

IN THE MATTER OF
"THOMAS OR THOMASINE HALL"
APRIL 8, 1629
CASE STUDY

in a kysse and Embrace, and an Apron before him And
that he shall find satisfaction for his good behavior from
Quarter Court to Quarter Court until the Court shall
discharge him, And Capt. Nathaniel Bass is
ordered to fix this order executed accordingly.

Hereafter as Edward Mallie did at the Court present
his suit against John Jorgeson about the sale of a
fowle and the taking away of a pood, and because
Jorgeson testified to this Court that he sent a pigg in
of satisfaction, and the grew by George Delconly to the
said Edward Mallie the not the said Mallie affirmed he
never received And for that the said Mr. Mallie hath
expressed himself to examine in this cause not at this
Court nor yet Agent It is ordered that the Captain
Smyth shall examine the said Delconly upon his oath
concerning the same, and the cause is referred to
his determination at the next Quarter Court.

It is ordered, that every Commander of the severall
plantations of this Colony shall take a generall
muster of all the inhabitants men women and
children as well English as Negroes inhabiting within
the same and returne a list of their names to the
Governor and Council at the next Quarter Court.

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Case Study: How do the thematic issues raised in Thomas(ine) Hall's life and court case still influence society today?

National Council for the Social Studies Thematic Strands Alignment

- **Culture:** Examine how 1629 Virginia colonists understood and enforced gender categories through clothing, work roles, and social expectations
- **Time, Continuity, and Change:** Analyze how individual identity can change across time and social and/or economic circumstances
- **People, Places, and Environments:** Analyze the possible motivations for Hall's gender presentations and whether it may have reflected economic considerations, safety considerations, and/or a strategy for self-determination
- **Production, Distribution, and Consumption:** Analyze the relationship between work roles and gender expectations in colonial society, as well as connections to today's world.

I. Historical Background and Context

Thomas(ine) Hall was born in England in 1603, near Newcastle upon Tyne, England, and was christened and raised as a girl named Thomasine. Hall represents the first recorded case of a person in colonial America whose gender identity became the subject of legal proceedings.¹

Hall's life story reveals a pattern of navigating different gender identities based on circumstances:

1. **Childhood (1603 - 1615):** Lived "in women's apparel" until age twelve and learned needlework skills such as sewing and lacemaking.
2. **London Period (1615 - 1625):** Lived with an aunt in London as a young person and witnessed gender fluidity and a "relaxed nature of controlled gender clothing".²
3. **Military Service (1625 - 1627):** In 1625, Thomasine's brother was pressed into military service (meaning he was forced into serving in the military). Thomasine adopted men's clothing and hairstyle, took the name Thomas, and followed her brother into service.

¹ General Court. "8th daie of Aprill Ao Dmi 1629 (April 8, 1629)." *Encyclopedia Virginia*.

² [EntryPoint: Both Man and Woman: Thomas/in Hall in Colonial Virginia](#). Video. A conversation between Encyclopedia Virginia managing editor Patti Miller and Julie Richter of William & Mary and Ren Tolson of Colonial Williamsburg to explore the life of Thomas/in Hall, an intersex individual who lived in colonial Virginia, and LGBTQ+ histories at Colonial Williamsburg. February 22, 2023. Encyclopedia Virginia.

4. **Post-Military (1627 - 1633):** In 1627, using the name Thomas, Hall sailed for the royal colony of Virginia with Jamestown as its capital. Thomas settled in a new settlement with Warrosquyacke,* a Powhatan Indian tribe, as an indentured servant. By 1629, Hall was an indentured servant in the home of John and Jane Tyos. (Indentured servants exchanged labor for food, housing, and clothing.) Records show that an indentured servant named Thomas Hall was convicted along with John and Jane Tyos for receiving stolen property from William Mills, “a known thief.” Records also indicate that Hall reverted to women’s clothing sometime after arriving in Virginia.³

When Tyos was in the process of selling Hall’s indentured servant contract to John Atkins, a community member, Atkins needed to know Hall’s gender to determine the proper labor assignment and how much to pay Tyos for the contract, as a contract for men’s labor would have cost more than a contract for women’s labor. Neighbors in the community of approximately 1,500 people, became interested as to whether or not Thomas(ine) was biologically male or female.

The community’s uncertainty led to a physical inspection of Hall by three women in the community. These women, as was common at the time, often inspected other women for health concerns, signs of out-of-wedlock pregnancy, and even witchcraft. After the inspection, as well as at least two additional inspections, they declared Hall to be a man. Tyos, however, insisted that Hall was a woman, most likely based on Hall’s needlecraft skills and dress.

The question of Thomas/Thomasine Hall’s gender was referred to the Virginia General Court of Jamestown in 1629. Justices asked Hall for a detailed account of their personal history. Much of the information we have about Hall is from this testimony. After listening to Hall and other testimonies from community members, the court made an unusual decision for the time period, determining that Hall was both “man and woeman”. They ruled that Hall should dress in a combination of men's and women's clothing; specifically, they were ordered to wear men's clothing but with a woman's hat and apron.⁴

**Warrosquyacke is the name of a Powhatan Indian tribe. This particular settlement and plantations were situated on a Warrosquyacke village.⁵*

³ McCartney, Martha W. *Virginia Immigrants and Adventurers, 1607-1635: A Biographical Dictionary*, pp. 356-357. 2007. Genealogical Publishing Co.

⁴ McIlwaine, H. R., editor. *Minutes of the Council and General Court of Colonial Virginia*. April 8th, 1629, pp. 193-197. 1924. The Library Board.

⁵ Smith, John, and William Hole. *Virginia*. [London, 1624] Map. Library of Congress.

Fast Facts:

- The first English settlers arrived in Jamestown (present-day Virginia) in 1607. There were 105 settlers, all male, about half of whom died during their first year.
- The Paspahegh tribe of the Powhatan Indian tribe lived closest to the Jamestown colony.
- Two women arrived in Jamestown in 1608.
- “The Africans who came to Virginia in 1619 had been taken from Angola, in west central Africa. John Rolfe, a prominent planter and merchant (and formerly the husband of Pocahontas), reported, “The Africans were sold into bondage despite Virginia having no clear-cut laws sanctioning slavery.”⁶
- Although life was very difficult in Jamestown, more settlers arrived.
- In 1620, 90 women arrived in Jamestown.
- In 1621, more than 50 women arrived. Like the Englishmen, these women were willing to risk a dangerous journey to an unknown land to secure a better future.
- In 1625, more than 1,200 people were living in Jamestown.⁷

⁶ “[The First Africans.](#)” Jamestown Rediscovery. Historic Jamestowne.

⁷ Percy, George. “[Jamestown: 1607. The First Months \(Excerpted\).](#)” [American Beginnings: The European Presence in North America, 1492–1690.](#) 2006. National Humanities Center.

II. Digital Primary and Secondary Sources for Students' Analysis

[Library of Congress Primary Source Analysis Tool for Students](#)

Primary Sources

1. McCartney, Martha W. [Virginia Immigrants and Adventurers, 1607-1635: A Biographical Dictionary. Pages 356-357.](#) 2007. Genealogical Publishing Co..
2. McIlwaine, H. R., editor. [Minutes of the Council and General Court of Colonial Virginia. April 8th, 1629. pp. 193-197.](#) 1924. The Library Board.
3. Percy, George. ["Jamestown: 1607, The First Months \(Excerpted\)." American Beginnings: The European Presence in North America, 1492-1690.](#) 2006. National Humanities Center.
4. Jansson, John. [A Map of Virginia. Lately Surveyed and Corrected by Nicholas Visscher. 1656.](#) Geography & Map Division. Library of Congress.
5. [Virginia 1606. Composite plate of engravings featuring John Smith, James I, Pocahontas, Capt. Newport, Bacon and Berkeley, Delaware, and Sandys, c. 1904.](#) Prints and Photographs Division. Library of Congress.

Secondary Sources

6. *UnErasing LGBTQ History and Identities: A Podcast.* [Season 7 Episode 2: In the Matter of "Thomas or Thomasine Hall" 1629.](#) September 24, 2025. History UnErased.
7. Borrelli, Christopher. ["Thomasin Hall and the Hidden History of Gender Nonconforming People in U.S. History."](#) September 13, 2023. Teen Vogue.
8. Schneider, Rebecca. ["Thomas/in Hall: Subverting the Gender Binary in Colonial Virginia."](#) *The UncommonWealth.* April 17, 2023. Virginia Humanities.

III. “Live from the Courthouse” Primary Source Improv Activity

Historical Context: This is a small colonial community with a population of approximately 1,500 residents, and everyone is aware of each other's business. Community cooperation is imperative for the community to thrive and prosper, and their labor systems are anchored in gendered work assignments.

Scenario A Objective: Students will explore how gender roles functioned as an economic, social, and cultural organizing principle in early colonial society, the importance of the “Thomas or Thomasine” court case, and the potential impact of the court’s decision.

Scenario A Setting: Outside the Quarter Court of Virginia, Jamestown, on April 8th, 1629, immediately after the court session. The court's ruling has created confusion and curiosity among the colonists.

- **Jamie Hunter**, a modern-day reporter from Virginia’s Richmond-Times Dispatch, time-travels to interview people involved in the “Thomas or Thomasine” case as they exit the courthouse. Hunter learned about this case when they discovered the *Minutes of the Council and General Court of Colonial Virginia* in a library archive and saw connections to news stories in today’s world. Hunter believes this is an important story to share with the newspaper’s readers.
- **Dinah Barker**, a member of the Richmond-Times Dispatch crew who is filming the interview and has a “temporal communication device” that translates 1629 English to modern English.
- **Thomas(ine) Hall**, the indentured servant at the center of the question to the court.
- **Governor John Pott**, head of Virginia General Court who was responsible for the final ruling, that Hall is both a man and a woman, and required Hall to wear both men’s and women’s apparel.
- **John Tyos**, who owned Hall’s indentured servant contract and insisted Hall was a woman and that her name was Thomasine.
- **John Atkins**, who wanted to purchase Hall’s contract and needed to know Hall’s gender know the cost of the contract, and to appropriately assign labor.
- **Captain Nathaniel Bass**, local magistrate who first investigated the case and presided over the court session. Captain Bass questioned Hall during the proceedings and provided his own testimony regarding Hall’s declaration of being both a man and a woman.
- **Dorothy (Nosey) Rodes**, a very curious community member who is pleased with the court’s decision, and wants the court to consider equal pay for women’s labor and men’s labor.

Scenario B Objective: Students will make connections between gender as an organizing principle in early colonial society and today, and the significance of the similarity of issues surfaced in the “Thomas or Thomas(ine) Hall” court case and today.

Scenario B Setting: The editor’s office at the Richmond-Times Dispatch newspaper, today’s date. Jamie Hunter and Dinah Barker are discussing their interviews with community members in Jamestown, from their time travel to April 8th, 1629, and making comparisons to the modern-day coverage of issues addressed in the “Thomas or Thomasine Hall” court case.

- **Jamie Hunter**, a reporter from Virginia’s Richmond-Times Dispatch, who time-traveled to interview people involved in the “Thomas or Thomasine Hall” court case as they exited the courthouse. Hunter believes this is an important story to share with the newspaper’s readers because of its connections to today’s world.
- **Dinah Barker**, a member of the Richmond-Times Dispatch crew who filmed the interview and had a “temporal communication device” that translated 1629 English to modern English.
- **Evelyn Kent**, editor in chief of the Richmond-Times Dispatch.
- **Ricky Hamlet**, a reporter for the Richmond-Times Dispatch who wants to time travel back to April 9th, 1629, to ask follow-up questions of the community members and enhance the story.

IV. National Council for the Social Studies Standards-Aligned Analysis Questions

Theme I: Culture / Cultural Identity and Expression:

1. How did colonists in 1629 Virginia understand and enforce gender as an organizing principle? (clothing, labor, and social expectations)

Theme II: Time, Continuity, and Change / Historical Continuity:

2. What circumstances may prompt someone to change their identity? (social, economic, political, professional, familial considerations)

Theme III: People, Places, and Environments:

3. What are the possible motivations for Hall to change gender presentation at different points in their life? (economic, safety, self-determination considerations)

Theme VII: Production, Distribution, and Consumption:

4. Discuss the connections or relationship between work roles and gender expectations in colonial society and today's world.

Additional Analysis Questions

5. How can media coverage influence the public's understanding of court rulings? (Cite specific examples from the past and/or present day.)

6. How might social media talk about the "Thomas or Thomasine Hall" court case today?

V. Case Study Question: How do the thematic issues raised by Hall's case continue to influence American society today?

Support your answer using your knowledge of the “Thomas or Thomasine Hall” court case, colonial labor systems and social structures, and current events involving gender and equal pay and opportunity in employment.

- Incorporate your responses to the analysis questions
- Cite primary sources
- Connect historical patterns to contemporary issues where appropriate

VI. Extension Activities

1. Write five (5) diary entries for Thomas(ine) Hall from different periods in their life; as a child, during military service, during the voyage to Virginia, working for John Tyos on his tobacco plantation, and a diary entry from April 9th, 1629 (the day after the court ruling).
2. Write ten (10) questions you have involving Thomas(ine) Hall, John Tyos, John Atkins, Captain Nathaniel Bass, Governor John Pott, Dorothy Rodes, and/or other community members. Consider questions that involve labor, indentured servitude, social relationships, and court proceedings and protocols.