'clock and that the Garrison would March out at two o'clock,..." Fitzpatrick, op. cit., II, 369. The hours mentioned in Washington's account were followed in the surrender.

165 Thirteen persons were killed by the explosion. Rosengarten, op. cit., 81. Doehla, in describing the material surrendered, noted that there were only twenty-three powder kegs, as most of the powder had been destroyed in the explosion. Doehla, op. cit., 153. This statement indicates that the explosion destroyed the principal magazine of the British.

articles of capitulation that the British should march out with drums beating a British or German tune. The British were not led by Cornwallis, who, pleading illness, had named his second-in-command, Brigadier General O'Hara for that duty. Marching out of the town, the British could look down the road to Hampton, on each side of which the allies had drawn up their armies for a distance of about one mile. Major General Benjamin Lincoln conducted O'Hara and the British army between the lines to a field, where the British grounded their arms and surrendered their standards. They then returned to town as prisoners of war.

When the soldiers returned to their camps in the town, all sense of military discipline seems to have disappeared. Lieutenant Ebenezer Denny, of the Pennsylvania troops, witnessed the scene and described it as follows:

> Much confusion and riot among the British through the day; many of the soldiers were intoxicated; several attempts in course of the night to break open stores; an American sentinel killed by a British soldier with a bayonet; our patrols kept busy.[167]

The British stayed in Yorktown until about three o'clock on the afternoon of October 21. They left their camps at that time and marched under guard toward the prison camps in Frederick, Maryland and Winchester, Virginia; the

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167 Ebenezer Denny, Military Journal of Major Ebenezer Denny, an Officer in the Revolutionary and Indian Wars, 44-45.

sick and wounded were left behind at the hospitals in Gloucester under the care of their own physicians. The officers remained for some time after their troops had left, but finally left for New York on parole.

The American wing of the allied army left Yorktown early in November, while the French remained around Yorktown until the following summer.

The return of the British garrison surrendered on October 19 shows a total of 7049, with 119 in the commissary and hospital departments.[168] A return of the state of the British army on October 18 shows a total of 2069 men in the hospitals. This leaves a total of 385 officers present and 4541 men fit for duty.[169] In addition the British lost 74 brass and 140 iron cannon of all calibres, a large number of ships, and other military stores.[170]

The surrender of the forces under Cornwallis at Yorktown was the decisive factor in securing the independence of the United States. A leading authority on the history of the British army said of the surrender:

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[168] Washington Papers, vol. 187, Manuscript Division, Library of Congress. There are many returns of the prisoners, all of which vary somewhat as to the total number.

[169] Stevens, op. cit., II, 198.

[170] Papers of Henry Knox, Massachusetts Historical Society.

The blow was, on the whole, perhaps the heaviest that has ever fallen on the British Army, and to all intent it put an end to the war in America. There was, indeed, occasional petty fighting from time to time in Carolina; but it was recognized that the contest was hopeless; and aggressive hostilities had long been abandoned in every quarter before Charleston was finally evacuated in December 1782. The story of the War of American Independence therefore ends practically with the surrender of Yorktown.[171]

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171 J. W. Fortescue, A History of the British Army, III, 395.

CHAPTER VIII

THE DECLINE OF YORKTOWN

The Siege of 1781 was a costly blaze of glory for Yorktown. The physical losses suffered at this time practically sealed its doom. An event which meant so much to the new-born nation delivered the coup-de-grace to this important colonial seaport. The bombardment of the town by the French and American batteries had carried near to completion the destruction of houses begun on a small scale by the militia, and intensified later by the British. A most graphic description of the appearance of the town immediately after the siege was written by an American soldier:

> I have this day visited the town of York, to witness the destructive effects of the siege. It contains about sixty houses, some of them are elegant, many of them are greatly damaged and some totally ruined, being shot through in a thousand places and honey combed ready to crumble to pieces. Rich furniture and books were scattered over the ground, and the carcasses of men and horses half covered with earth, exhibited a scene of ruin and horror beyond description. The earth in many places is thrown up into mounds by the force of our shells, and it is difficult to point to a spot where a man could have resorted for safety.[1]

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[1] Thacher, op. cit., 282.

One of the chaplains of the French army, M. l'Abbe Robin, also visited the town immediately after the surrender, and his description of the sight furnishes additional information on the devastation of the town:

"I have been through the unfortunate little town of

The devastated town was not allowed to escape immediately from the military and return to its normal civilian existence. For some time after the British left Yorktown, the French army remained in their camps about the town. This time was spent in preparing the town for winter quarters. Because of the small force planning to winter there, it was decided to shorten the line of defensive works around the town.[2] The new fortifications used a large part of the original British line, but reduced the area included within them by about one-third. The whole British left, which had borne the brunt of the allied attack, was withdrawn. Beginning at Redoubt No. 5, the new line ran just east of the Secretary Nelson house, and along the top of

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York since the siege, and saw many elegant houses shot through and through in a thousand places, and ready to crumble to pieces; rich household furniture crushed under their ruins, or broken by the brutal English soldier; carcasses of men and horses, half covered with dirt, whose mouldering limbs, while they poisoned the air, struck dread and horror to the soul; Books piled in heaps, and scattered among the ruins of the buildings, served to give me an idea of the taste and morals of the inhabitants; these were either treatises of religion or controversial divinity; the history of the English nation, and their foreign settlements; collections of charters and acts of parliaments; the works of the celebrated Alexander Pope; a translation of Montaigne's Essays; Gil Blas de Santillane, and the excellent essay upon Women, by Mr. Thomas." Robin, op. cit., 65.

[2] M. l'Abbe Robin recorded in his memoirs that: "The plan of the fortifications for the defence of York and Gloucester, has been entirely changed; they are drawing them into a narrower compass than before, have destroyed the English works, and are busy at constructing new ones." Loc. cit.

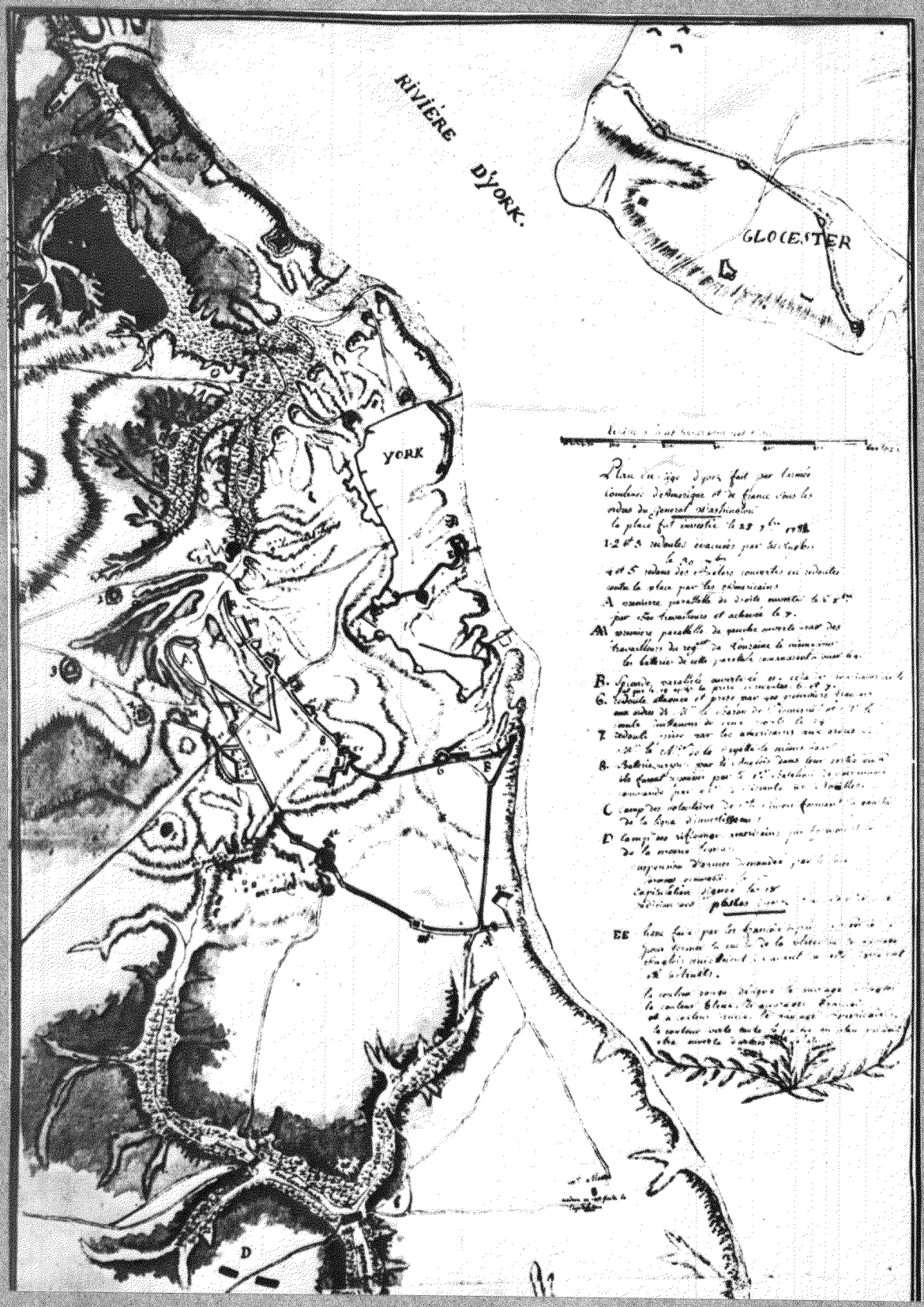


Figure 17.-- Copy of French map Showing the Shortening of the British Line after the Siege of Yorktown.

a ravine to connect with the large sea battery built by the British at the eastern limits of the original town. One new redoubt was constructed about in the center of this new entrenchment.[3] The change in the fortifications brought them close around the limits of the original town.

After completing this new line, the Soissonois regiment and the chasseurs and grenadiers of the Saintonge regiment marched into town on November 13 to enter into winter quarters.[4] Immediately trouble broke out between the French and the inhabitants of the town. The siege had destroyed so many houses, that the French were forced to commandeer homes or rooms for billets. This naturally aroused the ire of the town's people, who wanted to be able to return at once to their normal lives. William Reynolds, a leading citizen of the town, wrote the governor complaining of the actions of the French in occupying houses and depriving the people of all but a room or two in their own homes. He said in part:

> Complaints [are made] hourly and without the power of remedy, and unless some measure is adopted to convince these Gentlemen that they were sent to assist, not to distress us, we in this part of the country may bid

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[3] See Figure 17.

[4] Letter of William Reynolds to Governor Thomas Nelson, Jr., November 16, 1781, in Palmer, op. cit., II, 401.

adieu to liberty, property and every thing dear to man.[5]

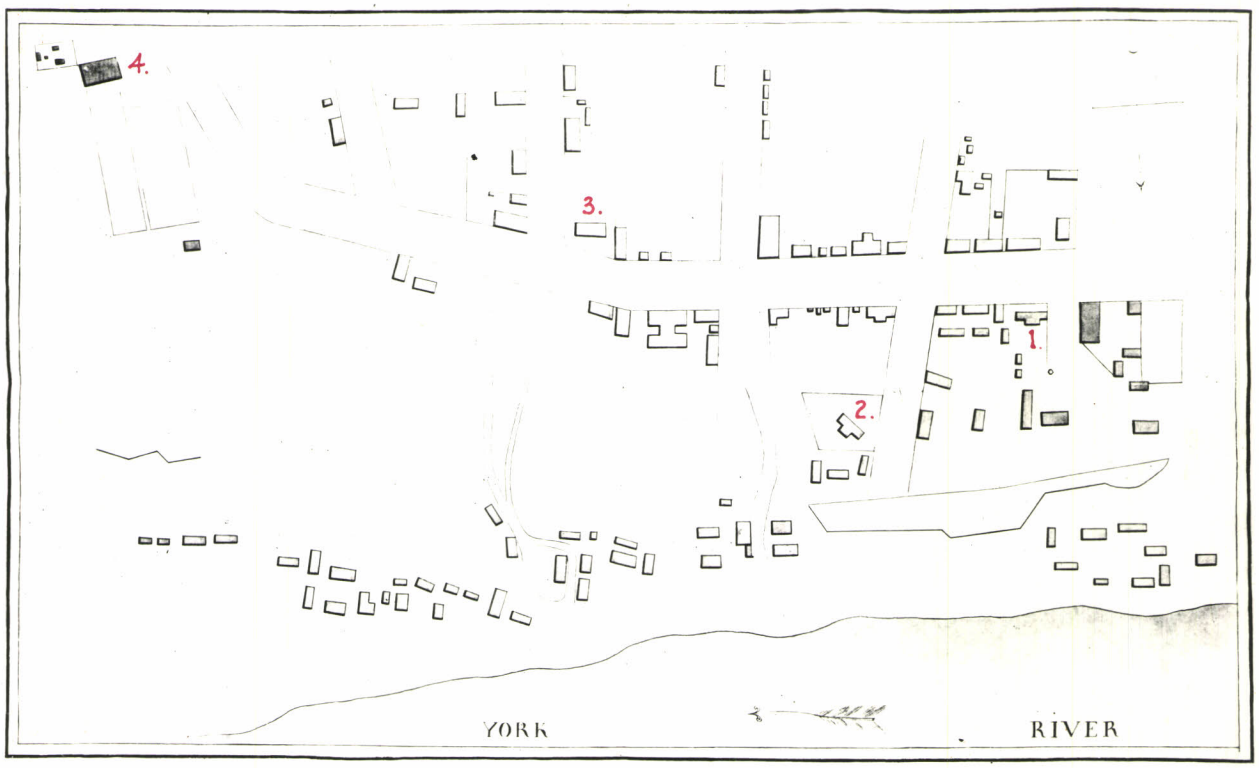
Friction between the citizens and the French army did not abate, and finally Rochambeau was forced to appeal to the governor for a person to assist him in settling disputes between the citizens of Williamsburg and York county on the one hand, and the French on the other.[6] In response to this plea, the governor, on December 4, named Dudley Digges to consider the claims of the inhabitants against the French army, and aid Rochambeau in settling them.[7] Digges entered upon his duties at once, and with

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[5] Lee, *ibid.*
David Ross, the commercial agent of Virginia, wrote on the day following Reynold's letter describing the dissatisfaction of the town's people. He attributed the cause of the trouble to the "harshness in a soldier's coming and taking a man's house," and suggested that it would have been better to have a civil magistrate appropriate quarters for the troops. Letter to Colonel Davies, dated November 17, 1781 in *ibid.*, II, 607. See also *Supra* p.168 in regard to the use of the courthouse by the French.

[6] This letter of Rochambeau to Governor Harrison could not be found, but it was mentioned by the governor in his letter to Dudley Digges on December 4, 1781 in McIlwaine, *Governors' Letters*, III, 104.

[7] Lee, *ibid.*
On December 4, 1781, the governor also wrote to the Baron de Viomenil, the commander of the French contingent at Yorktown, asking him to investigate the complaints of the inhabitants of the town that "two /sic/ great a proportion of their houses have been taken from them." The Baron was also advised of the appointment of Digges to assist him in this matter or any other difficulty that might arise." *Ibid.*, 105.



Key to Numbered Buildings.

1. Courthouse of York County.
2. Church of Yorkhampton Parish.
3. Home of Thomas Nelson, Jr.
4. Home of "Secretary" Nelson.

Figure 18.-- Map entitled "Plan d'York Town pour Servir a l'Etablissement du Quartier d'Hyver du Regiment de Soissonnois; et des Grenadiers et Chasseurs de St. Onge le 12 9bre. 1781" by Captain Louis Alexandre Berthier.

meticulous were kept a record of the accepted claims. All of the claims thus allowed, deal with forage and afford no information as to the conditions in the town.[8] The work done by Digges on this matter apparently removed the main causes of the friction, for there was a cessation in the complaints on the part of the Americans.

The French remained in their winter quarters until the middle of the next summer. When the French marched out of Yorktown on July 1 to return to the north, Rochambeau left four hundred men under the command of the Chevalier de Lavallette to guard the American cannon there, and the French guns at West Point. Prior to his departure, Rochambeau informed the governor of his plans, and asked that one thousand additional soldiers be sent to garrison Yorktown.[9] The governor partially complied with this request by ordering Colonel Dabney to march the foot soldiers of his Legion, amounting to 320 men, to Yorktown. He was to be joined there by a body of four hundred militia. To supplement this force, the neighboring counties were ordered to hold six

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[8] "A List of all Claims against the French Army and the Continental Army, where no receipts or Certificates were given for the Articles mentioned therein, January 1st 1782." MS record book of Dudley Digges in Virginia State Archives, Richmond, Virginia.

[9] Although this letter of Rochambeau to the governor has not been found, its contents were described fully in a letter of Harrison to the Speaker of the House of Delegates, June 25, 1782, and in a letter to George Washington, July 11, 1782, in McIlwaine, Governors' Letters, III, 265 and 265.

hundred men ready to march to the assistance of the garrison if needed. The governor admitted that the state could not feed a larger force at that time.[10]

When Washington learned of the departure of the French army from Virginia, he advised the governor of that state to level the fortifications at Yorktown and Gloucester. It was his belief that if there were no fortifications at Yorktown, the British would "have no object to attempt in that Quarter more than in any other part."[11] The governor, however, disagreed with this opinion, as he wanted to preserve the batteries "next the Water", which had been built by the state. He proposed to enclose them with a strong palisade.[12] He, thereupon, ordered Colonel Dabney to

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[10] Letters of Harrison to Rochambeau, June 25, 1782, and to Dabney, July 13, 1782, in ibid., 257 and 269.
General Edward Stevens, a Continental officer, was offered command of the post, but when the French under Lavalette left Yorktown in August, 1782, the offer was withdrawn. Letters of Harrison to Stevens, June 25, 1782 and August 3, 1782, in ibid., 254 and 288-89.
The militia were rather slow in reaching Yorktown. On July 9 Lavalette wrote Harrison that only a few had arrived, and on 13 of the same month, he wrote that 130 men "comprehending officers" were encamped at Yorktown. MS letters in Virginia State Archives.

[11] Letter to Harrison, July 22, 1782, in John C. Fitzpatrick, editor, The Writings of George Washington from the Original Manuscript Sources 1745-1799, vol. 24, p. 486.

[12] Letter of Harrison to Washington, August 1, 1782, in "Letters from The Governor's Letter Books," Tyler's Quarterly Historical and Genealogical Magazine, IV (April, 1924), 283.
Harrison probably mentioned the water batteries

employ his men "in levelling such of the out works as are to be destroy'd which I suppose will be the whole of those round the Town," as they did not have sufficient troops to man them. Before starting this work, however, Dabney was to consult Lavalette.[13] Presumably, the French officer advised against the destruction of the works, for they were standing many years after this time. On August 24, 1789, for example, the Grand Jury of York county stated that it considered "the obstructions of the Streets as thrown up by the British as a Nuisance...."[14]

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specifically because of the actions of General Benjamin Lincoln in 1782. Without informing the governor, he had sent an artillery officer to Yorktown to remove the American cannon there and to supervise the destruction of all fortifications around the town. Harrison learned of these latter orders from Lavalette, who apparently halted the work until hearing from the governor. Harrison wrote to him regarding the matter on July 29. The latter stated in part: "It appears extremely hasty in General Lincoln to order all the fortifications at York Town to be distroy'd, those that have been thrown up round the Town either by the Enemy or your Army will be useless to us, but the Fort and the platforms were built by the State and ought to be preserved for it and you have my thanks for offering to deliver them up when you mean to evacuate them—" McIlwaine, Governors' Letters, III, 282.

[13] Letter of Harrison to Dabney, August 3, 1782, in Ibid., 288.

[14] York county, Hustings Court Records (1787-1793), 53.

Additional proof of this statement can be found in Lossing's account of his visit to Yorktown in December, 1848: "We next visited the lines of intrenchments cast up by the British on the south and easterly sides of the town.... The mounds vary in height, from six to twelve and fifteen feet, and being covered by a hard sward, may remain so half a century longer." Benson J. Lossing, Pictorial Field-Book of the Revolution, II, 503.

Although the garrison at Yorktown continued to serve until 1783, little was done by the state to add to their comfort. The governor had promised Dabney that he would take under consideration the advisability of rebuilding the barracks to the chimneys of those burned in the Simcoe raid. In fact on August 3, 1782 the governor stated that he thought it inadvisable to increase the size of the former barracks, "tho' it will be necessary to rebuild them as they were."[15] The long consideration of the problem did nothing to build the barracks, and on January 6, 1783 Dabney was ordered to dismiss the militia at Yorktown because they were "destitute of barracks at this inclement season of the year."[16] Dabney's Legion continued at Yorktown apparently until the summer of 1783. The exact date of their departure has not been definitely ascertained.

Upon the departure of the military forces, Yorktown attempted to return to its old way of life. But the bustle of trade and the atmosphere of prosperity, which had characterized the colonial port, had gone forever. The most overt cause of this change was the great destruction of property the town had suffered during the war. This destruction, however, cannot be considered the sole, nor even the

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[15] Letter of Harrison to Dabney, August 3, 1782, in McIlwaine, loc. cit.

[16] Letter of Harrison to Dabney, January 6, 1783, in ibid., 421.

most important, reason for the port's decline. Norfolk, on Hampton Roads, had been completely destroyed by fire early in the war, but it was rebuilt after the return of peace, and became the leading port of Virginia. The great difference in the two towns lay in their locations and the dissimilarity of their sources of trade. Norfolk's situation gave it access to the James river by which it was able to trade with the Piedmont region of Virginia, as well as the southeastern section of the state. The westward migration made the Piedmont the most populous and prosperous region of Virginia after the Revolution.[17] The lack of such a hinterland predestined Yorktown to an eventual decline. The York river was extremely short, and ran its entire course in the Tidewater region. Furthermore, the port was situated on the narrow Virginia Peninsula, and its trade was confined to that "neck" of land. The Vicomte de Rochambeau foresaw the futures of Yorktown and Norfolk in 1782. At that time he wrote that the former had "lost greatly since the war," while the latter would "Probably be rebuilt easily in peace times for it is in a very advantageous spot for commerce."[18]

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17 Cf. Avery O. Craven, Soil Exhaustion as a Factor in the Agricultural History of Virginia and Maryland, 1606-1860.

18 Lawrence Lee, translator, Rochambeau Father and Son A Life of the Marechal De Rochambeau by Jean-Edmond Weelen and the Journal of the Vicomte de Rochambeau, 246.

Another factor contributing to the decline of the town was the exhaustion of the soil by continued cultivation of tobacco, which caused the migration to the west. The superlative grade of "sweet-scented" tobacco grown in the vicinity of Yorktown had been one of the key-stones of the port's prosperity. The intensive cultivation of the plant slowly robbed the soil of its fertility during the seventeenth and eighteenth centuries. This depletion of the land was hardly perceptible at first, but by the middle of the eighteenth century it had begun to make itself felt. Gradually the planters began to move away to the richer lands of the Piedmont. The population of York county actually declined during the last few years of the colonial period, while the remainder of the country was growing rapidly. The annual lists of tithables taken by the county show a steady increase from the 1,208 in the year 1701 to the 2,541 in 1770.[19] Apparently the migration to the westward began at about this time, for only 2,000

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19 York county, Deeds, Orders, Wills, etc., No. 9 (1681-1684), p. 72; York county, Judgements and Orders, No. 2 (1770-1772), p. 101.

The tithables of the colony at first included all male persons of any color above sixteen years of age, and all negro, mulatto, and Indian women above sixteen. Later the age limit for male tithables was raised to eighteen, and by 1769 free negro, mulatto, and Indian women were exempted. Percy Scott Flippin, The Royal Government in Virginia 1624-1775, 243-44.

tithables were listed in the county in 1777.[20] This movement was accelerated by the events of the war in the year 1781, and two years later there were only 1,600 tithables in the county.[21] These figures corroborate the statement that the Siege of 1781 merely hastened the development of the downward trend of Yorktown, and was not in itself the primary cause of the decline.

Another measure of the conditions in the port of York was the annual report of the collector of the customs of all imports and exports of the York River District.[22] A study of the annual totals of the tobacco exported from the York river during the colonial period affords additional information on the rise and decline of the region. In 1727, the first year for which records are available, a total of 14,695 hogsheads, twenty-one barrels and ten tubs of tobacco was exported. This was the largest total shown for any year prior to 1741, when the record amount of 15,665 hogsheads was shipped. During the 1730's the average total

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[20] York county, Order Book No. 4 (1774-1784), p. 138.

[21] Ibid., p. 380.

[22] Copies of the imports and exports of the York River District from 1727 through 1769 were obtained by the University of California, Berkeley, California from the British Public Record Office. A manuscript record of the imports and exports for the year 1773-1774 was found in the Manuscripts Division of the Library of Congress.

The York River District included all shipping from that river, and therefore, the records were not confined to the port of Yorktown.

was about 9,576 hogsheads a year, and in the following decade that average rose to 11,069. A definite decline was noticeable during the years between 1750 and 1760, when the yearly average sank to 9,368 hogsheads. This decline in the shipment of tobacco was even more noticeable in the 1760's, as mean number of hogsheads was only 7,783. No records for the next few years have been discovered, and the last extant report is that of 1773. In that year the district shipped 8,978 hogsheads of tobacco. Although the total was an increase over the average of the 1760's, it was sadly below that of the earlier years. These figures imply that the amounts of tobacco raised in the vicinity of Yorktown began to decline in the 1750's, which might be the time of the first indication of the depletion of the soil. Apparently the situation did not become serious until the 1770's, for the population continued to increase in the county.

The combination of these various factors was too much for the port of York to withstand. It became a sleepy little village, with a glorious past, but an impoverished present. A visitor to the town in 1796 was particularly impressed by the decline of the town, and its inhabitants great pride in its history. He wrote that

> The town of York consists of about seventy houses, an Episcopalian church, and a gaol. Great quantities of tobacco were formerly inspected here, very little, however, is now raised in the neighborhood. The little that is sent for inspection is reckoned

> to be of the very best quality, and is all engaged for the London market. In the town the houses bear evident marks of the siege; and the inhabitants will not, on any account, suffer the holes perforated by the cannon balls to be repaired on the outside....[23]

This degenerative process continued, and by the turn of the century, the times of the port's former prosperity had virtually disappeared. In 1804 a visitor stated that there was nothing interesting about the town, except the fact that Cornwallis surrendered there. He continued: "Its situation is far from being handsome; the houses inelegant, and many of them are in ruinous state.... There is little or no trade carried on in the place; the County Court sits there once a month."[24] Thus Yorktown had settled down to a long period of sleep. Awakened briefly by the Peninsular Campaign of 1862, she has enjoyed uninterrupted slumber for over a century and a half.

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[23] Weld, op. cit., 93.

[24] "Letters of William T. Barry," William and Mary College Quarterly Historical Magazine, XIII (First series; July, 1904), 114.

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APPENDICES

APPENDIX A

COPY OF THE DEED BETWEEN READ AND THE TOWN TRUSTEES, 1691

THIS INDENTURE made the Eighteenth day of August In the third year of the Reigne of our most Gratious Soveraigne Lord and Lady William and Mary by the Grace of God of England, Scotland, ffrance & Ireland King and Queen Defendrs of ye ffayth &c Anno Domio, 1691. Between Benjamin Read of ye County of Gloucester gent and Lucy his Wife of ye one part, and Joseph Ring and Thomas Ballard of ye County of York gentmen ffeoffees in Trust Nominated and appointed by ye Worshipfull Court for York County aforesaid of the other parte WITTNESSETH that whereas by a late Act of Assembly made at James Citty the sixteenth day of Aprill 1691 intituled an Act for ports &c It is therein and thereby Enacted that ffifty Acres of Land be appointed and lade out in Each Respective County in this their Maties Dominion of Virginia for the Erecting and building of a port & Towne in Each Respective County Therein mencioned according to such time and place, and to such uses intents and purposes as in and by ye said recited Act of Assembly is appointed and Sett downe, And that the owners or possessors &c of such Land in Each Respective County as aforesaid shall well and sufficiently Convey and Assure to such Psons or persons as the County Court shall appoint ffeoffees in Trust an absolute Fee & Indefeisable Estate of Inheritance in ffee off and in such ffifty Acres of Land to & for ye uses, intents and purposes as in and by ye before recited Law is expreat, and for such price and Consideration as shall be by them agreed Uppon with the said Owner or possessr there of &c for the same, And ye In Case of ye Death or departure out of the Dominion of any one or more whoe shall be appointed by Vertue of the Said Act ffeoffee or ffeoffees in Trust as aforesd That then itt shall and may be Lawfull to and for the Justices of that Court where such Death or departure shall happen to appoint in the place or roome of such ffeoffee or ffeoffees soe dead or departed one or more ffeoffee or ffeoffees for ye uses intents & purposes aforesaid, that is to say in Trust and Confidence that the said ffeoffees shall out of the said ffifty Acres of Land Convey and Assure to any Pson Requesting the same and paying and reimbursing the County prorata what the same stt first Cost the like good and suffisient Conveyance in ye Law unto such Pson or Psons their heires and Assignes for ever one or more half a Acre or half a Acres under such Limitations &

P-vinces as in and by the sd recited Act of Assembly is Mentioned and Expressed to be p̄formed, NOW this Indenture ffurther Witnesseth that the said Benjamine Read for in Consideration of the sum of Tenn Thousand pounds of good Merchantable sweet scented Tobacco & Cask to him in hand well and truly paid by yᵉ said Joseph Ring and Thomas Ballard Trustees as aforesaid before the Ensealing and delivery of these Presents Whereof the said Benjamine Read and Lucy his Wife doe hereby Confesse and acknowledge And thereof doe acquitt and discharge the sd Joseph Ring and Thomas Ballard their heires and Assignes for ever by these Presents, Hath given granted, bargained, sold, enfeoffed and Confirmed, And by these presents doth give, grant, bargaine, sell, enfeoffe and Confirme unto the said Joseph Ring and Thomas Ballard Trustees to the uses aforesd for Ever, All that their ffifty Acres of Land (be the same More or lesse) Scituate Lyeing and being in York Parish and County aforesaid, Surveyed by Coll. Lawrence Smyth Surveyor and bounded as ffolloweth (viz) begining att a Marked poplar on the banke adjoyning to the River thence runing South forty degrees, West thirty two pole, South East Eight pole, South forty degrees, West thirty two pole, South East sixty two pole, South forty degrees, West ten pole, South thirty Eight degrees, East sixty two pole, North forty degrees, East sixty two pole to the River Syde, North thirty degrees, West up York River from Low water marke, sixty five poles, North forty degrees, East ten pole, and North west seaventy poles, alonge the said Low water Marke to the begining place, Together with all and Singular the ways, Waters, Easments, passages, prefitts, Comons, Comodityes and appurtenances whatsoever to the tract or dividant of ffifty Acres of Land belonging or in any wise And the Revertion and Reverticns, Remainder and Remainders Rents and Services thereof, and of every part thereof, And all yᵉ Estate, Right Title interest, property, Claime and demand whatsoever of them the said Benjamine Read & Lucy his Wife of in and to the same. TO HAVE & TO HOLD the said Tract or Dividant of Land with their and every of their appurtenances to the said Joseph Ring and Thomas Ballard in Trust as aforesaid and to the uses intents and purposes as in and by the before recited Act of Assembly is mentioned and Expressed for ever, And the said Benjamine Read for the Considerations above said, the said granted premises and every parte & Peell thereof with the appurtenances unto them the said Joseph Ring & Thomas Ballard in Trust to the uses as before menconed against them the said Read and Lucy his Wife their heires and Assignes and all persons whatsoever shall and will Warrant and for ever Defend by these presents. And the said Benjamine Read Doth further Covenant, grant, & agree for himselfe his heires Executrs and Administrators and every of them to and with the said Joseph Ring and Thomas Ballard Trustees to the

uses aforesaid, That hee the said Benjamine Read together with Lucy his Wife are Lawfully Seized in their demesne as of ffee of and In an absolute Estate of Inheritance in ffee simple off and in the said granted Land and Paines and every parte there of without any Condition power of Revocation or Limitation of any use or uses to Alter Change determine or make voyd the same, And that hee hath good Right full power and absolute authority in the Law to grant bargaine and sell the same, and every parte and Peell there of unto the said Joseph Ring and Thomas Ballard trustees as aforesaid according to the true meaning of these Presents, And alsoe that the said Bargained Paines and every parte there of shall and may Remaine, Enure and be unto the said Joseph Ring and Thomas Ballard ffeoffees in Trust and to the uses in the said recited Law expresst for every according to the true meaning here of ffree and Clear & ffreely & Clearly acquitted exonerated and discharged or otherwise upon every Reasonable request there of to be made sufficiently saved harmeless and kept indemnifyed by yt said Benjamine Read his heires Executors Administrators & Assignes, or same of them off and from all and all manner of former and other bargaines, sailes, guifts, grants, Leases, Estates, Joyntures, dowers, Wills, uses, intailes, rents, alleanages of Rents, ffines, issues, annuities, Statutes, merchant and of the staple Recognizances, Mortgages, Annuityes, Rent, Charges & incumbrances whatsoever had, made Comitted, done or suffered by the said Benjamine Read his heires or Assignes, or by any other Psen or Psons whatsoever, And the said Benjamine Read doth ffurther Covenant grant and agree for himselfe his heires Executors and Admrs and every of them To and with the said Joseph Ring and Thomas Ballard Trustees as aforesaid by these Presents That the said Benjamin Read together with Lucy his Wife and all every Psen and Psons Lawfully Claimeing or pretending to have any Estate or any parte there of by from or under the said Benjamin Read or his Estate shall and will at all time and times dureing yt space of seaven yeares next Comeing upon the Reasonable request Cost & Charges in the Law of the said Joseph Ring and Thomas Ballard trustees as aforesaid, or such other as shall bee in these place or places appointed as aforesd make doe, acknowledge, suffer, Levy, execute and Perfect, or Cause to be done and Executed all and every such ffurther & other Reasonable Act & Acts, thing & things devises, Assurances & Conveyance & Conveyances of what kinde or Nature soever for the more Perfect assurance sure making, establishing and Confirmeing of yt said granted Land and premisses and every parte and Peell there of with the appurtenances unto said Trustees for the above mencioned uses according to the true meaning of these Presents as shall

be Reasonably devised advised, or required by Joseph Ring and Thomas Ballard, or in Case of their, or either of their Deathes, or Departure as above said, to such other as shall be in their or either of their place and stead appointed Trustees as aforesaid, or by them or any of their Counsell Learned in the Law, And itt is further declared agreed by and between the said parties to these Presents, That all & every ffyne and ffynes Act assurances & Conveyances here after see to be required /I/ Shall be made & Ffected of the said granted land & premisses according to the true meaning here of, shall bee and Enure, and see shall be Construyed adjudged and taken to be & Enure to the use and behoofe of the sd Joseph Ring and Thomas Ballard in Trust as aforesaid, and to the severall intents and purposes in the before recited Act of Assembly mentioned sett downe and Expressed for ever, And to noe other use, intent or purpose whatsoever And Lastly the said Lucy wife of yt said Benjamin Read doth hereby Nominate, ordaine and appoint William Sedgwicke her Attorny, And doth give power and Authority to him to appear in York County Court aforesaid, And acknowledge all her Right of Dowery of & in the said Land and premisses to the intent the same may be entered on the Records of the said Court. IN WITTNESSE where of the parties abovesaid to these Presents Indentures of bargaine & Sale their hands and Interchangeably have put the day and year first above Written.

Benjamin Read Seal
Lucy L:R Read Seal
her marke

Sealed & delivered and full quiett and peaceable possession State & Seizin of & in yt within Mentioned Land & Pmisses was first had and taken by yt with in named Benjamin Read in his owne Person, And immediately thereupon delivered to yt within Named Mr Joseph Ring and Mr Thomas Ballard Trustees to yt uses intents & purposes in the within written Indenture mencioned & Expressed In the Presence of—
Peter Temple, Edward Dod
Robt Leightenhouse, J. Sedgwicke
Jno Nyhill

September yt 24th 1691. Acknowledged in Court by the within named Mr Benjamin Read in his Owne Person, And by Lucy his wife by vertue of a power of Attorney in yt lower parte of yt within written Deed mentioned appointing Willm Sedgwicke her Attorny being first proved by yt Oathes of Edward Dodd, Robert Leightenhouse, and John Sedgwicke three of yt witnesses

mentioned thereto And accordingly Pformed to yt Trustees for
yt uses within mentioned by her Attorny aforesaid And is
Recorded.

P J. Sedgwicke D; Cl Co.

APPENDIX B

YORKTOWN LOT SALES PRIOR TO NOVEMBER 25, 1692

By yt Rt Honble yt Lt Governor: Two portland lotts, And one more purchased of Doctor Starke att 180 lb tobo Each lott	540
By the Honble Coll Edmund Jennings 1 lott	180
By Major Lewis Burwell for Colle Bacon 2 lotts	360
By Coll: Willm Digges 1 lott	180
By Capt ffrancis Page 1 lott	180
By Mr Robt Read 1 lott	180
By Mr Willm Hewit 1 lott	180
By Capt Darnall Taylor 1 lott	180
By John Wythe 1 Lott	180
By Richard Tretter 1 lott	180
By Capt Thomas Mountfort 1 lott	180
By Mr Edward Moss Senr 1 lott	180
By Thomas Wotton 1 lott	180
By Willm Pattisson 1 lott	180
By Capt James Archer 1 lott	180
By Wm Thompkins 1 lott	180
By Capt Charles Hansford 1 lott	180
By Mr Nicho: Harrison 1 lott	180
By Thomas Branton 1 lott	180
By Mr Thomas Collyer 1 lott	180
By Willm Wise 1 lott	180
By Mr Robt Hide 1 lott	180
By Mr Owen Davis 1 lott	180
By Mr Robt Lightenhouse 1 lott	180
By Mr Thomas Harwood 1 lott	180
By John Seaborne 1 lott	180
By Mr Henry Howard 1 lott	180
By Mr David Condon 1 lott	180
By Mr John Rogers 1 lott	180
By Mr Samll Timson 1 lott	180
By Simon Stacy 1 lott	180
By Thomas Jefferson 1 lott	180
By ffrancis Callohill 1 lott	180
By Capt Tho: Chiswan for himself and his son 2 lotts	360
By Mr Dudley Digges 1 lott	180
By Jeffrey Overstreet 1 lott	180
By Mr Ralph Walker 1 lott	180
By Mr Isaac Sedgwicke 1 lott	180
By Mr ffrancis Read for Mr Benjamin Read 1 lott	180
By Nichs Sebrell 1 lott	180

By Mr Wilbur Buckner 1 lott	180
By Thomas Hill 1 lott	180
By Mr Edward Mosse junr [1]	180
By Thomas Sessions 1 lott	180
By Mr John Myhill 1 lott	180
By David Stoner 1 lott	180
By Mr Darnall Parke 1 lott	180
By Willm Pattisson for Ralph Wormeley Esqr 1 lott	180
By Majog Lawrence Smyth 1 lott	180
By Coll Edward Hill 1 lott	180
By Mr Edward Dodd 1 lott	180
By Mr Joseph Shropshear 1 lott	180
By Coll Willm Cole 1 lott	180
By Mr Ralph fflowers 1 lott	180
	10440
By 1039 Tythables att 7 lb Tobacco & poll	07873
Total -	17713

York county, Deeds, Orders, Wills, No. 9 (1691-1704), pp. 188-189.

APPENDIX C

YORKTOWN LOT OWNERS, 1739

The Court proceeded to assess on the Inhabitants & owners of Lotts in York Town the Sum of one hundred pounds to be paid to Gwyn Reade of the County of Glocr Gent for five Acres of ground lately taken from him for the use of a Common and also the Costs of obtaining the Act of Assembly for taking the same amounting to Eighteen pounds And assess'd the same as followeth

Philip Lightfoot Esqr ..... 10 Lotts Value £545-10

		at 7d P £			
			£15	18	5
Thomas Nelson	11 Dq	495	14	8	9
Dq for the Swan Lott	1	050	1	9	2
Cole Digges Esqr	4	155	4	10	5
Richard Ambler	3 1/3	135	3	13	9
Ann Baker	2/3	020	0	11	8
Wm Rogers	3	070	2	0	10
Matt Hubard	4	150	2	17	6
John Buckner	6	190	5	10	10
Lawrence Smith	4	120	3	10	10
Edmd Smith	1	045	1	5	3
Wm Nelson Senr	2	060	2	12	6
Robert Jackson	1	030	0	17	6
James Irwin	2 1/3	065	1	12	1
John Trotter	2	050	1	9	2
Charles Carter Esqr	1	050	1	9	2
James MacKindo's Extr	1	030	0	17	6
Wm Harwood	2	070	2	0	10
York County	1	050	1	9	2
Walter Taylor	2/3	030	0	17	6
Ishmael Moody	1	050	1	9	2
Abrm Archer	1	040	1	3	4
Joseph Nisbett	1	035	1	0	5
Yorkhampton parish	2	080	2	6	8
John Ballard	1	040	1	3	4
John Dayley	2	050	1	9	2
Thomas Gibbons	1	035	1	0	5
Thomas Phillips	1	050	1	9	2
Thomas Prayser	2	085	2	9	7
Thomas Haynes	1	030	0	17	6
John Cheshire	1	020	0	11	8
Sarah Gibbons	1	020	0	11	8
John and Ann Gibbons	2	070	2	0	10

Margaret Gordon	1		035	1	0	5
Lawrence Gibbons	1		030	0	11	8
Rebecca Hook	1		030	0	17	6
		Carry'd over		90	10	4
William Allen	1		030	0	17	6
Carter Burwell	2		080	2	6	8
Charles Cox's Estate	1		030	0	17	6
Brought over				90	10	4
				94	12	0
The County's 1/5 part for the fort				23	12	0
				£118	4	0

Order'd that the Inhabitants of York Town & the owners of Lotts therein do forthwth pay to Lawrence Smith & Thomas Nelson Gent ffeoffees of the said Town their respective proportions as they are set down in the foregoing assessment.

APPENDIX D

ORDINARY KEEPERS OF COLONIAL YORKTOWN

NAME	DATES OF LICENSES	LOCATION
Robert Read	1689/90	Ferry
Thomas Mountfort	1693; 1705/6	Lot 37
Thomas Pate	1694	Ferry
Robert Leightenhouse	1694; 1698	Lot 9 (?)
Elizabeth Leightenhouse	1701	Lot 9 (?)
Alexander Young	1697	Lots 60, 61
Thomas Sessions	1698	Lot 56
James Bowsher	1699	Lot 13
John Hilliard	1702/3	Lots 60, 61
Joshua Broadbent	1704/5	Lot 34
Isabella Broadbent	1707	Lot 34
John Crosby	1704/5; 1707; 1708/9	? ?
Andrew Young	1705	Lots 60, 61
Peter Gibson	1706	Lot 58
Charles Cox	1707	Lot 47
Humphry Moody	1707	Lot 45
Elizabeth Moody	1708/9; 1709; 1709/10; 1710/1 1711/2; 1712/3; 1713/4	Lot 45
Edward Powers	1714/5; 1716; 1717; 1718	Lot 30
Elizabeth Powers	1719; 1720; 1721; 1723/4; 1724; 1725; 1726; 1727; 1728; 1729; 1749	Lot 30

John Willis	1707/8; 1709	Ferry
Mathew Katherine	1709/10	? ?
John Brookes	1709; 1710; 1711	Lot 31
Elizabeth Brookes	1712; 1713; 1714; 1715/6	Lot 31
Michael Booth	1710	Lot 44
Aedy Booth	1711; 1712	Lot 44
Christopher Powell	1711	Lot 29
Hester Powell	1712	Lot 29
Richard Grimes	1713	? ?
Elizabeth Grimes	1716	? ?
John Cook	1713; 1718; 1719; 1720; 1722 1723; 1724; 1725	? ?
Nicholas Phillips	1713/4; 1714/5	Lot 56
Elizabeth Lumley	1714/5	? ?
Mary Smith	1715	Lot 36
Robert Middleton	1716	? ?
Damaries Brewer	1716; 1717	Lot 60 (?)
Edmund Brewer	1716	? ?
William Smith	1716; 1717/8	? ?
Andrew Elsmey	1716; 1716/7	? ?
Charles Haynes	1716/7	Lot 43 (?)
John Roberts	1717/8; 1718/9	Lot 29
Mary Davis	1718; 1719	? ?
Damaris Butterworth	1719	? ?
John Butterworth	1720; 1721; 1724; 1726; 1727; 1728; 1729; 1730; 1732; 1733; 1734; 1735; 1736/7; 1737/8; 1738/9; 1741/2	? ?

William Wyatt	1743	? ?
Lawrence Smith	1719/20	Lots 53 or 72
John Jones	1719/20	? ?
William Harwood	1720; 1728; 1729; 1735/6; 1744	Ferry
Thomas Robins	1720; 1721; 1722; 1723; 1725; 1726; 1728; 1729	? ?
Ezekiel Gilbert	1721	? ?
Robert Wills	1721/2; 1723; 1724; 1725; 1727; 1729; 1731	Lot 25
John Gibbons	1723; 1724; 1725; 1726	Lot 70
Sarah Barry	1726; 1727	? ?
Mary Hunter	1727/8; 1728/9; 1729/30; 1731/2; 1732/3	? ?
Benjamin Catton	1729; 1730; 1731/2; 1732/3; 1733/4; 1734/5; 1735/6; 1736/7; 1737/8; 1738/9; 1739/40; 1740/1; 1741/2	? ?
Abraham Archer	1729; 1730; 1731; 1732; 1733; 1734; 1735; 1736/7; 1737/8; 1738/9; 1739/40; 1740/1; 1741/2; 1743/4; 1745/6; 1747; 1748; 1749; 1750	Waterfront
Anne Bond	1742/3	Waterfront
Robert Laughton	1732/3; 1733/4	? ?
Patrick Galt	1733	? ?
Ishmael Moody	1735; 1737/8	Lot 30
James Mitchell	1741/2; 1742/3; 1758; 1765	Lot 35
John Gibbons	1745/6; 1752	Lots 34, 30
Thomas Archer	1749; 1750; 1752; 1753; 1759; 1761; 1762; 1765; 1768	Waterfront
Francis Riddlehurst	1752	Waterfront

Seymour Powell, Jr.	1752	? ?
William Moss	1754	? ?
Thomas Wyld	1777; 1778; 1779; 1780	Waterfront (?)
Thomas Wyld, Jr.	1777; 1779; 1780	Lot 22
Mary Gibbons	1777; 1779; 1780	Lot 30

APPENDIX E

YORK HAMPTON PARISH

How long is it, since you went over to the Plantations as a Missionary?

I came over to Virginia in May 1721.

Have you had any other Church, before you came to that which you now possess; and if you had, what Church was it, and how long have you been removed?

When I first came to this Government of St. Margaret's Parish in King William County, and November 1732 I removed to York Hampton Parish of which I am now Minister. There are two Churches in this parish one in York Town and the other at 8 miles distance from it.

Have you been duly Licensed by the Bishop of London to officiate as a Missionary, in the Government where you now are?

I was duly ordained and licensed by Dr. Robinson, late Lord Bishop of London, to officiate as a missionary in the government of Virginia where I now am.

How long have you been Inducted into your Living?

I have been Minister of this parish one year and seven months but without induction.

Are you ordinarily resident in the Parish to which you have been Inducted?

I ordinarily resid in York Hampton Parish.

Of what extent is your Parish, and how many Families are there in it?

My parish is about 20 miles in length and about 4 miles broad or about 9 miles square. There are about 200 families in it.

Are there any Infidels, bond or free, within your Parish; and what means are used for their conversion?

I know of no Infidels in my Parish except Slaves. I exhort their Masters to send them to me, to be instructed. And in order to their conversion I have set apart every Saturday in the Afternoon and catachise them at my Glebe House. [p. 282]

How oft is Divine Service performed in your Church? And what proportion of the Parishioners attend it?

I read prayers and preach twice every Sunday, viz: In the morning at one of my Churches and in the afternoon at the other, as also on Christmas Day and Good Friday. About the two thirds of my parishioners are commonly present at Divine Service.

How oft is the Sacrament of the Lord's Supper administered? And what is the usual number of Communicants?

I administer the Sacrament of the Lord's Supper 8 times in the year; that is, 4 times at each of my Churches about Easter, Whitsunday, Michaelmas, and Christmas. At my Church in York Town there are commonly about three score Communicants, and at my other Church about 20.

At what times do you Catechise the Youth of your Parish?

I have appointed every Sunday in the afternoon in Lent and 10 other Sundays in the afternoon Immediately after Evening prayer for the public catechising the youth, servants and slaves in my Parish.

Are all things duly disposed and provided in the Church, for the decent and orderly performance of Divine Service?

All things are duly disposed and provided in both my Churches for the decent and orderly performance of divine Service only supplices are wanting. But the Vestry will soon provide them.

Of what value is your Living in sterling money, and how does it arise?

My living is worth about £150 per annum arising from 20,000 pounds weight of Sweet Scented Tobacco and a few perquisites, viz: 5 shillings for every marriage, the Banns published; 20 shillings for a marriage by license, and 40 shillings for a funeral Sermon.

Have you a House and Glebe? Is your Glebe in Lease, or Let by the Year? Or is it occupied by yourself?

I have a Glebe House a Glebe consisting of about 180 acres of land. I live in my Glebe House and occupy the land myself.

Is due care taken to preserve your House in good repair? And at whose expense is it done?

My Glebe House hath been lately repaired, at the expense of the Parish.

Have you more Cures than one? If you have, what are they? And in what manner served?

I have no other cure, but the one above mentioned.

[p. 203]

Have you in your Parish any public School for the instruction of Youth? If you have, is it endowed? And who is the Master?

There is no public School in my parish: But here and there small schools are set up, to teach children to read and write, where a convenient number of scholars can be found.

Have your a Parochial Library? If you have, are the Books preserved, and kept in good condition? Have you any particular rules and orders for the preserving of them? Are those rules and orders duly observed?

I have no parochial Library.

FRAN: FONTAINE,
Minister of
York Hampton Parish.

May 14th 1724.

William Stevens Perry, editor, Papers Relating to the History of the Church in Virginia. A.D. 1650-1776, pp. 281-283.

APPENDIX F

ARTICLES OF CAPITULATION

THE ARTICLES OF CAPITULATION settled between his Excellency General Washington, commander-in-chief of the combined forces of America and France; his Excellency the Count de Rochambeau, lieutenant general of the armies of the King of France, great cross of the royal and military order of St. Louis, commanding the auxiliary troops of his most Christian Majesty in America; and his Excellency the Count de Grasse, lieutenant general of the naval armies of his most Christian Majesty, commander-in-chief of the naval army of France in the Chesapeake on the one part; And the Right Honorable Earl Cornwallis, lieutenant general of his Britannic Majesty's forces, commanding the garrisons of York and Gloucester; and Thomas Symonds, Esquire, commanding his Britannic Majesty's naval forces in York River, in Virginia, on the other part.

ART. I. The garrisons of York and Gloucester, including the officers and seamen of his Britannic Majesty's ships, as well as other mariners to surrender themselves prisoners of war to the combined forces of America and France. The land troops to remain prisoners to the United States; the navy to the naval army of his most Christian Majesty.

Granted.

ART. II. The artillery, guns, accoutrements, military chest, and public stores of every denomination, shall be delivered unimpaired, to the heads of departments appointed to receive them.

Granted.

ART. III. At twelve o'clock this day the two redoubts on the left bank of York to be delivered; the one to a detachment of American infantry; the other to a detachment of French grenadiers.

Granted.

The garrison of York will march out to a place to be appointed in front of the posts, at two o'clock precisely, with shouldered arms, colors cased, and drums beating a British or German march. They are then to ground their arms, and return to their encampments, where they will remain until they are dispatched to the places of their destination. Two works on the Gloucester side will be delivered at one o'clock to a detachment of French and American troops appointed to possess them. The garrison will march out at three o'clock in the afternoon; the cavalry with their swords drawn, trumpets sounding; and

the infantry in the manner prescribed for the garrison of York. They are likewise to return to their encampments until they can be finally marched off.

ART. IV. Officers are to retain their side-arms. Both officers and soldiers to keep their private property of every kind and no part of their baggage or papers to be at any time subject to search or inspection. The baggage and papers of officers and soldiers taken during the siege to be likewise preserved for them.

Granted.

It is understood that any property obviously belonging to the inhabitants of these States, in the possession of the garrison, shall be subject to be reclaimed.

ART. V. The soldiers to be kept in Virginia, Maryland, or Pennsylvania, and as much by regiments as possible, and supplied with the same rations or provisions as are allowed to soldiers in the service of America. A field officer from each nation, to wit, British, Anspach, and Hessian, and other officers on parole in the proportion of one to fifty men, to be allowed to reside near their respective regiments and be witnesses of their treatment; and that their officers may receive and deliver clothing and other necessaries for them; for which passports are to be granted when applied for.

Granted.

ART. VI. The general, staff and other officers, not employed as mentioned in the articles, and who choose it, to be permitted to go on parole to Europe, to New York, or any other American posts at present in possession of the British forces, at their own option and proper vessels to be granted by the Count de Grasse to carry them under flags of truce to New York within ten days from this date, if possible, and they to reside in a district to be agreed upon hereafter until they embark.

The officers of the civil department of the army and navy to be included in this article. Passports to go by land to those to whom vessels cannot be furnished.

Granted.

ART. VII. Officers to be allowed to keep soldiers as servants according to the common practice of the

service. Servants, not soldiers, are not to be considered as prisoners and are to be allowed to attend to their masters.

Granted.

ART. VIII. The Bonetta sloop of war to be equipped and navigated by its present captain and crew and left entirely at the disposal of Lord Cornwallis from the hour that the capitulation is signed, to receive an aid-de-camp to carry dispatches to Sir Henry Clinton; and such soldiers as he may think proper to send to New York, to be permitted to sail without examination, when his dispatches are ready. His Lordship engages on his part that the ship shall be delivered to the order of the Count de Grasse, if she escapes the dangers of the sea; that she shall not carry off any public stores. Any part of the crew that may be deficient on her return, and the soldiers passengers, to be accounted for on her delivery.

ART. IX. The traders are to preserve their property, and to be allowed three months to dispose of or remove them; and those traders are not to be considered as prisoners of war.

The traders will be allowed to dispose of their effects, the allied army having the right of preemption. The traders to be considered as prisoners of war on parole.

ART. X. Natives or inhabitants of different parts of this country, at present in York or Gloucester are not to be punished on account of having joined the British army.

This article can not be assented to, being altogether of civil resort.

ART. XI. Proper hospitals to be furnished for the sick and wounded. They are to be attended by their own surgeons on parole; and they are to be furnished with medicines and stores from the American hospitals.

The hospital stores now in York and Gloucester shall be delivered for the use of the British sick and wounded. Passports will be granted for procuring further supplies from New York as occasion may require; and proper hospitals will be furnished for the reception of the sick and wounded of the two garrisons.

ART. XII. Wagons to be furnished to carry the baggage of the officers attending on the soldiers, and to

surgeons when travelling on account of the sick, attending the hospitals at the public expense.

They are to be furnished if possible.

ART. XIII. The shipping and boats in the two harbors, with all their stores, guns, tackling, and apparel, shall be delivered up in their present state to an officer of the navy appointed to take possession of them, previously unloading the private property part of which had been on board for security during the siege.

Granted.

ART. XIV. No article of capitulation to be infringed on pretence of reprisals; and if there be any doubtful expressions in it, they are to be interpreted according to the common meaning and acceptation of the words.

Granted.

Done at York Town in Virginia October 19, 1781.

Cornwallis
Thomas Symonds

Done in the trenches before York Town in Virginia October 19, 1781.

G. Washington
Le Comte de Rochambeau
Le Comte de Barras, en mon nom & celui de Comte de Grasse

APPENDIX G

THE DESTRUCTION OF PROPERTY BY THE BRITISH, 1781

The amount of damage done to the property of the inhabitants of Yorktown and its environs in 1781 by the British army was exceedingly heavy. An indication of its extent can be found by a study of the claims filed by these citizens with the county court following the siege. This particular set of claims was specifically limited to the damage done by the British, and did not include the destruction caused by the severe bombardment of the town by the allies. Although the records are incomplete (fifteen claims missing out of a total of eighty-one), they do afford a minimum figure of the amount of the losses to the town's people. In these claims a total of twenty-six dwelling houses, ten kitchens, nine stables, nine smokehouses, three shops, four stores, eight dairies, larders, and washhouses were stated to have been pulled down or burned by the English army. Furthermore, a total of seven houses, a kitchen, stable and washhouse were extensively damaged. The claim for public losses included the barracks, and the hospital, with its kitchen, stable and dairy, were listed as having been totally destroyed, while the courthouse and the church were greatly damaged. Numerous gardens and fences were also destroyed, and enormous amounts of produce,

stock, house furnishings, and even clothing were listed as having been commandeered by the British forces. In addition to these losses, the land owned by many of the inhabitants of the town suffered greatly in the erection of the British fortifications. Some of the lots in the town were made practically useless for building purposes, without much work, as approximately two-thirds of their surface was deeply trenched when a battery or redoubt was located on it.

York county, Claims for Damages for Losses Sustained by Citizens of York County During the British Invasion of 1781.