

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

## 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.<sup>1</sup>

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".<sup>2</sup>
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.
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.<sup>3</sup>

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.

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

<sup>2</sup> [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.

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

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.<sup>4</sup>

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

### 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."<sup>6</sup>
- 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.<sup>7</sup>

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

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

<sup>6</sup> "[The First Africans](#)." Jamestown Rediscovery. Historic Jamestowne.

<sup>7</sup> Percy, George. "[Jamestown: 1607, The First Months \(Excerpted\)](#)." *American Beginnings: The European Presence in North America, 1492-1690*. 2006. National Humanities Center.