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**PROCEEDINGS OF THE VIRGINIA COMMITTEE
OF CORRESPONDENCE, 1759-'67.**

From the Originals in the Virginia State Archives.

[At the February session, 1759, of the General Assembly of Virginia, Edward Montague, Esq., of the Middle Temple, was appointed the agent for the colony in England, and a committee, termed the Committee of Correspondence, composed of members of the Council and House of Burgesses, was appointed to transact all business with him.

The agent was to support before the English government any laws passed in Virginia in regard to which there might be any question of approval, and was generally to represent the interests of the colony in England. Therefore, the correspondence between the committee and the agent must be of value as throwing light on the history of the period.

Two letters from the committee, found among the Legislative papers, have been published in Vol. IX of this Magazine, pp. 353-360. See same Vol., pp. 355-359 and 364, for a note on the Committee of Correspondence and biographical sketches of its members.

Francis Fauquier became governor of Virginia on June 7, 1758, and held the office until his death, on March 3d, 1768.

Sessions of Assembly were held in September and November, 1758; February and November, 1759; March, May and October, 1760, and March, 1761.]

PROCEEDINGS OF THE COM. OF CORRESPONDENCE, MAY 2D,
1759.

At a Meeting of the Committee for corresponding with the Agent appointed to solicit the Affairs of this Colony in Great Britain, held at the Capitol in Williamsburg, May 2d, 1759.

Present: The hon'ble William Nelson, Esq', Chairman, the hon'ble Thomas Nelson, Philip Grymes & Peter Randolph, Esq", John Robinson, Peyton Randolph, Robt. Carter Nicholas, and George Wythe, Esq".

Resolved, That George Davenport be appointed Clerk of this Committee.

Resolved, That a Letter be wrote to Edward Montague, Esq', the Agent for this Colony, with a Copy of the Act of Assembly appointing him agent: And that a Copy of the Representation formerly sent by the Assembly to Mr. Secretary Pitt, be transmitted to him therewith.

Resolved, That Application be made to the Governor for Copies of the several Letters wrote by Mr. Secretary Pitt, in Relation to the Application to be made to Parliament in behalf of this Colony, and that they be sent Home to the Agent to enable him to solicit for the proportion of Money granted, and to be granted by Parliament, for reimbursing this Colony the Money they have expended.

Resolved, That the Agent be instructed to use his Endeavours to get the King's Assent to an Act of Assembly past in the 22d Year of his Majesty's Reign intituled "An Act for settling the Titles and Bounds of Lands, and for preventing unlawful hunting and Ranging." And that the Clerk apply to Mr. Palmer for a Copy of the Reasons that were drawn up in order to be sent home, in Support of the said Act of Assembly.

Resolved, That the Agent be instructed not to shew the Act of Assembly for appointing him Agent, before all the Acts passed the last Session of Assembly are transmitted by the Governor to the Board of Trade.

And as there is some Reason for apprehending Attempts may be made for repealing the said Act, that the Agent be directed to use his utmost Endeavours to prevent the same, and be made acquainted with the Reasons of an Agent being appointed by this Colony.

Resolved, That the Agent be instructed to use his utmost Endeavours to prevent any additional Duty on Tobacco, and that he be furnished with Reasons for opposing the same.

Resolved, That the Agent be instructed to get a Copy of the Account of Mr. Dinwiddie's Disposition of the £20,000 granted by his Majesty, for the Use of this Colony, which he says he has passed with the Treasury, and that he procure, and send over, Copies of the Vouchers by which the same was passed.

Resolved, That the hon'ble William Nelson and Thomas Nelson, Esq^r, & John Robinson and Peyton Randolph, Esq^r, do prepare a Letter to be transmitted to the said Agent, in pursuance of the foregoing Resolutions.

A Copy.

GEO. DAVENPORT, Clk. Com.

PROCEEDINGS OF THE COM. OF CORRESPONDENCE NOV'R 7,
1759.

At a Meeting of the Com. of Correspondence held at the Capital Nov' 7th, 1759.

Present: The hon'ble William Nelson, Philip Grymes & Peter Randolph, Esq^r, John Robinson, Peyton Randolph, Charles Carter, Landon Carter & Rich^d Bland, Esq^r.

It appearing to this Committee that a Letter hath not yet been sent home to the Agent for this Colony, pursuant to the Resolutions of the former Committees, it is therefore

Resolved, That a Letter be prepared to be sent Home to the said Agent, by Mr. Speaker, Mr. Attorney, Mr. Charles Carter, Mr Landon Carter and Mr. Bland, to be laid before this Committee at their next meeting.

Resolved, That the Gent. appointed to prepare the said Letter be instructed to inform the said Agent of the Reasons that prevailed with the Legislature of this Colony to pass the Act made in the thirty second Year of the Reign of his present Majesty, intituled An Act to enable the Inhabitants of this Colony to dis-

charge their public Dues, Officers Fees, & other Tobacco Debts in Money for the ensuing Year.

Resolved, That it be a Direction to the Gent. above appointed to prepare the said Letter to the Agent, to omit taking any Notice in the said Letter of the Directions of the former Committee, whereby the said Agent was required not to shew the Act of Assembly of this Colony appointing him to his Office, before all the Acts passed at the last Session of Assembly should be transmitted by the Governor to the Board of Trade; And that they be discharged from furnishing the Agent with Instructions to prevent an additional Duty on Tobacco, as was directed by this Committee at their former Meeting, it appearing to this Committee that such a Duty hath already taken place.

Ordered, That the Committee be adjourned to Wednesday next at 10 o'Clock.

A Copy.

G. DAVENPORT, Clk. Com.

AT A COMMITTEE OF CORRESPONDENCE HELD AT THE CAPITOL NOV'R 14TH, 1759.

Present: The hon'ble William Nelson, Thomas Nelson, Philip Grymes & Peter Randolph, Esq^r, John Robinson, Charles Carter, Richard Bland, Landon Carter, George Wythe & R. C. Nicholas, Esq^r.

Mr. Nelson informed the Committee that the Rev^d Mr. John Camm * Minister of the Parish of York hampton hath lately commenced a Suit at Law against the Collectors of that Parish to recover his Salary in Tobacco, in Opposition to the Act of Ass: made in the xxxiii Year of his Majesty's Reign intituled An Act to enable the Inhabitants of this Colony to discharge their public Dues, Officer's Fees & other Tob^o Debts in Money for the ensuing Year. He therefore desired the Opinion of the Com. whether this Matter is not of so public a Nature (wherein the Power of the Legislature of this Colony in making temporary Laws for the public Weal will be called in Question) as to merit their particular Attention, and if need be, their Aid & Assistance in contributing to the Expences that may accrue in

* See note at end of article.

defending the said Suit either here [or] in Great Britain, as such Expenses may be too heavy to be borne by that Parish. After Consideration whereof, it is the Opinion of this Committee, and accordingly

Resolved, That this Matter be proposed to the Consideration of the House of Burgesses, and their Opinion desired thereupon.

The Committee appointed to prepare the Letter to the Agent in pursuance of the Resolutions of the Com. at their last Meeting not having completed the same

Ord^d, That the Com. be adj^d to Saturday morning next.

SATURDAY NOV^R 17, 1759.

Present: The hon[']ble W. Nelson Thom['] Nelson & Ph. Grymes, Esq^r, Jno. Robinson, Ch['] Carter, R^d Bland & R. C. Nicholas, Esq^r.

The Letter to the Agent not being yet finished pursuant to the former Resolutⁿ

Ord^d, That ye Com. be adj^d to Monday morning next.

AT A COM. HELD AT THE CAPITOL ON MONDAY 19 NOV^R,
1759.

Present: The hon[']ble W. Nelson, T. Nelson, P. Grymes & Peter Randolph, Esq^r, John Robinson, Rich^d Bland, G. Wythe & R. C. Nicholas, Esq^r.

The Com. appointed this day presented a Letter they had prepared with Instructions to the Agent agreeable to their former Resolutions, to which sev^l Amendments being proposed & agreed to, Mr. Speaker was desired to reduce the same into form.

Ord^d, That ye Com. be adj^d till Tomorrow.

NOV^R 20TH.

Present: As before.

Mr. Speaker informing the Com. that he had not suff^t time since yesterday to draw up the amendments proposed to the Letter to the Agent,

Ord^d, That ye Com. be adj^d till Tomorrow.

LETTER TO THE AGENT, DEC., 1759.

Williamsburg, Dec^r 12th, 1759.

Sir,—The General Assembly of Virginia has by an Act passed the 14th of April, 1759, intituled "An Act for appointing an Agent" a Copy of which is herewith inclosed, been pleased to appoint you the Agent of this Colony, & directed their Treasurer to pay you yearly the Sum of £500 sterling, in full for your Expenses & Trouble in the Execution of your Duty.

The Appointment of such an Officer to represent the Grievances of the People, to justify their Conduct to their Sovereign, to obtain his Approbation & Assent to such Laws as their Representatives shall think necessary for their Welfare and good Government, to implore his Assistance in the time of Danger and Calamity, and to protect and explain their Rights & Interest in Parliament, seem to be the natural Privilege of all Colonies, so far remov'd from their King and Mother Country. Yet the People of this Colony have had the Misfortune allways to be disappointed in their Endeavours to attain this Right, tho universally claim'd, and enjoy'd by all his Majesty's other Colonies and have been obliged to depend for these great and important Services on an Agent appointed by the Governor and Council, who for want of the Weight which a national Establishment would have given him, the Authority which must necessarily be derived from every Power of the Legislature, the Instructions when and for what Reasons he should interpose, must have been very deficient in his Duty, when considered as regarding the whole. Besides sometimes different Interests arise amongst the different Branches of the Legislature, different Instructions then become necessary; an Agent so appointed is obliged to obey those by whom he is appointed, and by the plainest Consequence in Affairs of the greatest Moment, the Body of the people may be left without the Shadow of a Representative.

It is to our not having a Representative properly appointed and instructed, that we in a great Measure attribute the passing an Act of Parliament for laying a Duty on our Tobacco, the Staple of this Colony (in the present State of the Tobacco Trade, a great Grievance to the people), and the Repeal of several

Laws, thought to be very salutary. But these are Misfortunes which can now perhaps be only lamented and not redressed.

We being by the same Act appointed a Committee to correspond with the Agent, must now desire you to take this Office upon you, and that you will take Care allways to be ready to prevent the Repeal of Laws passed by the Legislature, the Reasons for which, will be from time to time transmitted to you by us; to support any Representations which it may be necessary to make, and for that Purpose will not fail to attend them thro' the several Boards to which they may be referred; To give early Intelligence of anything that may be moved in Parliament, or the Department for American Affairs to this Committee; And in all things relative to this Colony, to use your best Endeavours, according to your Discretion, to protect her Rights and secure her Interest.

We must desire you immediately to join in any Solicitations which may be made, for a Grant of a Sum of Money, to reimburse the Colonies, in some measure, for the great Expence they have been at during this War, agreeable to the Promise made by Mr. Secretary Pitt, in his Letters of the 9th & 29th of December, 1758, to the Governor, and by him laid before the Assembly, Copies whereof are inclosed. And if any such Grant shall be made, to endeavour to get as large a proportion of the same as the persons appointed to distribute it shall think we deserve; And that you may be able to shew what our Expence has been, we have minuted down the several Sums that have been raised in this Colony, and the Purposes for which they were raised in a particular Account* thereof herewith sent, and to which we refer you.

Also that you use your best Endeavours to get the King's Assent to an Act of Assembly passed in the 22d Year of his present Majesty's Reign, intit^d "An Act for settling the Titles and Bounds of Lands and for preventing unlawful Hunting and Ranging," which having a suspending Clause, cannot take Effect till this is done.

This Act was passed upon the Revisal of all the other Laws of this Colony, and the chief Intention of it was to reduce the sev-

* Not found.

eral Acts relating to the Conveyance, taking up, settling, saving & cultivating of Lands, into one Act; and also an Act prescribing the method of docking the Intails of Land of no greater Value than £200 sterling, by a Writ, called a Writ of Ad quod Damnum.

To most of the other Acts passed at the same time his Majesty was pleased to give his Assent. But this Act was laid by, as we imagine, to be considered, whether his Majesty's Right of granting Land was affected thereby. And as it will appear by the several Amendments hereafter mentioned, that nothing of that Sort was intended, or affected by them, we conclude that it is entirely owing to a want of a proper Application, that his Majesty's Assent has not, long since, been obtained thereto.

The several Acts it takes in are as follow:

An Act for settling the Titles and Bounds of Land, and for preventing unlawful Shooting & Ranging thereon. 9 Anne, Cap. 13.

An Act to prevent Land lapsing from an Infant for not seating and planting, or not paying Quit Rents, until three Years after they come of Age. 11 Anne, Cap. 4.

An Act declaring what shall be accounted a sufficient Seating, cultivating & improving of Lands, already granted, or hereafter to be taken up and patented. 12 Anne, Cap. 13.

An Act explaining & further declaring what shall be accounted a sufficient Seating & Improvement of to save Lands from lapsing, and for the better Recovery of Lands lapsed from Persons living out of the Country. 7 Geo. 1, Cap. 3.

An Act for amending the Act intituled An Act for settling the Titles and Bounds of Lands, and for preventing unlawful Shooting and Ranging thereupon. 8 Geo. 2, Cap. 6.

An Act for the better Preservation of the Breed of Deer, & preventing unlawful Hunting. 12 Geo. 2, Cap. 14.

An Act for amending the Act intituled An Act for settling the Titles and Bounds of Lands and for preventing unlawful Shooting and Ranging thereupon. 18 Geo. 2, Cap. 14.

By perusing these Acts, you will find that no Alterations are made by this Act, except in a few Instances.

In the Act of the 8 Geo. 2, Cap. 6, which is the Act that

directs the Method of docking Intails of Land of no greater Value than £200 Sterling, these are the Alterations made.

1. It directs that the Surveyor of the County where the Land lies, shall survey the Land, in Order to satisfy the Jury, who are sworn pursuant to the Directions of the Writ of Ad quod Damnum, what Land precisely they are to value.

2. It directs that the Heir shall be summoned, to give him an Oportunity of detecting any Fraud that may be committed on the Execution of this Writ.

3. It confirms the Title of those who had proved their Deeds in the County Court.

By the Act of the 8th Geo. 2, Cap 6, the Deeds of Conveyance for the intailed Lands docked under said Act were ordered to be recorded in the General Court.

But the Lawyers here were of Opinion, as other Acts gave the County Courts full Jurisdiction to receive the Proof or Acknowledgement of Deeds of Land within their County, that the Purchasers of these intailed Lands might safely prove their Deeds in those Courts. The Assembly finding that this might occasion many Law-suits, and might possibly defeat the Titles of many fair Purchasers, thought it was agreeable to Justice and Equity to confirm such Titles.

This Act of the 8th Geo. 2, was the only Act that had received his Majesty's Assent, and was the Reason for adding the suspending Clause.

The only Alterations made in any of the other Acts, are in the Act of the 7th Geo. 1st, Chap. 3, by reducing the sum for saving Fifty Acres from Ten pounds to Five, and by limiting the time for bringing Petitions to ten Years, which was not mentioned in either of the above Acts.

By our Instruction sent to the Governor of this Colony, the Assembly finds that the Merchants of Great Britain are still dissatisfied with the making Treasury Notes (issued pursuant to the several Acts of Assembly for the Defence of the Colony), a proper Tender for Sterling Debts.

Before the Year 1748, there was no Law subsisting to direct at what rate of Exchange sterling Debts should be paid. The Consequence of this was that the Sherifs when they levied Money by Execution on Sterling Judgments demanded of the Debtors

what Exchange they thought proper, to the great Oppression of the people, and without any Advantage to the Person who had obtained the Judgment.

The Assembly thought it very proper to put a Stop to such unjust Proceedings, and passed an Act in the Year 1748, 22d Geo. 2, Cap. 12, intituled "An Act declaring the Law concerning Executions and for Relief of insolvent Debtors," by which they directed that all Executions for Sterling Money should be levied at twenty five per Cent., the real Difference of Money, and no more than the Difference of Exchange at the time the Act passed.

The Merchants of Great Britain complaining of this Act, and representing that they should be considerable Losers when Exchange should rise above twenty five per Cent., the Assembly took the same into their Consideration, and endeavoured to provide a Remedy which might prevent any further Murmurs.

They considered that as Exchange is a fluctuating thing they could not do Justice to sterling Creditors by fixing the Exchange at any certain Standard.

They therefore passed an Act to empower the Courts where Judgments should be obtained for sterling Money, to settle at the Foot of the Judgment, at what Rate of Exchange the same should be discharged; This will enable the English Merchants to bring their Money Home, without any Loss, let the Exchange rise to what it will, unless the Courts should be guilty of flagrant Injustice by settling the Exchange lower than Bills of Exchange can be purchased for, as it is notorious they have always fixed it at the very highest Rate.

One Reason for issuing Treasury Notes was, because all the Gold and Silver of the Country had been drawn away by the Armies to the Northward, and it would have been the greatest Grievance that ever People underwent, to make them receive this Sort of Money for Debts due to them, and not allow them to discharge the Debts due from them in the same, when it was impossible to exchange it for any other; And this as appears from what has been said above is as good as any other to the Merchants in Great Britain.

They were under a Necessity of making these Notes or Bills of Exchange a proper Tender for Sterling Debts, and there can be no Doubt that the English Merchants would chuse the former.

You will, we hope, endeavour to prevent any ill Consequences from these Complaints, and that you may be prepared for that Purpose, we must refer you to the Representation of the Burgeses of Virginia to his Majesty, a Copy whereof is inclosed, and also to a Paper containing further Reasons on this Subject.

You are desired to get a Copy of the Account of Mr. Dinwiddie's Disposition of the £20,000 granted by his Majesty for the use of this Colony, passed with the Treasury, and to send the same to this Committee with Copies of the Vouchers by which the same was passed.

We must refer you to the Representation above-mentioned on this Point, by which you will easily discover our Reasons for this Request. Be pleased to take Notice, that this Representation is not to be presented to his Majesty, as it has already been delivered to Mr. Secretary Pitt, and is only intended to instruct you in the several Matters now recommended to you.

*As we have not seen a certain Remonstrance drawn up by some Clergymen of this Colony, supported as it is said by the Lord Bishop of London, & presented to the Board of Trade, against an Act of Assembly passed here, intituled "An Act to enable the Inhabitants of this Colony to discharge their public Dues, Officers Fees, and other Tobacco Debts in Money for the ensuing Year," and are unacquainted with any Reports or Determinations that have been made on that, or any other Act of Assembly complained of in that Remonstrance, we cannot give you our Opinion and Instructions so fully on this Head, as we should otherwise chuse. But we persuade ourselves that by stating to you the Reasons that governed in the passing of that Act, you will be sufficiently enabled to remove the Imputations of Arbytraryness and Disloyalty, which from comon Rumour we collect, have been aimed at in that Remonstrance, to the great Abuse of the Legislature, and Injury of the Country, if it has been in any manner countenanced, as it will be establishing a Precedent for Mal-Contents of every Kind (with which no doubt all Communities abound) to endeavour to weaken one of the principal Instruments of the Civil Power, by private Misrepresentations of things.

* See note at end of article.

By the Constitution which we have hitherto enjoyed, every Act that receives the Consent of the Governor, Council and Burgesses of the Colony obtains the Force of a Law amongst us, until his Majesty shall think proper by Proclamation to declare his Disapprobation. And if there are any Acts endeavoured at that interfere with any general or particular Instruction to the Governor, such (if by a Change of Circumstances which are ever fluctuating) they are thought beneficial to the Community, are always enacted without any Force or Effect as a Law, until his Majesty's Pleasure shall be known, by a suspending Clause in the Act. Further, if his Majesty shall at any time think proper to give his Assent to any subsisting Act of Assembly, such Act then obtains such a Degree of Firmness in the Constitution, as it cannot be altered by any subsequent Act without the concurring Consent of all the several Branches that constituted it. And these Rules of Proceeding have been sacredly observed by the Legislature of this Colony, thro' a dutiful Regard as well to the Royal Authority, as to the Preservation of the Constitution.

Tobacco is the Staple, and indeed only Commodity in the Country, from whence any tollerable Profit can arise. To this 'tis to be presumed it is owing, that most of our Taxes and Salaries, &c., of a public Nature were made leviabie in Tobacco 'till the present War, in which as the immediate Want of Money made the Emission of a paper Currency unavoidable, the Taxes were necessarily laid in Money, that so much of such emitted Paper should annually be sunk, by repaying it into the Treasury from whence it was made issuable.

The several fees therefore due to the Clerks of the Courts of Justice, and other Officers in this Colony have been from long Continuance paid in Tobacco.

It must be observed, that when the Salaries of the Clergy were first settled at 16,000 lbs. of Tobacco that Commodity was rated at 10 s. sterling ℥ hundred, which made their Provision Eighty Pounds sterling per Annum. In the Year 1748, when the Laws of the Country were revised, the Act which established the Salaries of the Clergy was re-enacted with such Amendments in their favour, that removed all Doubts as to their temporal Rights for Want of Induction, and indeed greatly added to the Value

of their Salaries. For as Tobacco was at that time under a public Inspection, and the price of it raised at Market as the necessary Consequence of burning that which was bad, the Assembly gave the Clergy in that Act a further Levy on their Parishioners of four Pounds in the hundred, to answer the Deductions then thought necessary to be made, between the paying into the Warehouses, and receiving the same out again, which you will find called in the Act Shrinkage, an Article paid by all other Claimers whatsoever from the public, which Act amongst many others received the Royal Assent, without any particular Application from this Colony.

This Act, tho' made so much in Favour of the Clergy it seems has been by them construed into a disloyal Attack on his Majesty's Prerogative, and the Bishop of London, we are informed, has in a Letter to the Lords of Trade, been pleased to represent it as taking a large Stride that Way, because as he says, the Right of Presentation is by the Act taken from his Majesty, and declared to be in the Vestries, tho' it is certain the Vestries always before the passing of that Act enjoyed that Right, and the Design of the Act plainly appears to be, only to extend the time of Presentation from Six Months, as it is in England, to twelve, and the lengthening the time must appear to be extremely reasonable, when it is considered that from the Scarcity of Clergymen in this Colony, the Parishes generally remain vacant 'til a Minister can be procured from England.

The Crop of Tobacco in 1758 was so universally short that Petitions from all Parts of the Country were presented to the Assembly, to desire Relief against the possible Exactions of Creditors both public and private.

As this was an Evil justly to be dreaded, the Legislature with every prudent Precaution, made all Debts. Fees, Salaries, &c., payable in Tobacco, at the Option of the Debtor, after the Rate of two pence per pound for transfer Tobacco, provided the same were paid within a certain limited Time, governed by the most early Expectations of the new Crop. And as the time settled by Law for the payment of the Clergymen's Salaries was so near at Hand, presuming it consistent with the Principles of common Justice, that every Individual of the Community considered as a Creditor, whose Debts must really have arisen from

the Expectations of common Crops, ought to be under the same Restriction, they made no Exception as to the Act in 1748. This, we are informed, has been represented by the Clergy to the Lords of Trade, as a Deviation from the before mentioned Rule of the Constitution and derogatory to the Royal Authority, tho' we can conceive, that on a fair and thorough Examination of the matter, the contrary will appear, and in the unhappy Circumstances the Country was in at that time, be looked upon rather as an Aid to, than a Deviation from that Act. And we have the greatest Reason to be confirmed in that Opinion, as several Acts have heretofore been passed for the same purpose, which have from time to time been regularly transmitted to the Lords of Trade, and by them referred to their Solicitor, which certainly would [not?] have been done, had they appeared to their Lordships in the Light they are now represented.

The first of these Acts was passed in the 27th Year of his Majesty's Reign, Chap. 8, intituled "An Act for paying the Minister in the Parish of Frederick in the County of Frederick, and of Augusta in the County of Augusta, and of Hampshire in the County of Hampsh' One hundred Pounds annually, instead of the Salaries now allowed."

Another passed in the same Year Chap. 10, intit^d "An Act for allowing the Inhabitants of the Counties of Halifax, Hampshire and Bedford to discharge their public Dues and Officer's Fees in Money instead of Tobacco."

And another passed in the 28th Year of his Majesty's Reign, Chap. 17 (1755) intituled "An Act for enabling the Inhabitants of the Counties of Princess Anne and Norfolk to pay their public Dues in money."

These Acts, tho' apparently passed in Favour of the Ministers of the several Parishes, and at the Prayer of some of them, have been lately represented by some of the Clergy to their Lordships, in the same unfavourable Light as the Act in 1748, and the Repeal of them been obtained by their Solicitations, tho' the Ministers for whose Benefit they were made, will be great Sufferers by such Repeal.

Another Act also passed in the 29th year of his Majesty's Reign (1755 Chap. 7) intituled "An Act to enable the Inhabitants of this Colony to discharge their Tobacco Debts in Money

for this present Year," by which the same Provision was made for paying the public Tobacco Creditors in Money, as in the aforementioned Act in 1758 now complained of.

The Clergy it seems alledge that the Act in 1758 was made only to serve the Rich, and have coulored over their uncharitable Clamour by saying that the Poor would have been more effectually relieved without the Law, because, that as Clergymen, had they been permitted to receive from the Rich the real Value of their Tobacco, they would have been able to have taken much less than two pence per pound from the poor; But as essential as Truth may be to their Order, they have in such an Assertion suffered themselves to forget it.

The General Assembly was composed of many public Officers, some Claimers from the public, and many Landlords, whose Fees, Claims and Rents were payable in Tobacco, and many of them of greater Amount than the Salary of a Clergyman. How then can this their Argument be reconciled to Truth? Could not each of these rich Men, as they call them, have demanded of their Debtors in the same exorbitant Proportion, as the Clergy should of them, and had they even consulted their own Interest in the Affair, would not the Ballance,—had there been no regulating Law at all—have been greatly in their favour? And as all other public Officers, Claimers from the public & Landlords (tho' not of the General Assembly) to say nothing of private Creditors who must generally have contracted their Accounts or Bargains under the Probability of usual Crops) must have had a right to partake in this grand Scheme of Extortion, can it be doubted that the poor alone was the Object of the Legislature's Concern?

But to go a little further with this Argument of theirs: Suppose the Clergy alone on Account of the Royal Assent's being obtained to the Act in 1748, had been exempted, and there was indisputably such a general Piety of Disposition amongst them, how could this Charity have been extended?

That Act, at the same time it gives their Salaries, directs the method of levying, collecting, &c., of the same, and to have altered it in one Instance must certainly have been as criminal as in another. In this Case, they could only have contracted with their Collectors at a price for their whole Salaries, and it

would but in most Cases have removed the Method of Exaction from the Clergy to the Collectors: For it must be observed, that tho' the whole Crop of Tobacco made in the Year 1758, was more than sufficient to pay the Ministers' Salaries and other Parish Creditors, who have the same Right with the Clergy under the Law in 1748, yet there were Multitudes who did not make enough to answer that Purpose, and those who did make it, could not be compelled to sell to those who had none, the Consequence of which (if no Provision had been made) must have been, that the Collectors would have made Distress upon the poor unhappy Sufferers, and as their Goods & Effects could not be sold for anything but Tobacco, and as there were so few that had any of that Commodity to purchase with, the Goods and Effects must have been either sold at a very low Rate, or remain in the Hands of the Collectors for want of Purchasers, whereby the Poor would have been great Sufferers, and the Clergy not in the least benefited by it. The whole of this therefore is but a thin Varnish, and leaves too much Room to suspect, from the very nature of murmuring in such Cases, that they themselves rather wanted an Oportunity of feasting as largely as they could on all, both rich and poor.

These are the Arguments that may be justly brought to vindicate the Legislature, and confute the Complainants; and as it is impossible but they must have known that things would appear in this Light, when impartially examined into, we cannot but think that the Act complained of, is but the studied Occasion of Contention to effect some other Purpose, still latent.

We know not how far the Affair may have been carried, or whether the Matter can again be laid before the Lords of Trade or any other Board for a Rehearing, but we hope at least, you may have an Oportunity of removing any injurious Censure that may have been passed, and put a Stop to all future Representations till the Country can be heard on the several Matters of Complaint; And we doubt not but they will appear to be fully justified in their Proceedings both to their King and Country.

As the Country looks upon it as their Duty (since the Act of Assembly complained of by the Clergy hath had its Effect) to support the Execution of it, by protecting the Parishes in the Suits that may be brought against them on the Act in 1748, We

further direct you to employ proper Persons to defend the Vestries or Collectors against any Proceedings that may be carried to England, in a Suit that is just brought by one Mr. Camm, the Minister of York-hampton Parish in the County of York, and the Expences attending the same will be remitted to you on the first Notice.

We have nothing further to add, but to desire of you if it should not be agreeable to you to engage in this Business as Agent, that you will be so kind as to officiate in Behalf of this Country, 'till we can have Notice of your Refusal to appoint some other Gentleman, and in particular to watch and oppose every Attempt that shall be endeavoured at to repeal this Act for appointing an Agent, as we have Reason to expect some Efforts will be made that Way.

You are desired to give the earliest Intelligence of any thing that may come to your Knowledge, relative to, or in any manner affecting the Interest of this Colony, and of all your Proceedings in the Execution of the Trust reposed in you, to this Committee, in order to which it is recommended to you to send your Dispatches by the Packet to New York, from whence they may be safely conveyed hither by the Post, if no better Oportunity should offer; And you are further desired to inclose your Dispatches to the Hon'ble William Nelson, Esq', at York Town in Virginia, by whom they will be communicated to this Committee. We are Sir,

Your most humble Servants,

Wm. Nelson,
Thos. Nelson,
Philip Grymes,
Richard Bland,
Ben. Waller,
Ro. C. Nicholas,

(TO BE CONTINUED)

NOTE.

Mr. Camm's suit was caused by the passage of the famous "Two Penny Act," which for a number of years produced so much agitation in Virginia.

The General Assembly at the September session, 1755, induced by the failure of the tobacco crop, and the needs of the colony, arising from the French and Indian War, passed an act authorizing all debts due in tobacco to be paid either in that commodity, or in money at the rate of eighteen shillings and eight pence per hundred pounds. Though some complaints were made there was no legal opposition to this law.

Again, in September, 1758, for the same reasons, the law was re-enacted, with a provision that it was to be in force for one year. The act provided that it should be "lawful for any person or persons, from whom any tobacco is due by judgement, for rent, by bond, or upon any contract, or for public, county or parish levies, or for any secretarys', clerks', sheriffs', surveyors' or other officers' fees, or by any other ways or means whatsoever, to pay and satisfy the same in tobacco * * * or in money, at the rate of sixteen shillings and eight pence for every hundred pounds of nett tobacco." (*Hening* 7, 240.) As the rate fixed was two pence per pound, the law became known as "The Two Penny Act."

The law was general in its provisions; but resistance and objection came only from the parish ministers. Since as early as 1696 the salaries of the clergy had been sixteen thousand pounds of tobacco a year, and this amount had been confirmed in 1748 by an act, which had received the King's assent.

Two pence per pound was the normal price of tobacco, but in 1755 and 1758 the crops were very small and the price went up to six pence. The clergy then demanded that they should have the advantage of the rise in the market.

Under the royal instructions no law which had received the King's approbation could be repealed by a colonial assembly unless the repealing law contained a clause suspending its action until the King's pleasure should be known. As such a suspension would have nullified the purpose of the act of 1758, the Virginia Assembly omitted the suspending clause. It was claimed by the clergy that the latter act repealed that of 1748, and that the violation of the royal instructions in omitting the suspending clause rendered the act of 1758 null and void.

A heated controversy soon began, the leader on the part of the clergy being Rev. John Camm, minister of York-Hampton

parish, who was answered by Richard Bland and Landon Carter in behalf of the Assembly. Rev. Andrew Burnaby, an English clergyman, who was in Virginia at the time, while disapproving the conduct of the Assembly, condemned the violence of most of the clergy, and their disrespectful treatment of the Governor, and of their Commissary, Rev. William Robinson, who had urged them to moderate measures.

A convention of the clergy was held and Mr. Camm was sent to England as their representative. On August 10, 1759, he obtained an order of the Privy Council declaring the act of 1758 illegal and was told that this order would make the act *void ab initio*. He thereupon returned to Virginia and brought suit in York County Court to recover the full market value of his salary. Losing his case in the County Court he appealed to the General Court, where he met the same fate, the latter court holding that the act of 1758 was in force until the date of the King's veto. The persistent clergyman then appealed to the Privy Council in England, but when his case was heard in 1767, it was dismissed on some technicality. It was a common belief at the time that this was a mere pretext, and that the English government was unwilling, so soon after the repeal of the Stamp Act, to give any Colony further cause for irritation.

While Mr. Camm's case was pending various other minister's sued their vestries with small results. The most celebrated of these was the "Parsons' Cause" in Hanover county in December, 1762, when Patrick Henry, as counsel for the defendants, first sprung into public note by the eloquence and boldness with which he stated the rights of the people.

The long agitation over the "Two-Penny Act," thus ended practically in the entire defeat of the claims of the clergy. It was of more momentous importance than this, for Mr. Henry (*Life of Patrick Henry*, I, 46) has well summed up the results when he states that not only did the clergy find that "they had greatly weakened their hold upon the public, and had given a fresh impulse to the spirit of dissent already grown strong in the colony;" but also that "the struggle greatly strained the bond between the King and the colonists, and was the prelude to the combat that snapped that bond asunder."

For details of these acts and the connected events, see Henry's

Life of Patrick Henry, I, 28-48; Campbell's *History of Virginia*, 507-518; Cobb's *Rise of Religious Liberty in America*, 108-111; Meade's *Old Churches and Families of Virginia*, I, 216-225, and (especially for documents showing the clergy's side of the case) Perry's *Papers Relating to the History of the Church in Virginia*, 434-448, 458-501, 506-519.

Rev. John Camm was son of Thomas Caram, of Hornsea, Yorkshire, England. Born in 1718, he took his B. A. degree at Trinity College, Cambridge, in 1741-42, and came to Virginia in or before 1745, when he was minister of Newport Parish, Isle of Wight county. In 1749 he was appointed professor of divinity in William and Mary College, and was its President from 1771 to 1777, when he was removed by the Board of Visitors on account of his sympathy with England. He died in 1779, and has many descendants.

For account of John Camm and his family see *William and Mary Quarterly*, IV, 61-62, 275-278.

HENRY COUNTY.

From its Formation in 1776 to the End of the Eighteenth Century, et seq.

From the records in the clerks office, by C. B. BRYANT, Martinsville, Va.

(CONTINUED)

Marvell Nash, on certificate from Wm. McCraw, A. D. Q. M. to the Southern Department for £8. 2. 5. specie.

Ingram Nunn, on same, for 98 & 60 ninetieths of Dollars in specie.

George Hairston, on same, 93 & 30 goths of Ditto.

Stanwix Hord, on same, for 130 ditto in specie.

John Redd, on same, for 334 & 42 goths of ditto.

Brice Martin, on same, for 137 & 60 goths of ditto.

John Rowland, on same, for 207 & 45 goths of ditto.

Samuel Huff for 33 lbs Bacon to Hospital at Henry C. H.