



FOUND IN THE ARCHIVES, no. 58 – December 2019

18th Century Ordinaries - Part II

Fairfax Circuit Court Historic Records Center



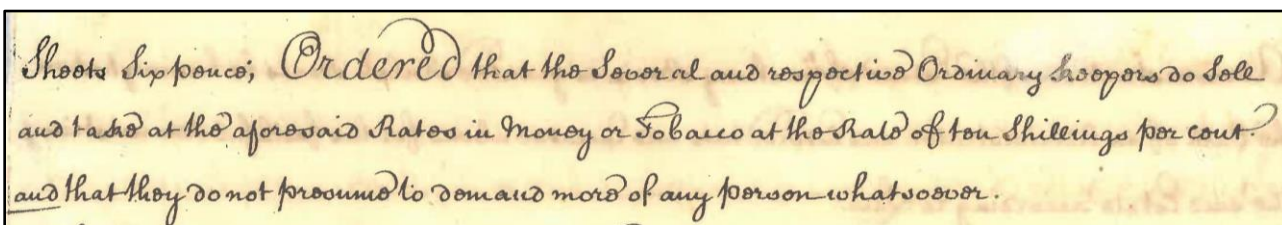
Happy Holiday season! This month’s edition of Found in the Archives completes our look at the world of 18th century ordinaries, focusing on the laws, and how they shaped tavern business in Fairfax County.



Gadsby's Tavern, Alexandria, Courtesy of Wikimedia Commons

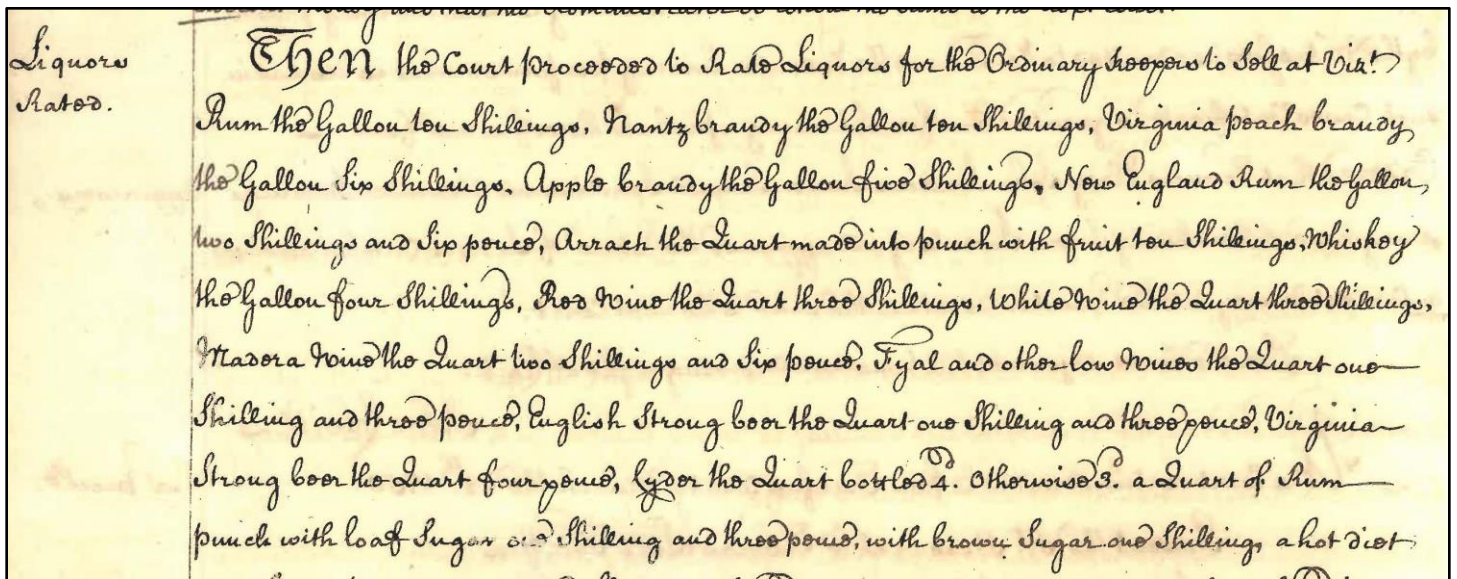
The first extant legal reference to tavern laws in Virginia comes from the 1639 session of the Colony’s legislature: ‘ORDINARY keepers to have instead of 6lb. tobacco, or 18d. in money for a meale or gallon of beer but 12d. because of the great plenty of provisions.’ The wording of this Act indicates that Virginia’s governing body had already begun to set tavern rates for food and drink. The regulating of prices according to the scarcity or abundance of such ‘provisions’ (food and ‘Virginia’ beer) can be seen throughout the tavern or ordinary rates acts of the 18th century.

Aside from beer and cider, which were produced domestically, most alcohol was imported from the British Empire and the European continent. Beginning in the 1650s, county courts were given authority to fix ordinary rates on drink, in relation to the price of tobacco. As has been discussed in previous editions of *Found in the Archives*, tobacco was the main currency in Colonial Virginia. Ordinaries could accept money or the equivalent in tobacco for their goods and services. Tobacco was given in the form of a tobacco note, in a similar way to how personal checks or money orders are used today.



Fairfax Court Order Book 1749, p. 57, March 28, 1750, Ordinary Rates

The Court Order Book entry above tells us that at the March term of court in 1750, the rate of money to tobacco was set at ten shillings per hundred-weight. On the same day, the rates which ordinary keepers had to charge were set for drink, food and lodging; these can be seen in the excerpt below.



Fairfax Court Order Book 1749, p. 56, March 28, 1750, Ordinary Rates

As these rates show, domestic alcohol was markedly cheaper than the imported variety, for the obvious reason that it had far fewer miles to travel. In 1750, imported rum was set at ten shillings per gallon, compared to two shillings and sixpence for rum made in New England. 'Nantz' brandy (from Nantes in France) also cost ten shillings per gallon, but Virginia peach and apple brandies were only six and five shillings respectively. Beer, drunk daily by a majority of Fairfax inhabitants, was imported in addition to being locally brewed. While a quart of 'English Strong' beer cost one shilling and thruppence, 'Virginia Strong' beer was a mere fourpence.

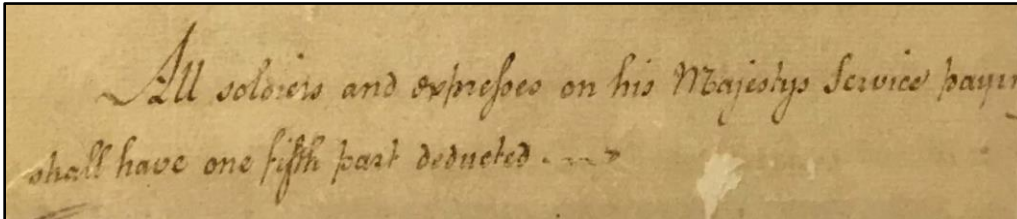
For a Gallon of Corn or Oats	6
Stable and fodder for a horse 24 hours or one night	6
Pasturage for D° D°	1
For a nights lodging in clean Sheets 6 ^s otherwise	0. 0. 0

In 1667, the General Assembly passed an Act allowing it to set rates for meals and lodging. This was aimed at alleviating

Fairfax Court Order Book 1772, p. 1772, p. 19, March 18, 1772, Ordinary Rates

costs for colonists attending court, who were 'exacted upon by the excessive and exorbitant rates imposed by ordinary keepers'. The Assembly claimed that colonists were having to decide whether to abandon their business at court or 'ruyne themselves by the charge'. Fairfax County's court order books show that lodging and meal rates stayed consistent from 1750 to

the 1780s. According to the 1772 Court Order Book extract above, ordinary keepers had to charge a set rate of sixpence for a 'nights lodging on clean Sheets' (meaning they had only been used a couple of times), while a night without clean sheets, or a bed, was free! As most 18th century travelers relied on horses for transport, ordinary keepers also provided equine food and lodging. In 1772, a gallon of oats or 'stable and fodder for a horse 24 hours or one night' was sixpence and allowing a horse to graze in the ordinary's pasture was fourpence. Ordinary keepers were also charged with securing horses in their care, and either finding or replacing them if they were stolen or ran away.



Fairfax Court Order Book 1754, p. 294, March 20, 1755, Ordinary Rates
Express Riders' who had one fifth of their ordinary costs deducted.

The one exception to the application of the set rates was made for servants of the King, soldiers and 'Official



Fairfax County's Colonial Weights & Measures, Gift from King George II, 1744

measurement. Today, in British pubs and restaurants, spirits are still strictly measured before being served, beer is served by the half-pint or pint, and wine glasses have measurement lines stamped onto the bowl. Soft drinks are most definitely not refilled for free!

Beginning in 1661, ordinary keepers were ordered to sell alcohol only using 'English sealed measures of pints, quarts, pottles, or gallons'. This helped to regulate the quantity and quality of drinks served. Short-measuring customers or watering-down the product was punished with heavy fines. The official measures in the picture at left were given to Fairfax County Court by King George II, in 1744. The double-handled vessel is the gallon measurement and the vessel at the far left is the pottle, which was mainly used for wine

Fairfax Will Book
A-1, p. 298,
September 27,
1749, Nathaniel
Smith's Ordinary
Bond

Smith's
Ordinary
Bond.

Know all men by these presents that We Nathaniel Smith John Carlyle
and Daniel French Gent are held and firmly bound unto our Sovereign Lord
George the second by the grace of God of Great Brittain France and Ireland &
King defender of the Faith &c. In the sum of ten thousand pounds of Tobacco
to which payment well and truly to be made to our said Sovereign Lord the
King his heirs Executors and Administrators Jointly and Severally firmly by
these presents Sealed with our Seals this 27th day of September 1749
The Condition of this Obligation is such that where as the above bound
Nathaniel Smith hath Obtained a Licence to keep an ordinary at Alexandria
if therefore the said Nathaniel Smith shall constantly find and provide in his
said Ordinary good wholesom and cleanly Lodging and diet for Travellers and
stabling Toller and provender as the season shall require for their horses.
for and during the term of one year from the date hereof and shall not
suffer or permit any unlawfull gameing in his house nor on the Sabbath
day suffer any person to Tipple or drink more than is necessary then
this Obligation to be void Else to remain in full force and Vertue
Sealed and delivered In the }
presence of the Court }
Nath. Smith Seal
John Carlyle Seal
Dan. French Seal

Another means of regulating ordinaries and taverns was licensing the keepers. Beginning in 1658, license applications were to be accompanied by 'good security' through a bond and were to be renewed annually. The prospective licensee was to be judged by their ability 'sufficient to comply with the intent of the law, in providing convenient lodging and diet for travelers' and their horses. Nathaniel Smith's Ordinary Bond, shown above, shows us that the security required in 1749 was 10,000 lbs. tobacco. The bond also illustrates another requirement of the license – not allowing 'unlawfull gameing' within the ordinary, or excessive drinking on a Sunday. Our court order books record the consequences of breaking these requirements: in the late 1750s James Ingoe Dozzer had his license suspended for allowing illegal gaming, and Joseph Stevens had his license revoked. Their co-securities would have been liable for paying the 10,000 lbs. of tobacco for the licensees breaking their bond.

following Verdict, We find that the Defendants Wife in the year 1750. at the Earnest request of
our Michael Melton a Neighbour and in the absence of the Defendant sold to the said Melton
three half pints of peach brandy, We find that the Defendant did make peach brandy on his
own plantation, We find that the Defendant had no Licence to keep an Ordinary. and if the

Fairfax Court Order Book 1749, p. 237, August 22, p. 1752, William Barker & Wife Presentment

Occasionally, Fairfax citizens were prosecuted for selling alcohol without a license. As evidenced in the 1749 Court Order Book entry above, William Barker distilled peach brandy on his plantation, for his own use. Whilst away from home, his wife sold three and a half pints of the brandy to a neighbor, Michael Melton, at his 'Earnest request'. Though there is no record of the Court's verdict, the justices ordered that if the Barkers were to be found guilty, they would be fined 2,000 lbs. tobacco, for Mrs. Barker's actions. The penalties involved in running an ordinary without a license seem to have been an efficient deterrent, as such presentments are not that prevalent in our Colonial court order books.

During and after the War of Independence, ordinary drinks' rates fluctuated substantially, most likely owing to the difficulty in obtaining imported alcohol, and the ban on imports from the British Empire. The setting of ordinary rates continued into the early 19th century.

Have a wonderful Winter Break, and we will see you in the New Year!

For more information on these and other records held at the Fairfax Circuit Court Historic Records Center, please call 703-246-4168 or email CCRHistoricRecords@fairfaxcounty.gov.

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<https://www.fairfaxcounty.gov/circuit/historic-records-center>