

Changing Patterns of Local Leadership: The JPs of Albemarle County, Virginia, 1760-1820

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I

In exploring the changes in political life stimulated by the Revolution and the creation of the new federal government, historians of eighteenth-century Virginia have directed their efforts almost exclusively at the political institutions and leaders at the state level. Analysis of county politics has consequently suffered. Indeed, except for Charles Sydnor's short chapter on "county oligarchies," in his perceptive, *Gentlemen Freeholders*, little attention has been paid by historians to the nature and dimensions of local political leadership.¹

Presumably, what has deflected historical inquiry from political structure at the county level is the belief that the county court, alone among Virginia's political institutions, continued throughout the eighteenth and much of the nineteenth centuries virtually unchanged. The court, it is suggested, continued to be controlled by wealthy planters who wielded the same oligarchic powers as they had since the seventeenth century. This rather undemocratic situation was mitigated by the magistrates' benevolent attitude toward a citizenry whose principal economic interests in farming they shared. And with the extensive powers delegated to the county magistrates — the justices of the peace — they provided competent leadership for the county.

This view of local politics contains a large share of truth, but it rests on unsystematic research. The following analysis intends to show that while a landed elite dominated the Albemarle County Court before the Revolution, by the 1790s men of moderate, even small means began to acquire positions of authority in the county. And by the early decades of the nineteenth century, local political

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power had ceased to flow primarily into the hands of the planter gentry.

Moreover, the assumption that because only those men with a keen sense of responsibility served at the county court, the public was uniformly content with their performance, even after the Revolution, needs reassessment. Popular agitation for county court reform, especially in the 1780s and 1790s, was strong and contributed to a decline in the court's prestige.

To identify and explore these changes in county leadership this essay will examine the careers of the 157 justices of the peace who served on the Albemarle County Court from 1760 to 1820. In analyzing Albemarle County there is no presumption that it is typical of all Virginia in this period. But I believe it is instructive to investigate, in close detail and over a sufficiently long period of time, the often gradual changes in the character of political leadership at the local level. Only when other studies have been made that analyze local or regional political structures, social and economic conditions and demographic changes can confident generalizations be made about social and political life in Virginia after the Revolution.

II

The county court touched the lives of eighteenth-century Virginians more directly than any other political institution. In the absence of many towns and cities the county court each month became the focal point for social and economic activities in the widely scattered settlements in Virginia. And while the provincial legislature made more newsworthy decisions, the court in each county carried out the fundamental business of administering justice, maintaining the peace, levying and collecting taxes, holding elections and building roads.

Controlling these essential processes at the local courts were its chief magistrates, the justices of the peace. Throughout the colonial period and until the mid-nineteenth century this group of magistrates possessed a remarkably wide range of powers and responsibilities in the county. Much of their work in each monthly session involved trying certain civil and criminal cases and handling probate matters. But they were also charged with a multitude of other administrative and legal tasks. The justices,

for example, appointed surveyors to determine where public roads were to be built and to organize their construction. Owners of taverns and ordinaries received their licenses and yearly rates from the county magistrates. And the court was empowered to record all land conveyances, list tithables and handle apprenticeships.²

To help them carry out these numerous responsibilities the justices chose directly or indirectly the entire slate of subordinate officials in the county. They selected the clerk outright; others such as the sheriff, the coroner, militia officers up to the rank of county lieutenant, and tobacco inspectors were recommended by the court subject to the governor's approval. The county court, then, in addition to administering justice and conducting public affairs, also could confer status and determine county leaders.³

Perhaps the magistrates' most crucial power lay in their privilege to choose new men for the court. New justices were appointed, as they had been since the seventeenth century, by the governor on recommendation by county court members. In practice, however, this nominating power of the justices became complete appointive authority, as the governor, desiring the allegiance of county leaders, customarily appointed the first person named on a list of three nominees submitted by the court. Rarely were the justices' choices rejected. Once selected to the court, the justices served for an indefinite period of time and so any turnover of magistrates was the result of death, emigration from the county or resignation from the court.⁴

This brief outline of the county court's jurisdiction in eighteenth-century Virginia reveals the rather unobstructed reach of the justices' authority in the county's public affairs. Indeed, here in one body of magistrates lay all the executive, legislative and judicial power which the county possessed; thus, at a single monthly session they could decide the county levy, appoint county officials and try a case.

This extensive grant of power to the justices was not reduced significantly until the mid-nineteenth century when the office of justice of the peace became elective for the first time. But during the period under study the court's responsibilities were actually enlarged, especially after the Revolution. The disestablishment of

religion in 1785 transferred to the county court the church's old task of caring for the county's poor and orphaned. And the justices' broad appointive authority remained in force until the county court system was revamped in the 1850s. But while the court's wide authority was not significantly restricted in these six decades, it faced during and after the Revolution a more critical public and began to attract to the court bench a considerably different kind of county magistrate.⁵

Prior to the Revolution the men who managed public business at the county court were drawn almost exclusively from the county's landed elite. With few exceptions, justices of the peace owned large estates and substantial slave forces. Their holdings were large enough to place most of the magistrates in the richest 10 per cent of the county's property owners.

Small farmers participated in county government too, but almost always in minor capacities such as surveyors or constables, while the planter gentry had a firm grip on the most powerful and prestigious positions. And with an agrarian economy this ruling elite faced little competition from men with other forms of wealth — merchants, lawyers or other professionals. It was perhaps natural that a society of farmers would defer to the most successful among them to govern local affairs.⁶

While the possession of substantial property was common, what drew the planter-magistrates into an even closer association was their elaborate network of kinship connections. Men often joined or succeeded their brothers and fathers on the court, creating sometimes family dynasties that lasted several decades. Intermarriage among county political elites was frequent and further strengthened the bonds of the ruling gentry. The result for local leadership was that access to power in the county became restricted to a group of wealthy planters interrelated by blood or marriage.⁷

As the county's leading citizens, the justices were able to extend their influence beyond the confines, however large, of the county court. They provided a shaping force in ecclesiastical affairs, as the magistrates dominated positions on the parish vestries. And because of the court's appointive power in the militia, the justices often selected their own fellow magistrates as high-ranking

officers in the county militia. In short, the justices in eighteenth-century Virginia monopolized the various sources of authority and status within the county.⁸

Having acquired the most powerful positions in the county's key institutions — the county court, church and militia — many magistrates in Virginia found little difficulty in securing even higher political offices in the province. Most justices prior to the Revolution advanced their political careers by winning places in the House of Burgesses. In fact, over three fourths of the members of the provincial lower house before the Revolution had acquired their early political experience on the county courts. During this period the county courts did serve as a sort of training ground and recruitment pool for future political leaders at the provincial level.⁹

This ruling gentry, then, prevailed over virtually all the county's public affairs and many of them advanced further in provincial politics. County government in pre-Revolutionary Virginia was the special preserve of a closely-knit planter elite, who, if we can judge by a few notables like Jefferson, Washington and Henry, provided impressive leadership for Virginia.

In almost every detail the Albemarle County Court and its magistrates conformed to this description of local politics in the mid-eighteenth century. Founded a little more than three decades before the Revolution, Albemarle County took shape under the influence of the planter-settlers who patented vast tracts of the area's rich land. During Albemarle's early years, wealthy planters such as Thomas Walker, Robert Lewis and Edward Carter, managed business at the county court and provided able leadership and stability for the young county.¹⁰

By the end of the Revolution, conditions had changed. A rapidly expanding population into western Virginia created an increasingly burdensome workload in the Albemarle County Court. Dockets of over 200 suits per monthly court session — almost twice the caseload before the war — became regular occurrences by the 1790s.¹¹ The post-war economic dislocations with the depression in tobacco produced a growing number of cases of indebtedness with justices often on the losing end of such suits.¹² And after the separation of church and state in 1785, the courts were saddled with the additional responsibility of

providing for the county's poor. They had to direct the election of the overseers of the poor (the only elective county position) and supervise the collection and administration of the funds for county welfare recipients.¹³

Faced with these growing responsibilities in the county, magistrates throughout Virginia began to appoint additional justices to the court. While about eight to fifteen justices had served at most county courts during the eighteenth century, by 1800 the number of magistrates increased to thirty-five or more in many areas. Reflecting the burgeoning population in the Piedmont during the latter half of the eighteenth century, the Albemarle County Court had by 1800 enlarged its body of magistrates to forty-five, almost twice the county magistracy of 1760.¹⁴ Also to relieve the overloaded county courts several district courts were established in the 1788 state-wide court reforms. This provided more convenient appeals courts from the crowded county courts. Despite these efforts, however, public attitudes after the Revolution suggest that the quality of justice rendered in the local courts did not significantly improve.¹⁵

Rarely attacked by citizens, the county court and its chief magistrates now began to fall into considerable disfavor in Albemarle county and other areas as well. Various counties sent petitions to Richmond in the 1780s and 1790s demanding a lengthening of county court monthly sessions to permit a speedier and more equitable administration of justice.¹⁶ One Albemarle County petition in 1794 declared that a whole week was necessary for the court to dispense justice for all parties, especially for the poor "who might as well give up a small demand as to prosecute a suit for justice." The district courts established in 1788 did not handle small debts (those less than 30£) and so those who attempted to collect on these minor obligations had no other way of enforcing payment except by suits in the county courts where justice is much more tedious." In some courts, it was claimed, it took four to five years to get restitution for debts.¹⁷

To improve the administration of justice in the local courts, some men developed the idea that justices ought to be compensated for their work. Fairfax County petitioners in 1789 suggested a law be passed that paid magistrates and reduced the business of the county court by making debt sums recoverable by

a single justice. The effect of such a reform would be to "compel them [justices] to do their duty," for one could not expect men to devote "time and money in service for which they receive no compensation."¹⁸

This notion that county officials should be compensated for their performance at the court emerged from the realization that the business of governing a county had become a complex, difficult task, which needed the devotion and, perhaps, the expertise of professionals. That justices often joined with the reformers in calling for a paid county officialdom suggests a growing dissatisfaction with the earlier assumption that a magistrate's compensation came in the form of respect and prestige he derived as a benevolent steward for the county. Increasingly, magistrates were in need of remuneration for their service at the court.¹⁹

The broad privileges of the justices came under fire, too, during the early national period. In 1798 citizens of Albemarle County objected to the magistrates' appointive power of jurymen, asserting that this selection authority had been abused to serve the justices' own interests and not justice. Often foreigners and idle bystanders around the courthouse were hauled in for jurywork, the authors argued, and their ignorance "rendered them pliable to the will and designs of power." To remedy this, the petitioners asked for the popular selection of juries through district or precinct elections. Again, compensation was suggested as a means for improving the quality of public servants.²⁰

The justices had long possessed the authority and responsibility to levy taxes for the county but in 1803 this power also came under attack. Charles and Jechonias Yancey wrote a petition on behalf of a number of Albemarle inhabitants charging that on days when the county levy was to be determined, the usual number of four magistrates was too small. That these few men decided among themselves the entire county's taxes was for the authors "very injurious and oppressive to the citizens of this commonwealth and leaves room for designing men to tax the people very heavy and little or no benefit results for them." Their suggestion was for a new law that would require the presence of a majority of the county magistrates when deciding on the county levy and that the justices be subject to heavy penalties when they

did not attend. This proposal became law five years later, but apparently had an immediate effect on some Albemarle County justices. The following year a levy that had been determined in one monthly court session was disallowed the next month because only *half* the magistrates had attended the taxation meeting.²¹

Poor attendance of justices at county court sessions had in some areas grown to intolerable extremes. Residents of Fairfax County in 1789 protested moving the courthouse out of Alexandria and "into the woods," where they feared an increased incidence of absenteeism on the part of justices and juries. Lamenting the inadequate number of Stafford county magistrates, one justice in 1796 complained that the total size of the court would be down to nine or ten men after deaths, removals and "of those several scarcely ever attend." Sometimes it was difficult to bring together a majority of justices even on days when major appointments were to be made. In one such instance the sheriff was dispatched in advance to round up all the magistrates "but failed to induce their presence." Reacting to this problem, a group of citizens from the town of Evensham in 1811 asked that the county magistrates divide themselves into six classes and arrange for each justice to attend at least two terms which would be assigned to him. In addition they proposed that any justice who offered a recommendation for himself as sheriff to the Governor, should also present a certificate to the county clerk verifying that he had attended the terms he was allotted or at least had some satisfactory explanation for his failure to do so.²²

While these various proposals for speedier and more equitable administration of justice at the county courts formed the bulk of suggestions for reform in local government during this period, other criticisms of the county court system and the justices struck at more fundamental issues. The oligarchic structure of county government, so obvious to modern eyes, did not go unnoticed by Virginians during the early national period. In fact, as early as 1776, many Albemarle county citizens boldly declared their opposition to the undemocratic practices and principles of the county court. Before the new Virginia constitution was completed in that year, some 86 Albemarle County residents urged in two

petitions for dramatic and far-reaching changes in the composition and functioning of the county court.

Civil magistrates, especially justices, they insisted, should be chosen by the people for two- or three-year terms, thus abolishing the traditional practice of appointment by court members.

If the people have a right to chuse representatives and Senators, whom everyone must confess to be in higher lengths than the Civil Magistrates belonging to their particular counties, certainly they ought to retain the power of choosing the later as well as the former and not have the power taken from them, when they can perform the one as conveniently as the other.

But it was not only because of convenience or an abstract principle that the petitioners insisted upon more control over their magistrates. Lurking behind this rationale was a deepseated concern about the prejudice that they felt the justices sometimes demonstrated in the appointment of their own officers. Although the authors claimed that they believed most of the officials had virtuous ends in mind for the common weal, they always feared that

a small number of magistrates, where, we may suppose a part to be of bad moral and other biassed, that they will not act for the public good, but rather through favor and interest in the recommendation of others for that important office who may be unfit . . .

The petitioners continued by suggesting that prejudicial behavior had too frequently been the case:

From the shrewd and glaring conduct of many (of which we wish there were not so many instances daily before our eyes) we may without breach of clarity suspect this will be the case in many places, should the appointment of Magistrates, depend upon the recommendation of those who are in trust.

For these reasons they contended that the power of choosing justices ought to be placed in the hands of the people "who will give an opportunity of still continuing those in place who are faithful and of deposing those who act out of character." ²³

A reform that could have altered so profoundly the character of political power in the county understandably met stiff resistance. Jefferson, aware of the radical implications of the proposal, introduced in the House of Delegates a milder form of this plan which called for an elected set of aldermen to appoint county magistrates. The bill never made its way out of committee, apparently ignored or forgotten, as it was not brought up again until 1788 when the state court system was reorganized.²⁴ With the legislature composed largely of justices of the peace, it is not surprising that Jefferson's proposal, much less the reforms articulated by the Albemarle petitioners, had little chance of becoming law.

Such direct opposition to the traditional powers of the justices did not occur often. But at the end of the Revolution there was an even more dramatic confrontation between county citizens and a group of justices. Several Fairfax County magistrates in 1782 responding to a forcefully written petition, defended themselves from a similar charge that the court was a self-perpetuating body and not representative of the people. "That the justices of the county court are not the representatives of the people at large nor amenable to them, we admit, but does it thence follow they are amenable no where?" They answered their own question with a rather weak appeal to the law which provided for the governor's ultimate veto of the justices' recommendations — a law, it must be added, that had consistently been ignored by both the governors and the justices. "Neither are they a self-continuous body, because the Governor has a negative on the Recommendation, may order a new commission and leave out whome he pleases."

In what seemed a flight of desperation, the Fairfax justices tried to deflect public antagonism from the oligarchic court and point it toward "the more undemocratic vestries, who fill up their vacancies and are not dissolvable but by act of assembly." The petitioners who lamented that the new Virginia constitution was faulty in allowing such a county court system to continue found their respondents conspicuously reluctant to criticize that document, as they claimed "it is not our duty to reply."²⁵

Local government fell under an equally critical eye in the Borough of Norfolk after the Revolution. In a series of petitions in

1786 a number of citizens demanded a freely elected local government in Norfolk, insisting that the townspeople should choose annually the Mayor, Recorder, Aldermen and Common Council. They objected to the current system that allowed for life tenures and replacement of officials "without the voice of the freeholders, citizens and free men."²⁶ Whether during these years the public encountered less capable men presiding at the county court or if a more open political forum had been created by the Revolution, the fact is that citizens increasingly insisted upon their competence to govern their own local affairs and began to question the county court system of magisterial paternalism.

These various attacks on the county court and its magistrates did not eliminate their basic privilege of self-appointment and their extensive authority in county government, but the heightened public criticism did probably serve to diminish the prestige of justices of the peace. With county government under fire as early as 1776 and an increasingly burdensome workload at the court, many men may have considered the county court a less attractive place to begin political careers. In addition, the more extensive state government and the newly created federal government provided new opportunities for aspiring politicians. By the 1790s, men could compete for positions in Virginia's House of Delegates and Senate and those with larger ambitions could seek a place in the United States Congress. Improved transportation and communication during the early national period also helped broaden the political loyalties and aspirations of many Virginians beyond the confines of the county.

All of these forces which tended to reduce the importance of the county court were at work in Albemarle County after the Revolution and engendered some rather striking changes in the composition of the Albemarle County Court. Indeed, an examination of the Albemarle justices who received their commission in the three decades after 1790 reveals that the nature of local leadership changed considerably during these years.

When Clifton Rodes was sworn in as a justice of the peace in Albemarle County on April 8, 1807, he joined a body of county magistrates whose backgrounds and careers differed significantly from those his grandfather, Clifton Rodes, sr., had known while

serving on the court in the 1770s. Clifton, sr., a wealthy planter during the Revolution had worked on the court with other men of great influence and high standing in the county, such as Major Thomas Carr, George Gilmer and Colonel Reuben Lindsay.

Present at that appointive session in 1807, however, were only a few men whose names were still familiar to all Albemarle residents, like Benjamin Harris, Joshua Key and Thomas Garth, and these three men were soon to leave the court. Selected instead that day were men, who, like Clifton, jr., represented a different sort of county leadership.

Unlike both his grandfather and father who had been successful planters, Rodes earned a living as a tobacco inspector. His father had bequeathed him only 100 acres but through his salary at the tobacco warehouse and what profits he could wring from his small estate, Rodes was able to maintain a substantial slave force of 18 slaves.²⁷ He did not marry into an especially prominent family but his grandfather's influential name in the county probably served as a powerful substitute for strategic marital connections or wealth in securing an appointment to the court. Also in contrast to his grandfather and his colleagues on the court in the 1770s, Rodes, prior to his selection as a magistrate, had served in a few of the minor county offices. In 1801 he was an overseer of the poor and by 1805 he became one of Albemarle County's deputy sheriffs. For six years, Rodes helped manage county affairs at the courthouse until 1813 when he resigned as a justice and became a candidate for the House of Delegates. Jesse W. Garth, an influential lawyer and merchant in the county, defeated him, and Rodes left that same year with his wife and family for Kentucky.²⁸ With only a few exceptions, Rodes' background and career experience resembles closely those of many justices appointed to the court in the three decades after 1790.

In acquiring a position of authority in the county, Rodes, like several of his colleagues on the court, drew upon important family connections. Either through a brother or father on the court or by marriage into a prominent family, a prospective justice could enhance his chances for a place in the county magistracy.

Family dynasties had been especially prevalent in Albemarle

County during the 1760s when the Walker and Lewis families dominated the county court. These two families, in fact, supplied seven members to the court, close to one third of all the justices serving in that decade. Robert Lewis, the great patriarch of the Lewis clan in Albemarle County, worked as a magistrate from 1761 to 1766 and three of his four sons, Nicholas, John and Charles became justices in that same decade, two of whom (John and Nicholas) sat on the court with their father. Equally prominent in county politics was the Walker family led by Dr. Thomas Walker, perhaps the most eminent man in the county before Jefferson's emergence as a political leader. In 1741 he married into the influential Meriwether family and soon acquired a position on the vestry and by 1760 joined the county court. A son, John, succeeded him to the bench in 1766 and served there along with his friend and colleague Thomas Jefferson until 1772 when they both won election to the House of Burgesses.²⁹

But Dr. Walker influenced political leadership in the county more through his daughters than his sons. The marriages of Walker's daughters reveal how closely interwoven were family and political prominence. One of his daughters, Jane, married Nicholas Lewis, who was a county court member for 10 years, a vestryman for eight years and a member of the House of Delegates in the 1790s. Five of Walker's remaining seven daughters married men who later became justices, making Walker, in a certain sense, the father of a large political family.³⁰

But marrying into prominent families did not constitute an easy mode of political advancement for men *outside* of the gentry class.³¹ Most daughters of leading planters married only men from equally important families. Thus a person's marriage into the family of a political elite represented not one's entrance into, but one's confirmation as a member of the ruling gentry. Especially in the early years of Albemarle County, the effect of family influence was to narrow political opportunities to a relatively small group of wealthy planters.

During these sixty years in Albemarle County men regularly followed their relatives to the court. Almost half of the justices appointed from 1760 to 1820 could claim kinship connections of some sort with court members.³² Family dynasties that controlled the court for a short period of time such as the Walker and Lewis

families, did not occur in the early national period. But a few families maintained some share of influence at the court over several generations.

The Carrs, for example, contributed magistrates for Albemarle County for over fifty years. Colonel Thomas Carr, a substantial planter in the county, served as a justice during the Revolution and as a member of the Albemarle Committee of Safety in 1775. His brother Garland succeeded him to the court in the 1790s while another brother Samuel and nephew Peter Carr continued the family's involvement in county politics in the 1800s. Not until the 1830s when Dr. Frank Carr left the court bench did the Carrs' influence in county government end. So despite other changes in political leadership during these changes, family influence remained a central fact of local politics.³³

But the enlarged county court during the early national period diminished the significance of these self-perpetuating kin groups. With a court membership doubled in size by the beginning of the nineteenth century, the presence of two or three justices from the same family amounted to less than 10 percent of the total number of magistrates. So while some families continued to place relatives on the court their collective strength declined with the expanding body of magistrates.

III

Despite the persistence of certain families on the Albemarle County Court after the Revolution, many new men became magistrates as a result of two major appointive sessions in 1791 and 1794. Filling the vacancies created during these years were men of much more modest means than those who had previously served. While a few powerful, large planters like George Divers and Francis Walker received appointments to the court during this period, there began by the 1790s a clear pattern of diminishing wealth among justices of the peace.

Reaching the county court in these years were small property holders like Achilles Douglass, James Simms and William Wardlaw who each owned less than 200 acres and only a few slaves. (Simms' three slaves was the largest slaveholding of the three.) Over-all, less than one third of the 28 men appointed to the court from 1790-1800 held 1000 acres or more and fewer

than one out of six possessed over 20 slaves. In contrast, during the 1760s, practically the reverse had been the case, as only one out of three justices had owned *less* than 1000 acres or less than 20 slaves. This reduction in the justices' economic strength was even more pronounced by 1820. By this time, the average size of a magistrate's estate had declined to less than 500 acres, and his slaveholdings had shrunk to nine.³⁴

But since these absolute figures can be misleading in understanding the comparative wealth of magistrates over these years — due to inflation or variation in the intensity of land cultivation — it is necessary to view the justices' economic status in relation to the county as a whole. It is much easier from the 1780s on to follow the evolving of the economic structure of Albemarle County and the justices' shifting position within it. Because of the county tax levies begun in 1782, one can discern with more clarity the wealth of each real and personal property owner in the county. In addition to determining more accurately the quantity of the magistrates' property at a time close to their appointment to the court, one can also measure their aggregate wealth relative to the richest segment of the county. Assuming that in the first two decades of this study most of the justices belonged to the wealthiest 10 percent of the county, we can follow over the subsequent decades their economic status vis-à-vis this upper 10 percent.³⁵

The economic picture at the first tax assessment in 1782 reveals no important change in the magistrates' wealth relative to the county. The most affluent 10 percent of the county (that 10 percent of the county's landowners paying the highest total land taxes) paid over 60 percent of the entire county levy for that year. Within this richest one tenth of the county fell about 60 percent of the justices of the peace serving at that time. And three out of four justices had a slave force large enough to place them in the upper tenth of the county's slaveholders. Thus, even though the average *number* of slaves and acres of land possessed by the justices had dropped considerably from the 1760s, the economic strength of the court members within the county had not significantly changed — they were still well established in the county's economic elite.³⁶

By 1800 the situation had changed. In that year the proportion of justices ranking in the wealthiest 10 percent of the county's landowners had declined to less than one half. And this fall in the economic rankings occurred farther down the scale too. Sixty percent of the county court members in 1800 were in the upper one fifth of Albemarle's landowners, but that figure is less impressive when compared with 86 percent of the justices, who, in 1782 were among the richest fifth of the county.³⁷

The justices' economic status by 1810 was far below the elite position they held in 1760 or even 1780. Although the upper one tenth of the landowners in Albemarle still paid a disproportionate share of the taxes — almost 50 percent — few magistrates were to be found in this wealthy group of men. Less than one out of five court members were part of the upper tenth and fewer than half of the justices were in the top fifth.³⁸ The dramatic decline in absolute wealth over these decades, then, is corroborated by an analysis of the justices' wealth within the county's economic structure.

From the above discussion it should be apparent that after 1790 large planters no longer dominated the Albemarle County Court. In fact, the magistrates presiding at the court during these years earned their living from strikingly diverse occupations. This is in sharp contrast to the planter aristocracy that had controlled the court throughout most of the eighteenth century. Tavern owners, ministers, doctors, teachers, merchants and small farmers now began to assume positions as county magistrates.

In the 1790s, for example, only one third of the justices could have been considered large planters, another third were men of professional and mercantile interests and the remaining third were small farmers. The increasing differentiation of economic interests on the court continued into the nineteenth century. By 1820 citizens of Albemarle County who had business at the county court no longer found a group of wealthy planters at the bench. Conducting local affairs at the court instead were men such as John M. Perry, a mill-owner and building contractor in Charlottesville, Allen Dawson, a school teacher, William H. Dyer, a merchant and Benjamin Ficklin a Baptist minister. Indeed, the most salient characteristic about the court's composition is the wide diversity of careers represented. The eclipse of the planter

gentry in controlling county government is even clearer when one considers that only three of the 32 justices serving in 1820 owned large tracts of land, while twice that many were merchants, five were doctors, two were millers, three taught school, one was a tobacco inspector and the rest worked small farms for a living.³⁹

To be sure, Albemarle County by the early nineteenth century had developed a more variegated economy than it had in the 1760s. This explains, in part, the increasing diversity of occupations on the court. But even in 1830 Albemarle was primarily a commercial farming area with mercantile and professional economic interests comprising less than 10 percent of the population.⁴⁰ Clearly, then, the makeup of the county court during these years reflected the landed gentry's departure from the local power structure.

While men with new forms of income reached the court, they followed different paths to local leadership. With less frequency did men emerge from prominent, wealthy families and step directly into a position on the court without some prior experience in the lesser offices of local government. These minor positions of responsibility in the county such as constable, deputy sheriff, surveyor, overseer of the poor and grandjuryman had never before during the eighteenth century attracted men of substantial wealth or high standing in the Albemarle community. During the first two or three decades of this study, few men who later became county magistrates had begun their public lives in one of these minor offices.⁴¹

By 1800, however, one finds men whose names appear in the county court order book, first as surveyors, then a year or so later as a grandjuryman or perhaps as deputy sheriffs, and ultimately as appointees to the county court bench. James Old became a justice for Albemarle County in 1807 but only after performing in various lesser capacities as surveyor, deputy sheriff, constable and overseer of the poor. During the 1790s, Achilles Douglass and Nathaniel Garland served as deputy sheriffs before advancing to the court bench and Ed Moore, a magistrate in 1794 had two years earlier worked as an overseer of the poor. These men were not unusual in their gradual rise toward the county's highest post. In fact, in a period examined from 1790-1810, almost one half of the 58 justices commissioned in these two decades had acquired prior

experience in public affairs by serving in one of the county's subordinate positions.⁴²

The suggestion here is not that county government had been transformed into a meritocracy. What had changed though, was that the channels through which potential county leaders advanced had widened to include lower county offices as legitimate sources for training local politicians. While wealth and important kinship connections still propelled some directly to the county court, those men of smaller means and lesser status in the county, could through experience in minor public positions, acquire a considerable measure of political authority as county magistrates.

If men were more inclined during these years to progress gradually towards a place on the court, many upon reaching the magistracy became reluctant to leave it. Changing tenure patterns are especially revealing in this connection. Before the 1780s, Albemarle justices had spent a relatively short time on the bench, usually around seven years, but in 1790 the average length of service had doubled and by 1810 it had grown to 16 years.⁴³

Longer tenures were even more evident for those justices who became sheriffs. Prior to the Revolution, a decade of experience as a county magistrate had generally been sufficient to achieve the seniority for promotion to the shrievalty in Albemarle County. But by 1810, justices who sought to become sheriffs in Albemarle County spent over twice that time on the court, averaging about 25 years. John Rodes, appointed a justice in 1807, served at the bench 34 years before advancing to the shrievalty in 1841. A colleague of his, Parmenas Rogers, did not become sheriff until he had spent 29 years as a magistrate.⁴⁴

The justices' increasingly lengthy stay on the county court during the early national period may indicate that a younger set of magistrates had entered the court. The paucity of available records prohibits any confident generalization about the justices' ages, but the fragmentary evidence which exists suggests that the men appointed to the court after 1790 tended to be younger than their predecessors before the Revolution. Whereas the majority of the magistrates in the 1760s and 1770s began their work at the court bench in their mid forties, by 1800 the average age of the justices was down to the mid thirties.⁴⁵

This is a somewhat puzzling development, especially in light of the more active emigration during these years to the newly opened western lands which should have drawn some young men away from service at the county court. Moreover, economic conditions in post-Revolutionary Virginia were not particularly conducive to long tenures at unpaid (and often overworked) positions at the court. Nor was the more youthful composition of the court due to an influx into the county of new, ambitious young men. All but four or five of the justices appointed after 1790 either had lived at least 20 years in the Albemarle area before joining the court or could claim some family ties in the county.⁴⁶ Presumably, declining ambitions or opportunities created a more permanent county magistracy.

The altered pattern of the justices' political mobility points to their waning prestige and, perhaps, their smaller ambitions and abilities. The rather frequent and easy progression that justices made from the county court to the legislature became increasingly difficult during the early national period. In the first three decades of this study 11 out of 13 men elected to the House of Burgesses from Albemarle County had previously served as justices. But after the Revolution ambitious justices enjoyed no such success. Clifton Rodes' defeat at the polls in 1814 to a lawyer-merchant was, in part, indicative of the justices' diminished status in the county. Indeed, over half of Albemarle County's representatives to the House of Delegates from 1790 to 1820 bypassed the county court in moving to higher political positions.⁴⁷

Just as in the county court, tavern owners, merchants, lawyers, doctors and a few small farmers greatly overshadowed the large planters in representing Albemarle County at the state level. Nearly two thirds of Albemarle's delegates during these years were engaged in mercantile or professional affairs.⁴⁸

This tendency for growing political participation in the legislature by men of moderate means and diverse economic interests had apparently begun during the Revolution and was unmistakable by 1785. As Jackson T. Main has demonstrated, the gentry's control of the legislature was undermined after the Revolution when men with new and varying forms of wealth and status won election to the lower house. When one considers the

retarding effect on change with a self-appointive system such as the county court, it is then not surprising that a similar process of democratizing the composition of the court did not begin until a decade later.⁴⁹

What permitted this gradual democratization of the court's composition (not its functioning) was the gentry's withdrawal from county leadership. As we have suggested, sharp public criticism of county government and an overburdened county court must have dissuaded many planters from seeking the magistracy. And after 1790 new, attractive political opportunities created by a more elaborate state government and the recently established federal government lured some prominent men away from county court service. But equally important to the gentry's departure from the local power structure was their deteriorating economic condition.

The landed elite's firm hold on most of the county's property was yielding to a wider distribution of land and property by the early decades of the nineteenth century. The rapid population growth in western Virginia during these years absorbed much of the land that in earlier times could have been patented by planters eager to expand their holdings. As the number of landowners increased in the county, the size of the farm units shrank. Moreover, the large estates of wealthy planters were parcelled out among numerous children over several generations leaving young men by the late eighteenth and early nineteenth centuries only modest land and property holdings with which to begin their careers. And years of intense tobacco cultivation had in many areas drained the soil of much of its productive value, forcing second and third generation planters to consider alternative ways of sustaining themselves.⁵⁰

Diversification into commercial and professional fields was one recourse many young men chose. The sons of Bernard Brown, a successful planter in the last third of the eighteenth century, illustrate the adaptability of many of the gentry's offspring. Upon his death Bernard Brown left his son Charles with less than 200 acres and only two slaves. Charles, who became a justice in 1816, turned to the medical profession and pursued a successful career as a physician in Charlottesville. Another son, Thomas H. Brown, also a magistrate in the 1820s, achieved less distinction than his

brother, but earned a respectable income from the tavern he operated in Albemarle County. The gentry's fall from power, then, was not complete. Several of the justices during the early national period who derived a modest income as merchants, clergymen, teachers and doctors, were actually members of prominent families.⁵¹

Many young men who were not pushed into mercantile or professional careers during these difficult years, turned instead to the promising open territory to the West. Several sons of Albemarle County's leading planters left during the early years of the nineteenth century for western territories where they became important political forces. Edward Coles, the youngest son of John Coles who served on the court during the Revolution, migrated from Albemarle County to Illinois where he became that state's first governor. The emigration to western lands by sons from prominent families explains, in part, the decline in Virginia's political leadership during the early national period.⁵²

IV

Although the Albemarle County Court in 1820 possessed almost the same jurisdiction as it did in 1760, the quality of its leaders and their social and economic standing within the county had changed considerably over these sixty years. Until almost a decade after the Revolution, wealthy planters controlled the court. Their authority was never seriously questioned. They had experienced a relatively quiet, and presumably, successful tenure at the courthouse.

Beginning as early as 1776 and continuing into the nineteenth century, however, were scattered but persistent attacks on the county court system and the justices' share of power within it. The numerous petitions drafted after the Revolution repeatedly argued for greater popular participation and control in county government, but they failed ultimately in producing any important changes in the court's oligarchic processes. This public criticism of county government and the increasingly burdensome workloads at the court made service as a county magistrate more a chore than a venerable activity. And because appointment to the court no longer carried as high a distinction, many found it a less attractive place at which to begin political careers.

Drawn instead to the court were moderately prosperous merchants, small farmers, and professionals — doctors, lawyers, and teachers. Men still followed brothers and fathers to the bench, but experience in lesser county offices, never before filled by future county leaders, became a valuable source for training potential county magistrates.

The planter gentry who for half a century had dominated the county court, experienced a blow to its economic condition and a decline in their political influence. While a few men from these prominent families remained important in the county power structure, others left for more hopeful beginnings in the West. Just as their fathers and grandfathers had done in early Albemarle County, these pioneers to the new West established themselves as the landed elite and the rightful magistrates.

NOTES

1. Charles S. Sydnor, *Gentlemen Freeholders: Political Practices in Washington's Virginia* (Chapel Hill, 1952), ch. 6. For a general treatment of county government see the following: Isabel Ferguson, "The County Court in Virginia, 1700-1830," *North Carolina Historical Review*, VIII (January 1931), 14-40; A.O. Porter, *County Government in Virginia* (New York, 1947), largely a legislative history. Carl Bridenbaugh, *Myths and Realities: Societies of the Colonial South* (Baton Rouge, La., 1952), especially chapter one and his *Seat of Empire, the Political Significance of Eighteenth-Century Williamsburg* (Williamsburg, Va., 1950). A quite recent dissertation on the county court in Virginia during the eighteenth and nineteenth centuries is Tadahisha Kuroda's, "The County Court System in Virginia from the Revolution to the Civil War," (unpubl. Ph.D. diss., Columbia University, 1970). Despite the title, the emphasis is almost entirely on the years after 1830. Unfortunately, Kuroda seems to have written a history of county government without making use of the county court order books. Any study of county leaders must be viewed against the political patterns at the provincial level. Jackson T. Main, Jack P. Greene and Robert E. Brown have contributed important research for understanding Virginia politics and society in the eighteenth century. See Main's article, "Government by the People: The American Revolution and the Democratization of the Legislatures," *William and Mary Quarterly*, 3d ser., XXII (July 1966), 391-407, and his *The Upper House in Revolutionary America* (Madison, 1967). For an analysis of patterns of political mobility and the structure of political leadership in pre-Revolutionary Virginia, see Greene's, "Foundations of Political Power in the Virginia House of Burgesses, 1720-1776," *William and Mary Quarterly*, 3d ser., XVI (October 1959), 485-507. Finally, see Robert E. Brown, *Virginia, 1705-1786: Democracy or Aristocracy?* (Lansing, Michigan, 1965). In his search for democratic tendencies in Virginia political and social life, Brown has gone so far as to dismiss the county court as an externally imposed, imperial institution, and, presumably, out of the mainstream

of political life. John C. Rainbolt, although he deals with an earlier era, has made the only serious effort at understanding the interrelationships of local concerns and provincial politics in his article, "The Alteration in the Relationship Between Leadership and Constituents in Virginia, 1660 to 1720," *William and Mary Quarterly*, 3d ser., XXVII, (July 1970), 411-35.

2. Sydnor, *Gentlemen Freeholders*, 78-93. For a complete discussion of the county court's jurisdiction in the eighteenth and nineteenth centuries, see Kuroda, "The County Court System," 72-144.

3. Kuroda, "The County Court System," 92.

4. Sydnor, *Gentlemen Freeholders*, 80-81.

5. Kuroda, "The County Court System," 73.

6. Sydnor, *Gentlemen Freeholders*, 163, outlined these ideas about the wealth of county court magistrates in eighteenth-century Virginia. Though they do not apply to the years after the Revolution, they do seem accurate for the first three quarters of the century. In addition to my analysis of the economic status of the Albemarle County magistrates from 1760-1776, see William Donovan Armstrong, "The Justices of the Peace and the Burgesses of Fauquier County, Virginia: 1759-1776," (unpublished Master's thesis, University of Virginia, 1968), 9-14.

7. Sydnor, *Gentlemen Freeholders*, chap. 6; Armstrong, "The Justices of the Peace," 18.

8. Sydnor, *Gentlemen Freeholders*, 92. In an earlier draft of this paper I noted that for Albemarle County in the years before the Revolution over 60 percent of the vestrymen in the county were justices of the peace and almost half of the highest ranking militia officers in the county were drawn from the magistrates. See "Profiles of a Power Elite," (unpublished seminar paper, UVa) on file in the manuscript room, Alderman Library, UVa.

9. Jack P. Greene, "Foundations of Political Power," 500.

10. For a useful study of early Albemarle County see S. Edward Ayres, "Albemarle County, Virginia 1744-1770: An Economic, Political and Social Analysis," (unpubl. master's thesis, UVa, 1968).

11. This figure is based on a random sampling of county court sessions during 1791, 1793, and 1794, Albemarle County Court Order Books, nos. 3-4, on microfilm, Alderman Library, UVa. My comparison with earlier years is based on an examination of the court order book in the 1740s, Albemarle County Court Order Book, no. 1, 1744-1748. See also D. Alan Williams, "The Small Farmer in the Eighteenth-Century Politics," *Agricultural History* (Spring, 1969), 89-101.

12. Emory G. Evans, "Private Indebtedness and the Revolution in Virginia 1776 to 1796," *William and Mary Quarterly*, 3d ser., XXVIII (July, 1971), 349-74. From the 1780s on, I found a marked increase in the number of magistrates being successfully sued for indebtedness. Albemarle County Court Order Books, nos. 2-9.

13. Whenever less than 10 citizens voted at an election for the overseers of the poor (not an infrequent occurrence), the justices appointed the overseers. See Kuroda, "The County Court System," 110-111.

14. Kuroda suggests that family interests and persistent absenteeism were important factors in forcing the enlargement of county courts. Kuroda's sampling of the size of county courts in the mid-eighteenth century showed a range from 8 to 18 justices in most areas, but, of course, there were exceptions. Albemarle

County's magistracy was unusually large with about 24 active justices. Richard Beeman in his *The Old Dominion and the New Nation, 1788-1801* (New York, 1972), chap. 1 suggests that an increasingly complex society in post-Revolutionary Virginia placed a strain on the county courts. Beeman is a bit excessive in this view as he asserts, with no supporting evidence, that corruption in county government became widespread further debilitating the court's status.

15. For a fine discussion of reforms in the county courts in the 1780s and 1790s, see Charles T. Cullen, "St. George Tucker and the Law in Virginia, 1772-1804," (unpubl. Ph.D. diss., UVa, 1971), 100-135.

16. The following analysis in the text of the reform proposals for county government is based on an examination of petitions from about a half dozen counties. Therefore, this does not purport to be a complete account of popular attitudes toward the county court during this period. It was felt, however, that in order to get a broader view — and, thus, a more accurate one — of reform ideas, it was necessary to consult petitions from other counties besides Albemarle.

17. Albemarle County Petition, November 25, 1794, Virginia Legislative Petitions, Virginia State Library, Richmond; Louisa County Petition, November 20, 1786, Virginia Legislative Petitions, VSL.

18. Fairfax County Petition, November 16, 1789, Virginia Legislative Petitions, VSL. See also Louisa County Petition, November 20, 1803, Virginia Legislative Petitions, VSL.

19. By these very requests for compensation the justices and others may have contributed to a devaluation of service on the county court.

20. Albemarle County Petition, December 24, 1798, Legislative Petitions, VSL. In an elaborate scheme, the petitioners suggested that of those chosen within the district election one juror was to be picked by lot to attend federal court in the state and to act as grand and petty juror and those remaining from the originally elected pool were to become jurors for the county or district courts.

21. Albemarle County Petition, September 15, 1803, Legislative Petition, VSL; Porter, *County Government*, 169; Albemarle County Court Order Book no. 8, 123.

22. Fairfax County Petition, November 12, 1789, Legislative Petitions, VSL; Stafford County Petition, August 22, 1796 in H.R. McIlwaine, ed. *Calendar of State Papers* (Richmond, 1904), VIII, 371; Berkeley County Petition, October 11, 1801, Legislative Petitions, VSL; Town of Evensham Petition, December 9, 1811, in H. R. McIlwaine and John P. Kennedy, eds. *Journals of the House of Delegates of Virginia* (Richmond, 1905-1915), 1810-1812.

23. Albemarle County Instructions Concerning the Virginia Constitution, September 1776, in Julian Boyd, ed., *The Papers of Thomas Jefferson* (Princeton, 1950), VI, 284-294.

24. Exactly what happened to this sweeping reform proposal is not known. Julian Boyd described its failure as due to a "conservative disinclination to alter established institutions," Julian Boyd, ed., *The Papers of Thomas Jefferson*, II, 582.

25. Fairfax County Petition, November 16, 1789, Legislative Petitions, VSL.

26. Borough of Norfolk Petition, October 1786, Legislative Petitions, VSL. That justices of the peace no longer were immune from personal attack is illustrated by a Wood County petition in 1811. Employing inflammatory rhetoric, the petitioner

asked for the removal of a particular justice in the county but halfway through its reading in the House, the petition was stopped as it "contained matters highly indecorous and scandalous, reflecting on the character of a member of the House and couched in terms unworthy of its dignity." McIlwaine and Kennedy, eds., *Journals of the House of Delegates*, December 15, 1811, 32.

27. "Rodes Family," *Virginia Magazine of History and Biography*, VII, 83-84; Edgar Woods, *Albemarle County in Virginia* (Charlottesville, Va., 1901), 308.

28. Woods, *Albemarle County*, 308.

29. "The Lewis Family," *William and Mary Quarterly*, ser. 1, II, (1896), 39-46; Woods, *Albemarle County*, 376. For the Walker family see Natalie J. Disbrow, "Thomas Walker, Man of Affairs," (unpubl. master's thesis, UVa, 1940), 18-23; "The Walkers," *William and Mary Quarterly*, ser. 1, XV, (1910), 113.

30. The other five justices who had previously married into the Walker family were George Gilmer, Rev. Matthew Maury, Reuben Lindsay, George Divers and Joshua Fry. "The Walkers," 113, and Woods, *Albemarle County*, 335-6.

31. I found only one or two cases throughout these sixty years in which men with no apparent high status in the county — either through wealth, occupation or important positions in the vestry or militia — advanced to a place on the county court *after* marriage into a prominent family.

32. This is derived from various genealogical sources on 128 of the 157 justices of the peace commissioned in these six decades. Especially helpful were, "Marriage Bonds in Goochland County," *William and Mary Quarterly*, ser. 1, VII, (1902), 98-124 and "Marriage Bonds in Albemarle County 1782-1819," *Papers of the Albemarle County Historical Society*, IX, (1948-49), 42-75.

33. "Carr Family," *Virginia Magazine of History and Biography*, II, 223; Elizabeth Dabney Coleman, "Peter Carr of Carr's Brook (1770-1815)," *Papers of the Albemarle County Historical Society*, IV, 6-23. Recent research has indicated that kinship connections were a powerful force at all levels of Virginia politics from the Revolution until at least the 1830s. In a study of Virginia Congressmen during the Jeffersonian era, Daniel P. Jordan has shown that over four fifths of Virginia's representatives to Congress had family ties to one or more eminent persons. See his "Virginia Congressmen, 1801-1825," (unpubl. Ph.D. diss., UVa, 1970), 61. Locally prominent men continued to dominate positions in the state legislature in the early nineteenth century, according to Robert F. Sutton, "Sectionalism and Social Structure," *Virginia Magazine of History and Biography* (June, 1972), 83. And at least during the Revolutionary era, the upper house was an intricate web of related politicians. Jackson T. Main, *The Upper House in Revolutionary America*, 44-46.

34. See Appendix I, D-F.

35. The tax lists examined were the land and personal property books for Albemarle County for the following years: 1782, 1790, 1797, 1800, 1807, 1810, 1815 and 1820, all available on microfilm at the Virginia State Library, Richmond.

36. Albemarle County Land Book 1782, VSL, Richmond. Emory G. Evans has pointed out that many large planters experienced a couple of years of prosperity in 1782-3 before the tobacco depression really hit. See his, "Private Indebtedness," 349-74.

37. Albemarle County Land Book 1800, VSL, Richmond. See Appendix II.

38. Albemarle County Land Book, VSL, Richmond. See Appendix II.

39. Woods, *Albemarle County*, 294-5, 177, 192-3. This occupational information on the magistrates was taken from the biographies in Woods, assorted genealogical sources, the merchant and tavern licenses listed in the back of the personal property books for Albemarle County Court Order Books, 1790-1818, nos. 2-9. Of course, some of these men were involved in various jobs and cannot be neatly categorized as a 'miller,' 'merchant,' etc. But I have made these career delineations on the strength of the continuity in occupational descriptions that I have found for most of the magistrates in all the above sources. There is not sufficient evidence to determine the religious preference of the justices or the extent of their education.

40. Robert F. Sutton, "Sectionalism and Social Structure," 70-84. His evidence shows that lawyers were beginning to replace planters in the legislature by 1829.

41. This was especially the case in early Albemarle County when these minor county positions were often considered too degrading for men of high stature. See Ayres, "Albemarle County," 27 and D. Alan Williams, "Small Farmer in Eighteenth-Century Politics," 89-101. Williams has made an interesting study of popular participation in county government, in the first half of the eighteenth century, as he has determined the proportion of property holders who served in some capacity for the county. His findings suggest that county government, while controlled by the planter gentry, permitted, even encouraged a rather wide popular participation in conducting public business.

42. Albemarle County Court Order Books, 1790-1811, nos. 2-9, on microfilm, Alderman Library, UVa.

43. The information on the justices' tenures was obtained from several sources: Ed Tingle, "Justices of the Peace of Colonial Virginia, 1757-1775," *Bulletin of the Virginia State Library*, XIV, 41-149. The lists of magistrates appointed after 1790 are found in Albemarle County Officials, on manuscript VSL, Richmond. The county court order books reveal the dates of resignations and promotions for several justices and Woods, *Albemarle County*, provides some information on the death and emigration of justices.

44. Woods, *Albemarle County*, 380-3.

45. Notable exceptions to this older pre-Revolutionary court are Thomas Jefferson and John Walker both of whom became justices in their early 20s. This pattern of younger men entering the county court apparently continued for at least another generation for in the 1850s one third of the Albemarle County Court was comprised of men below 40 and less than 10 percent of the justices had reached the age of 60. See Anne Stouffenberg, "Political Democracy in Albemarle County, Virginia, 1820-1860," (unpubl. seminar paper, UVa, Jan., 1970). Underlying this shift to younger men on the court may have been demographic changes in the county. Death and birth rates of different age cohorts shape societal growth patterns and political opportunities. An increased childhood or infant mortality rate might have cut off or hindered the continuity of certain families or groups of people in high positions. Moreover, ambitious men in the strategic ages for public office, 30s and 40s, might have moved into an area where mortality was high. See P.M.G. Harris, "The Social Origins of American Leaders: The Demographic Foundations," in *Perspectives in American History* ed. by

Donald Fleming and Bernard Bailyn (Cambridge, 1968), 159-347. Harris theorizes that leadership followed cyclical fluctuations throughout American history and that permutations in leadership did not respond to important events like the Great Awakening or the Revolution, but came in regular 20 year shifts. Although my sample of county leaders is much too small and the study embraces too narrow a time span, it is interesting to compare my findings with Harris' thesis. While elected leaders followed a 20 year cycle, Harris suggested that *appointive* offices such as justices of the peace would show a generational cycle of change of about 35 years apart. The transformation in the composition of the Albemarle County Court that I have described did begin to occur about four decades after the county's settlement, in 1744.

46. Tracing the date particular families entered the county proved very difficult. The deed books were helpful on this point as they provided data on an individual's initial purchase of land or other property in the county. Also, I consulted genealogies and local histories.

47. Earl G. Swem and John Williams, "Register of the General Assembly of Virginia, 1776-1918, and the Conventions," *Virginia State Library Fourteenth Annual Report* (Richmond, 1917); Woods, *Albemarle County*, 384-5.

48. Swem and Williams, "Register;" see note 39 above.

49. See Main, "Government by the People, The Democratization of the Legislatures," 391-407.

50. For a discussion of the diminishing size of estates after the Revolution, see J.T. Main, "The Distribution of Property in Post-Revolutionary Virginia," *Mississippi Valley Historical Review* (September, 1954), XLI, 241-59; For Albemarle County in particular see Newton B. Jones, "Charlottesville and Albemarle County, Virginia, 1819-1860," (unpubl. Ph.D. diss., UVa, 1950), 26-7; J.R. Pole, "Representation and Authority in Virginia from the Revolution to Reform," *Journal of Southern History*, (February, 1958), XXIV, 16-51.

51. Woods, *Albemarle County*, 152.

52. *Ibid.*, 172-3. Some historians consider the decline of the Virginia gentry as due to the rise of professionals, especially lawyers, who by the early nineteenth century began to oust the large landowners as Virginia's political leaders. The planters were already suffering an economic decline with the wider distribution of property in the nineteenth century. See Pole, "Representation and Authority," 16. Also discussing the importance of an emerging class of lawyer-politicians is Anthony F. Upton, "The Road to Power in Virginia in the Early Nineteenth Century," *Virginia Magazine of History and Biography*, (July, 1954), 259-280. That many prominent Virginians emigrated to western lands after the turn of the century was detected by Robert Ireland who found Old Dominion origins among many important politicians in Kentucky. See *The County Courts in Antebellum Kentucky, 1799-1850* (Lexington, 1972).

Appendix I

Table A

Justices 1760-1770 *

<i>Name</i>	<i>Tenure Years</i>	<i>Acres</i>	<i>Slaves</i>
Thomas Walker	1761-1766 (5)	10,000	75
Robert Lewis	1761-1766 (5)	9,230	49
William Harris	1746-1778 (22)	2,120	11
Henry Martin	1761-1766 (5)	290	8
Matthew Jordan	1761-1769 (8)	1,940	-
John Fry	1761-1766 (5)	1,350	39
David Mills	1761-1765 (4)	11,000	-
Mosias Jones	1761-1773 (12)	200	0
Edward Carter	1761-1766 (5)	9,700	243
Arthur Hopkins	1761-1766 (5)	4,950	31
Robert Harris	1761-1765 (4)	40	0
John Lewis	1761-1766 (5)	843	18
Nicholas Lewis	1761-1771 (10)	1,800	33
Guy Smith	1761-1766 (5)	-	-
Nicholas Meriwether	1761-1771 (10)	2,000	45
John Henderson	1761-?	2,940	18
Charles Lewis	1766-1771 (5)	3,910	15
John Scott	1766-1771 (5)	3,025	65
William Burton	1766-1774 (8)	325	-
John Ware	1766-1773 (7)	1,000	-
Thomas Jefferson	1766-1770 (4)	4,125	129
John Walker	1766-1771 (5)	3,000	48
Charles Lewis, jr.	1766-1771 (5)	2,910	36
Roger Thompson	1766-1776 (10)	693	12
	avg. 7 yrs.	<u>73,055</u>	<u>778</u>

Average number of slaves owned — 33 County slaveholding average — 9

Average land owned — 3,130 acres County landholding average — 578 acres

* Albemarle County Will and Deed Books, Alderman Library, University of Virginia. For a few of these men wills or deeds were not available so the nearest tax (the first one in 1782) was used to measure their wealth.

Appendix I

Table B. *

Justices 1770-1780 #

<i>Name</i>	<i>Tenure Years</i>	<i>Acres</i>	<i>Slaves</i>
James Adams	1771-1782?	400	-
William Henry	1771-1782?	-	-
James Quarles	1771-1783 (12)	1,677	13
Matthew Maury	1771-1782?	1,186	17
Charles Clay	1771-1783 (12)	400	-
George Gilmer	1771-1789 (18)	1,272	29
Thomas Carr	1771-1782?	2,200	16
David Rodes	1773-1782?	568	17
John Coles	1773-1783 (10)	5,000	64
James Hopkins	1773-1782?	384	14
George Thompson	1773-1782?	555	-
Thomas Napier	1773-1777 (4)	600	-
Jesse Burton	1773-1782?	-	-
Clifton Rodes	1773-1783 (10)	822	15
William Tandy	1771-1782?	409	17
Charles Wingfield	1771-1782?	-	13
John Henderson, jr.	1773-1786 (13)	490	15
Reuben Lindsay	1778-1791 (13)	780	24
John Marks	1773-1783 (10)	1,200	25
Michael Thomas	1773-1793 (20)	600	-
	avg. 11.2 yrs.	<u>24,494</u>	<u>299</u>

Average slaveholding of justices — 21 County average — 9

Average landholding of justices — 1,109 acres County average — 510 acres

* Albemarle County Will and Deed Books, Alderman Library, UVa and the 1782 Albemarle Land and Personal Property Books, on microfilm, Virginia State Library, Richmond.

There is a gap in the sources on the justices who served during the years 1775-1780 as the Albemarle County Court Order books are lost covering the years 1748-1782. Thus, any changes in the court, especially resignations during the years 1775-1782, are hard to detect. I have placed question marks beside the justices whose exact date of resignation during these years is unknown

Appendix I

Table C *

Justices 1780-1790

<i>Name</i>	<i>Tenure Years</i>	<i>Acres</i>	<i>£ Value</i>	<i>Slaves</i>
James Kerr	1780-1793 (13)	1,055	263	31
John Key	1780-1791 (11)	1,113	333	9
James Minor	1780-1791 (11)	870	304	22
Bennett Henderson	1780-1793 (13)	1,120	336	26
Joshua Fry	1786-1802 (16)	2,133	-	19
John Piper	1780-1788 (8)	333	99	7
William Hughes	1781-1795 (14)	400	80	14
Wilson Nicholas	1786-1800 (14)	2,000	-	62
W.D. Meriwether	1786-1809 (23)	-	-	39
Bezaleel Brown	1783-1804 (21)	520	78	9
Thomas Bell	1786-1800 (14)	2 lots	40	5
Samuel Murrell	1786-1798 (12)	300	143	0
William Leigh	1786-?	567	229	8
William Michie	1786-1802 (16)	1,700	255	26
Hudson Martin	1786-1791 (5)	1 lot	20	8
Isaac Davis	1786-1788 (2)	797	239	24
James Garland	1785-?	-	-	-
	avg. 12.8 yrs.	<u>21,945</u>	<u>£4,083</u>	<u>500</u>

Average slaveholding of justices — 20.8 County slaveholding average — 6

Average landholding of justices — 914.3 acres County average — 458 acres

* 1782 Albemarle County Land and Personal Property Books, on microfilm, Virginia State Library, Richmond.

Appendix I

Table D *

Justices 1790-1800

<i>Name</i>	<i>Tenure Years</i>	<i>Acres</i>	<i>£ Value</i>	<i>Slaves</i>
Nathaniel Garland	1791-1793 (2)	228	40	10
Christopher Hudson	1791-1807 (16)	1,108	788	23
James Simms	1791-1799 (8)	200	-	3
Chas. Goodman	1794-1798 (4)	1,122	2,529	13
Thomas Lewis	1791-1793 (2)	-	-	-
Thomas Garth	1791-1809 (18)	2,370	474	12
George Divers	1791-1804 (13)	2,532	1,213	30
Tandy Key	1791-1811 (20)	288	62	13
Garland Carr	1791-1810 (19)	1,874	897	14
Benjamin Harris	1791-1817 (26)	672	132	12
Rice Garland	1791-1809 (18)	340	154	5
Chas. Hunton	1791-1815 (24)	95	60	5
Robert Davis	1794-1819 (25)	1,150	230	12
Chas. Wingfield, jr.	1794-1804 (10)	500	202	11
Joshua Key	1794-1810 (16)	-	-	-
Thomas Randolph	1794-1803 (9)	1,923	912	31
Howell Lewis	1798-1801 (3)	656	265	10
Marshall Durrett	1798-1821 (24)	373	-	14
Chas. Yancey	1798-1823 (25)	558	-	-
Achilles Douglass	1798-1825 (27)	118	47	0
John Watson	1798-1828 (30)	602	122	0
William Clark	1791-1800 (9)	959	-	9
Bernard Brown	1791-1800 (9)	600	145	9
William Wardlaw	1794-1804 (10)	1 lot	-	-
Thomas Fletcher	1794-1799 (5)	-	-	9
Francis Walker	1794-1798 (4)	8,125	1,458	-
James Monroe	1793-?	1,800	-	-
Edward Moore	1794-1803 (9)	-	-	15
Samuel Black	1794-1815 (19)	250	75	4
Benjamin Brown	1794-1803 (9)	835	-	7
	avg. 14 yrs.	20,714	£4,793	264

Average number of slaves owned — 11.4

Average land owned — 743

Average Value of land — £ 247

* 1790 and 1797 Albemarle County Land and Personal Property Books.

Appendix I

Table E *

Justices 1800-1810

<i>Name</i>	<i>Tenure Years</i>	<i>Acres</i>	<i>\$ Value</i>	<i>Slaves</i>
Richard Anderson	1801-?	-	-	-
James Lewis	1804-?	443	321	-
Clifton Garland	1804-1813 (9)	1 lot	20	-
Samuel Carr	1805-1851 (46)	600	2,418	15
Dabney Minor	1804-1806 (2)	310	335	-
Martin Dawson	1804-1821 (17)	300	377	-
John Staples	1804-?	132	-	4
Garret White	1805-1830 (25)	446	822	-
David Lewis	1807-?	432	519	-
Charles Everett	1807-1813 (6)	1 lot	60	1
John R. Kerr	1807-?	-	-	-
Walter Key	1807-?	520	551	7
John Bolling	1807-?	982	2,087	37
James Old	1807-1809 (2)	488	474	-
James Harris	1807-?	574	489	-
John Harris	1807-?	610	495	14
Jeconias Yancey	1807-?	245	320	-
Clifton Rodes	1807-?	100	135	18
John Rodes	1807-1841 (34)	1,745	1,155	22
Parmenas Rogers	1807-1836 (29)	240	280	3
John A. Michie	1807-?	345	296	10
Walter Coles	1801-1815 (14)	297	168	-
Nimrod Bramham	1801-1812 (11)	150	-	4
Peter Carr	1801-1804 (3)	900	2,970	1
David Wood	1801-?	621	-	11
Edward Garland	1805-1817 (12)	350	280	6
Joel Harris	1801-?	400	536	1
	avg. 16.2 yrs.	11,230	\$15,238	154

Average number of slaves owned — 10.3

Average land owned — 470.7 acres

Average value of land — \$411.35

* 1800 and 1807 Albemarle County Land and Personal Property Books.

Appendix I

Table F *

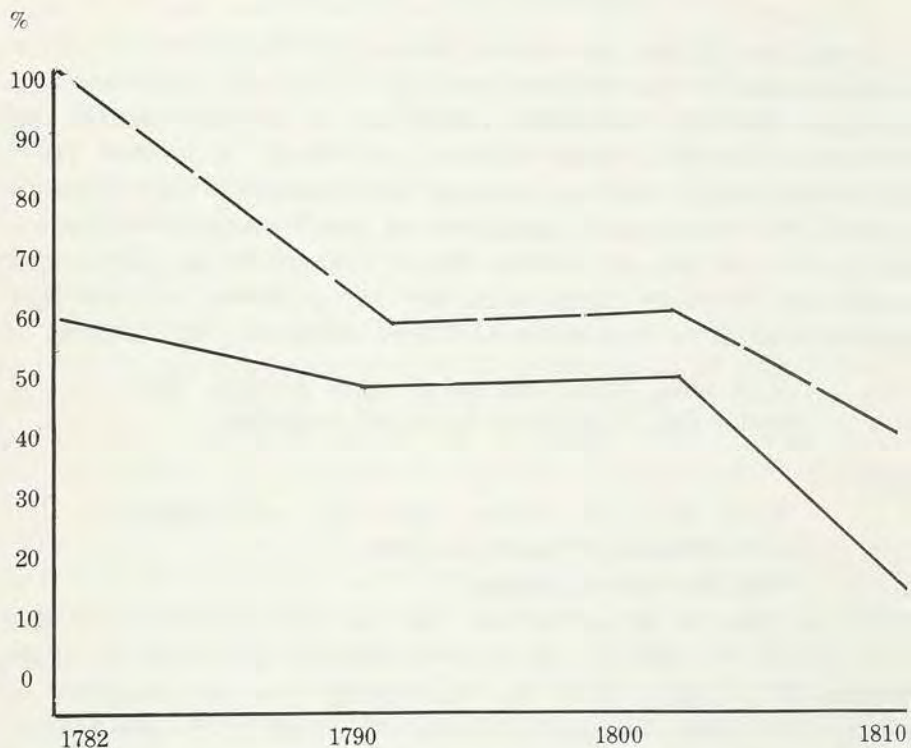
Justices 1810-1820

	<i>Name</i>	<i>Tenure Years</i>	<i>Acres</i>	<i>Slaves</i>
37180	Matthew Rodes	1816-	1363	16
37190	Micajah Woods	1816-	479	31
37200	John Goss	1816-	1197	
37210	William Woods	1816-	1275	
37220	Thomas W. Maury	1816-	433	6
37230	William A. Harris	1816-37 (21)		7
37240	John M. Perry	1816-36 (20)	346	13
37250	Thomas E. Randolph	1816-26 (10)	400	21
37260	Thomas W. Wood	1816-	283	3
37270	Frank Carr	1816-		6
37280	John Irvin	1816-	1 lot	
37290	James Clark	1816-36 (20)	676	13
37300	Charles Brown	1816-41 (25)	3 lots	3
37310	Joseph Coffman	1816-	569	1
37320	James Michie	1816-43 (27)		
37330	Hugh Nelson	1819-	3,697	73
	William Moon	1819-33 (14)	563	17
37340	Opie Norris	1819-	2 lots	1
37350	Isaac Curd	1819-	700	29
37360	Allen Dawson	1819-	100	1
37370	Thomas H. Brown	1819-		16
37380	Charles Cocks	1819-	1190	28
37390	Robert Brooks	1819-36 (17)	200	2
37400	Benjamin Ficklin	1819-	830	9
37410	James Jarman	1819-47 (28)	320	11
37420	Richard Duke	1819-47 (28)	288	12
37430	Achilles Broadhead	1819-		0
37440	John R. Jones	1819-	1 lot	2
37450	William H. Dyer	1819-35 (16)	577	10
37460	Thomas J. Randolph	1819-	375	10
		avg. 20.5 yrs.	15,861	341
38490				
38500	Average number of slaves owned 13.4 (without Nelson's- 10)			
38510				
38520	Average number of acres owned 634 (without Nelson's- 507)			
38530				
38540	* 1815 and 1820 Albemarle County Land and Personal Property Books, VSL,			
38550	Richmond.			

Appendix II

Table A

Economic Strength of the Justices 1782-1810



———— % of justices who were in the top 10 percent of the county's landowners
 - - - - - % of justices who were in the top 20 percent of the county's landowners
 These percentages are based on an arrangement of the county's landowners into a descending order of 10 percent groups according to the amount of land tax paid.