The Many Legalities of Early America

EDITED BY CHRISTOPHER L. TOMLINS AND BRUCE H. MANN

Published for the Omohundro Institute of Early American History and Culture, Williamsburg, Virginia, by the University of North Carolina Press, Chapel Hill and London
CONTENTS

Acknowledgments v

Christopher Tomlins
INTRODUCTION
The Many Legalities of Colonization:
A Manifesto of Destiny for Early American Legal History 1

PART ONE
Atlantic Crossings

James Muldoon
Discovery, Grant, Charter, Conquest, or Purchase:
John Adams on the Legal Basis for English
Possession of North America 25

Mary Sarah Bilder
Salamanders and Sons of God:
The Culture of Appeal in Early New England 47

David Barry Gaspar
“Rigid and Inclement”:
Origins of the Jamaica Slave Laws
of the Seventeenth Century 78

David Thomas Konig
Legal Fictions and the Rule(s) of Law:
The Jeffersonian Critique of Common-Law Adjudication 97
PART TWO

Intercultural Encounters

Katherine Hermes

"Justice Will Be Done Us":
Algonquian Demands for Reciprocity
in the Courts of European Settlers
123

James F. Brooks

"Lest We Go in Search of Relief to Our Lands and Our Nation":
Customary Justice and Colonial Law
in the New Mexico Borderlands, 1680–1821
150

Ann Marie Plane

Customary Laws of Marriage:
Legal Pluralism, Colonialism, and Narragansett Indian
Identity in Eighteenth-Century Rhode Island
181

PART THREE

Rules of Law:
Legal Relations as Social Relations

Christine Daniels

"Liberty to Complaine":
Servant Petitions in Maryland, 1652–1797
219

Linda L. Sturtz

"As Though I My Self Was Pr[e]sent":
Virginia Women with Power of Attorney
250

John G. Kolp and Terri L. Snyder

Women and the Political Culture of Eighteenth-Century Virginia:
Gender, Property Law, and Voting Rights
272
Contents

Holly Brewer
Age of Reason?
Children, Testimony, and Consent in Early America
293

PART FOUR
Rules of Law:
Legal Regimes and Their Social Effects

Cornelia Hughes Dayton
Was There a Calvinist Type of Patriarchy?
New Haven Colony Reconsidered in the
Early Modern Context
337

William M. Offutt, Jr.
The Limits of Authority:
Courts, Ethnicity, and Gender in the Middle Colonies, 1670–1710
357

Richard Lyman Bushman
Farmers in Court:
Orange County, North Carolina, 1750–1776
388

A. G. Roeber
The Long Road to Vidal:
Charity Law and State Formation in Early America
414

Bruce H. Mann
AFTERWORD
The Death and Transfiguration of
Early American Legal History
442

Index 449
Notes on the Contributors 465