

**THE**  
**HISTORY OF VIRGINIA;**

**COMPILED BY**

**JOHN BURK,**

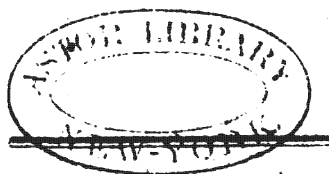
**AND CONTINUED BY**

**SKELTON JONES**

**AND**

**LOUIS HUE GIRARDIN.**

**VOL. IV.**



**—PETERSBURG, VIRGINIA—**

**PRINTED BY M. W. DUNNAVANT, FOR THE PROPRIETORS.**

**1816.**

Checked  
May 1913

## CHAPTER V.

*Meeting of the Convention—E. Pendleton is appointed President—Further operations at the Great Bridge—State of the Carolina troops—The disaffected destroy Bachelor's mill-dam—Alarm and preparations of Dunmore—Affair of the Great Bridge—Fordyce is killed and his men routed—British loss—Humanity of the Virginians—The British evacuate the Fort—Woodford is reinforced—Resolves to march against Norfolk—Alarm in that town—Declaration to the people of Princess-Anne and Norfolk counties—Effects thereof—Petitions addressed to Woodford—Relief afforded to the Highlanders—Declarations issued by the Convention—Woodford enters Norfolk—Resigns the chief command to Colonel Howe—Message to the magistrates of Norfolk—Not answered—Proceedings in Norfolk—Subsequent events—American force under Howe—Arrival of the frigate Liverpool—Captain Bellaw's message—Burning of Norfolk—Some differences among the officers—Financial and other difficulties of the Colony—Want of salt—severely felt—Colonial forces increased—P. Henry resigns—Effervescence caused by this resignation soon subsides.*

The Delegates met at Richmond on the 1st day of December. It had now become necessary for them to appoint a new President. Peyton Randolph was no more. That illustrious citizen, distinguished, at first, by the eminence of his forensic station, and afterwards by the abilities, zeal, integrity, and dignity which he displayed in the higher offices of public life, had been several times elected Speaker of the house of Burgesses. On the 20th of March, 1775, he was unanimously appointed President of the first Convention; and on the 11th of August following, first nominated one of the Delegates for Virginia to the General Congress.\* A new and well merited honour awaited him

Meeting of  
the Conven-  
tion.  
December 1

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\* The vote stood as follows :

For P. Randolph,	89,	Tomas Nelson,	66,
R. H. Lee,	88,	R. Bland,	61,
Thomas Jefferson,	85,	G. Wythe,	59,
B. Harrison,	83,		

## CHAP.

## V.

there. Without one dissentient voice, he was called to preside over that great and venerable body; and while attending it, a third time, on the 22d day of October, a sudden stroke of apoplexy, deprived America of this virtuous, firm, and wise patriot, in the 54th year of his age. The remains of this worthy Patriot were afterwards brought from Philadelphia to Williamsburg by Edmund Randolph, his nephew, and, in November 1776, deposited in the family vault, in the College-Chapel, with suitable funeral solemnities.—

A short time before his departure for the general continental Congress, the convention, observing with great concern, that he was much indisposed, recommended to him to retire for the present from the fatigues of public duty, tendering to him, at the same time, their unfeigned thanks for his unremitting attention to the important interests of his Country, and his unwearied application to, and able, faithful, and impartial discharge of the duties of his office; and assuring him that he had the warmest wishes of the Convention for a speedy return of health, and an uninterrupted enjoyment of every felicity. R. C. Nicholas was, on the following day, appointed to act as President during Mr. Randolph's indisposition or absence, an appointment which did him great honour, and upon which he reflected the splendor of his own worth, during the remainder of the session.—To fill the vacancy thus produced by the lamented death of Mr. Randolph, no person was deemed better qualified than the venerable Edmund Pendleton. He was accordingly elected President. After taking into consideration a dispatch from Woodford respecting his situation, and that of Lord Dunmore and his motley auxiliaries, and solemnly enjoining to the Commander of the forces actually in the field, to risk as little as possible the success of his arms, at so important a crisis, and, if his numbers should not, in his judgment, afford a moral probability of answering the purposes of the expedition, immediately to request the assistance of the troops offered by North Carolina, the Convention adjourned till Monday following, then to meet in Williamsburg. We have already stated the measures of Woodford in regard to the North-Carolina reinforcements. Colonel Wells, who had joined the Patriots at the head of a few volunteers, was dispatched to meet those reinforcements, and to collect and transmit, certain information of every circumstance relative to their march.

In the mean time, an almost incessant firing was kept up at the Great-Bridge, between the Patriots and Dun-

Edmund  
Pendleton is  
appointed  
President.

R. Bland having declined the appointment, on account of his advanced age, and received the warmest thanks of the Convention for his past services, F. Pickens was nominated in his stead. After P. Randolph's death, C. Braxton was appointed to succeed him in Congress.

## CHAPTER IX.

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*Declaration of Independence, by the General Congress—Dunmore is driven from Gwynn's Island—Goes up the Potomack—Leaves Virginia—Hostilities of the Creeks and Cherokees—Defeat and submission of these Savages—Return of General Lee to the North—First meeting of the General Assembly of Virginia—Chief proceedings of that Body—Dictatorial scheme—Military events to the Northward—Invasion of Rhode Island—American success at Sea—Critical state of American affairs—Fortitude of Congress in this crisis—Articles of Confederation and perpetual union—Extensive powers given to General Washington—Financial difficulties—Friendly dispositions of most European powers—Leading objects of the mission to France—Dr. Franklin arrives in France—Other missions—Military events during the Winter and the Spring—Howe sails from Sandy Hook—Events on the Lakes.*

THE interval between the commencement of the war, and the period at which we have now arrived, presents a strange civil and political phenomenon. It is a principle of the British Constitution, that the King can do no wrong, and a metaphysical distinction is established between him and his Ministers. Hence the singular contrast observable in the language and practice of the Colonies, in 1775, and the early part of 1776. Setting aside the ideal distinction just alluded to, we see war waged against a Monarch to whom assurances of loyalty and fidelity were frequently given. His authority was opposed by force of arms, and, at the same time, justice was administered in the name of that authority; nay, prayers offered up to Heaven for his safety and prosperity, constituted part of the public worship. A wish to continue under the Constitutional sway of Great-Britain was expressed on all sides; yet, every where a republican Government virtually prevailed. Never was so strong a contrast between words and deeds, exhibited; so true it is that the theoretical fictions of law-givers vanish before the stern realities of human affairs. The common sense of mankind will not long be overruled by maxims of royal infallibility; and practice naturally rectifies, in such cases, the errors of artificial wisdom. Another consideration serves to explain this phenomenon: *Great revolutions are too immense for technical formality.* Such a state of things, however,

## CHAP. IX.

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Strange situation of America for some time.

CHAP.  
IX.

could not be lasting. This undulation of opinions and measures must subside, and give place to some definite and unchangeable system. In vain the bulk of the people still fondly imagined that American victories would recall the Ministers to acts of justice, if not of condescension. It was evident to men of experience and foresight that the wound had now become incurable, and that all hopes of restoring union and friendship on the former basis, were perfectly illusive. On the part of the Ministers, pride, assuming the semblance of dignity, would create obstinacy not to be shaken. The Americans must necessarily confine themselves to defensive operations ; and should victory uniformly perch on their standards, they could not immediately, or even distantly, endanger the existence of the British Government, the only circumstance, perhaps, capable of pressing on those infatuated Ministers, a mild, equitable, and wise policy. Nor was it rational to hope that, so long as the other parts of the world were open to British industry and enterprize, and so long as a powerful navy protected British commerce, mercantile considerations would induce a relaxation of the tyrannical measures intended against the Colonies. The struggle no longer lay between absolute and limited monarchy ; but between monarchy and republicanism. The alternative now was, *entire independence and liberty, or entire dependence and slavery*. In such a dilemma, it was better to fix on the grand and inspiring object of a separate and independent station. Independence once declared, a solemn oath once taken, never to return to British allegiance ; no, not even to escape utter annihilation, resistance would become more vigorous, more obstinate, and, of course, more successful. This bold and dignified step would conciliate the respect of Foreign States. England herself, haughty England, should her armies eventually be defeated, would treat with the Americans in the character of a free and independent nation, less reluctantly than she would yield to them, as British subjects, those very points in which the present contest had originated ; for war knows of no issue more humiliating, more unpalatable than the necessity of yielding to an enemy the object in dispute. The course to be pursued by America was, therefore, obvious ; late events had also rendered it easy. The success of the American arms in the important Colonies of Massachusetts, Virginia, and South Carolina ; the valorous achievements of the infant continental navy, under commodore Hopkins ; the enormous and rich prizes made on the enemy by American privateers, were so many guarantees which ensured a cheerful acquiescence, on the part of a large majority of the people, in any system which the general Congress might adopt. The fears inspired at first by exaggerated estimates of British prowess, experience and skill, in war, had gradually

subsided ; and confidence in native courage taken their place. The collision of particular views and interests, had yielded to a generous love of country ; and the occasional efforts of the most stubborn among the disaffected, were incoherent, rash, ill supported, and, of course, abortive. Their uniform failure, and the horror which they universally excited, were indeed, promotive of the common good. Of this description, was a dark and infamous scheme to seize, and perhaps, murder, the beloved and revered General in chief, George Washington ; to destroy his small, but heroic army by treacherous means ; and either to burn New York, or deliver it into the hands of the British. The seasonable and fortunate discovery of this horrid plot, electrified the public mind ; inflamed it with a vehement desire of an immediate and irrevocable avulsion from a Government which was supposed to have put the torch and the dagger in the hands of the miscreants concerned in that execrable design.—Nor was it forgotten, that the Ministers had denounced inflexible rigour against the colonies ; that a war now raged, monstrous not only in its origin, but likewise in its mode, and which, it was openly avowed by England, would not admit of those salutary laws and usages, which, in the midst of slaughter and rapine, still present some of the sacred characters of civilization, and solace weeping humanity. In the eyes of America, this was not war : the prohibitory bill had sanctioned piracy, robbery. No Foreign nation, in a state of hostility with the Colonies, would have thought of inflicting such a blow ; much less ought it to have come from a kindred hand. But every endearing tie was rent asunder—what signified the name of mother-country, when the rod of despotism was extended over those from whom more than filial respect and filial affection was claimed ? When the relentless Indian, and the no less odious German mercenary, were sent in terrific array, to effect what Britons blushed and refused to attempt ? Political, as well as natural, bonds of union, ought now to be forever dissolved.—Thus did the idea of Independence gradually gain ground. Nothing else was thought of ; it was the universal topic of private and public deliberation. A last and decisive impulse was given to the American mind, by a Pamphlet which appeared, during that oscillation of sentiment, under the title of “ *Common Sense*.” It was the production of Thos. Paine, a native of England, who had warmly embraced the cause of America, and who, in an eminent degree, possessed the power, as well as the inclination, to serve that noble cause. Nature had gifted him with a strong, comprehensive, and luminous mind ; and with the happy and valuable faculty of accommodating his thoughts and language to vulgar, as well as lofty understandings. He had the full command of

HAP. IX. those moral levers, by which opinion is managed and transferred at will. Paine was in politics, what Archimedes is related to have been in mechanics; nor were his engines less formidable than those of the immortal Syracusan, though in a different sense. His Pamphlet undoubtedly contributed to the Declaration of Independence, in a most striking degree. The author of "*Common Sense*," endeavored to prove that a re-union with England was impracticable—adducing, in support of this assertion, the irreconcilable pretensions of the contending parties—the unconquerable pride of Great Britain—the treachery, rancour, and vindictive spirit of her government. He moreover, established, beyond all possibility of satisfactory answer, the necessity, expediency, and practicability of Independence. His arguments were interspersed with views of royalty, calculated to render it odious and contemptible—all along proposing to substitute a Republican for a Monarchical government. Of the boasted English Constitution, the excellencies of which no one had heretofore dared to call into doubt, he spoke with equal freedom—pointing out, rather irreverentially, the defects of its monarchical branch—and the abuses which had crept into its other branches, which, in his opinion, were intrinsically good. He emphatically enumerated the public calamities, which, especially since the restoration of monarchy, had afflicted England; and thence inferred that there must be in the British Constitution, some essential vice, which rendered it inadequate to the grand and primary object of all governments, the happiness of the people; this radical vice, this secret canker, he asserted to be monarchy.—To that fatal source he traced back frequent intestine quarrels, and endless Foreign wars. Lastly, he congratulated the people of America, upon the blessing which Heaven had now placed within their reach, by affording them a glorious and fortunate opportunity of establishing a Government, which, combining all the excellencies of the British Constitution, would, at the same time be free from its glaring defects.—This work, so well adapted to the circumstances under which it appeared, so much in unison with the public feeling, was read with incredible avidity. The ardent became enthusiastic—the luke-warm, fervid—and many among the Loyalists, overpowered by the arguments and eloquence of the writer, abjured their former sentiments, and joined the sacred banner of their country. On all sides, a loud cry was heard, calling for separation and Independence.

The Congress well saw that the favorable moment had now arrived. But, in order to ascertain still more fully the sense of the people, they issued, on the 15th of May, the resolution before mentioned, recommending to all the Colonies to institute suitable forms of Government. No

measure could have been better calculated to open the eyes of the people on their real interests, and to elicit a formal expression of the general will. This resolution, however, did not immediately produce the desired effect, in all the Colonies. We have already viewed the establishment of a new form of Government in Virginia, and alluded to the temporary Constitution of South Carolina; Connecticut and Rhode Island, had only a few slight alterations to make in the fundamentals of their respective Governments; Maryland, Pennsylvania and New-York, fluctuated for a while, but finally complied with the recommendation of Congress. The other Colonies were more or less prompt in framing particular Constitutions. All these bore a considerable resemblance to the British model, except that monarchy was excluded, and that a jealous controul over the executive every where predominated, evincing those salutary fears which the past had taught the people to entertain for the future.—At the same time, that the Colonial Congresses, or Conventions were thus employed in a new organization of the powers of Government, most of them instructed their Delegates in the General Congress to declare the United Colonies, free and Independent States. The glorious example given by Virginia, in that respect, has already been noticed.

Strong in this manifestation of the general sentiment, Congress finally agreed on Independence, and declared it, on the fourth of July, in the following words :\*

July 4.  
Declaration  
of Independence  
by the  
Continental  
Congress.

### IN CONGRESS, 4th JULY, 1776.

By the Representatives of the United States of America, in Congress assembled.

#### A DECLARATION :

**WHEN**, in the course of human events, it becomes necessary for one people to dissolve the political bands which

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\* It is not our province to compare the respective merits of the several Colonies, in erecting this noble fabric. Let it suffice for us to observe that this admirable *Declaration*, as well as the original motion for *Independence*, in Congress, came from two members of the Virginia delegation. R. H. Lee moved for the motion, and Mr. Jefferson penned it. We have seen the original draught, in his hand writing. In the committee, Mr. Adams and Dr. Franklin altered only a few words; but, when reported, a *tirade* against slavery, the extirpation of which Great Britain was charged with having prevented, gave some offence to the Delegates from the Carolinas, and was, therefore suppressed. Another *tirade* stating the importation of Scotch and other mercenaries, was also expunged, because it seemed to wound the feelings of two or three members, natives of Scotland.

✧ Botta in his excellent *Storia della Guerra Americana*, puts in R. H. Lee's mouth, a long and eloquent speech in support of his motion; and another in answer to it, he ascribes to John Dickenson; thus concentrating the arguments, *pro* and *con*, and, at the same time, warning his readers that these speeches were not really delivered. This imitation of the ancient historians has some advantages—but we deem it better, strictly to adhere to facts. We recommend, however, to the youth of Virginia, to read those two speeches, which give a clear view of the whole question.



**CHAP. IX.** have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of nature and nature's God entitle them. a decent respect for the opinions of mankind, requires, that they should declare the causes which impel them to the separation.

We hold these truths to be self evident—that all men are created equal ; that they are endowed by their Creator with certain unalienable rights ; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed ; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light and transient causes ; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies ; and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation, till his consent should be obtained ; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the Legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies, at places, unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representatives Houses repeatedly, for opposing with manly firmness, his invasions on the rights of the people.

He has refused for a long time after such dissolutions, to cause others to be elected ; whereby the legislative powers, incapable of annihilation, have returned the people at large, for their exercise ; the state remaining in the meantime, exposed to all the danger of invasion from without, and convulsions within.

• He has endeavoured to prevent the population of these States ; for that purpose obstructing the laws for naturalization of foreigners ; refusing to pass others, to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws, for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our Legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others, to subject us to a jurisdiction foreign to our Constitution, and unacknowledged by our laws ; giving his assent to their acts of pretended legislation ;—

For quartering large bodies of armed troops among us ;—

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States ;

For cutting off our trade with all parts of the world.

• For imposing taxes on us without our consent ;

For depriving us, in many cases, of the benefits of trial by jury ;

For transporting us beyond seas, to be tried for pretended offences ;

For abolishing the free system of English law in a neighbouring province, establishing therein an arbitrary government and enlarging its boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies.

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments.

For suspending our own Legislatures, and declaring themselves invested with power, to legislate for us in all cases whatsoever.

CHAP.  
IX.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the work of death, desolation, and tyranny, already begun, with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow citizens taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections among us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions, we have petitioned for redress in the most humble terms ; our petitions have been answered only by repeated injury. A prince whose character is thus marked, by every act, which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren. We have warned them, from time to time, of attempts made by their legislature, to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and consanguinity. We must therefore acquiesce in the necessity, which denounces our separation, and hold them, as we hold the rest of mankind—enemies in war—in peace friends.

WE, therefore, the Representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world, for the rectitude of our intentions, Do, in the name, and by the authority of the good People of these colonies, solemnly publish and declare, that these United Colonies are, and of right ought to be, Free and Independent States ; that they are absolved from all allegiance to the British crown, and that all political connection, between them and the State of Great Britain, is and ought to be totally dissolved ; and that, as Free and Independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which Independent States may of right do. And for the support,

of this declaration, with a firm reliance on the protection of Divine providence, we mutually pledge to each other our lives, our fortunes, and our sacred honour."

CHAP.  
IX.

Thus was the birth of Independence solemnly proclaimed. Regardless of the perils which surrounded her cradle, and resolved to nurse her into vigour, to cherish her into maturity, the people hailed her auspicious appearance with reverential joy, and steady confidence. What was to them the smallness of their armies? What, the exhausted state of their Treasury? What the threatening and formidable attitude of the tyrant, the distant and uncertain chance of Foreign succours? They were now Free and Independent, and resolved to live so, or to live no more. With such a disposition, they were invincible. Moral forces are the true bulwarks of nations. On the eighth of July, Independence was celebrated at Philadelphia with every mark of universal exultation; bonfires, discharges of artillery, joyous acclamations, announced the momentous æra. At New-York, the Declaration was, on the 11th of the same month, read to each brigade of the American army, then stationed in that city, and its neighbourhood:—it was heard with a respectful attention, soon succeeded by prolonged bursts of enthusiastic applause. In the evening, the equestrian statue of George III, erected in 1770, was laid prostrate; and its leaden materials were afterwards converted into bullets. In Baltimore and Boston, the patriots gave to their rejoicings still more vivid tints. Every trace of royalty was there obliterated. In Virginia, this confirmation of the popular wishes, and of the act by which a republican government had already been established, excited feelings which transcend all description. The interesting scene exhibited at Williamsburg, on the adoption of the Constitution, was renewed with additional effusions of that genuine, heartfelt joy, which flows from great national events. The pompous emblems of royal authority had already disappeared; an appropriate seal for the Commonwealth, now superseded that formerly used by the representative of royalty, in the Colony.\*

Rejoicings  
on account of  
Independence.

During these transactions, the naval and military force of Virginia had not remained inactive. Two hundred and seventeen Scotch Highland regulars, were, on the 22d of June, brought to Williamsburg. Taken by the adventurous Captain Biddle, off the banks of Newfoundland, in the Oxford, a Transport from Clyde, but afterwards separated from their conqueror by a storm, they had overpowered the Prize-master and his few companions, and steered for Hampton Roads, where they expected to find

Capture of  
the Oxford.

\* See Appendix, No. 14.

would surrender the office to his successor, "he trusted with clean hands, and he could assure the House, with empty ones." George Webb was that successor.

Numerous petitions for relief, and other objects, occupied the attention of a Legislature, popular in its essence, and disposed, of course, to extend its benevolent and generous aid to sufferers of all descriptions. The personal estate of Dunmore had been sold, and his lands rented out, by order of the late Convention. The proceeds were applied to the payment of all just claims, public or private, against the fugitive Governor.

The late change introduced in the form of government, had rendered it necessary to make corresponding changes in the laws heretofore in force,\* many of which were inapplicable to the powers of government, as now organized, others were founded on principles heterogeneous to the republican spirit, others which, long before such change, had been oppressive to the people, could yet never be repealed while the regal power continued, and others, having taken their origin while the ancestors of the Virginians remained in Britain, could not be well adapted to their present circumstances of time and place. It was also necessary to introduce certain other laws, which, though proved by the experience of other States to be friendly to liberty and to the rights of mankind, the citizens of Virginia had not heretofore been permitted to adopt. As a work of such magnitude, labour, and difficulty, could not be effected during the short and busy term of a session of Assembly, it was enacted that a Committee, consisting of five persons should be appointed by joint ballot of both Houses (three of whom to be a quorum) who should have full power and authority to revise, alter, amend, repeal, or introduce all or any of the said laws, to form the same into bills, and report them to the next meeting of the General Assembly. Suitable provisions were added to render the execution of this important task as prompt and easy as its nature could well allow; and the bills to be prepared and reported by the Committee of Revisors, were to receive, in the usual form, the sanction of both Houses of Assembly, before they acquired the character and authority of laws. Thos. Jefferson, Edmund Pendleton, George Wythe, George Mason, and Thomas Ludwell Lee, were appointed a Committee for that important revision. From the converging rays of legal wisdom which those gentlemen were able to condense into one focus, a pure and refulgent light was expected, which would dispel the inauspicious darkness in which the Virginian code was then immersed. We will

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\* See preamble to the act for the revision of the laws, in the Appendix to the Journal of the House of Delegates, for 1776.

**CHAP. I.** have occasion, in the sequel of our narrative, to notice the result of this noble and pre-eminently useful scheme. The co-operation of George Wythe appearing essential, the patriotic Mann Page, of Spottsylvania, was elected his successor in the Congressional Delegation.

The decisive step of independence, and the firm attitude assumed by the new republic, opened, it was thought, a favorable prospect for foreign alliances. It was understood that the Members of the French Cabinet, eager to renew the contest for maritime superiority, and to humble British arrogance, viewed with secret exultation the resistance of America, and wished to seize on this advantageous opportunity for a successful war with England. Listening to the dictates of policy, the American Congress resolved to appoint three Commissioners to the Court of France; and Benjamin Franklin, Silas Deane, and Thos. Jefferson, were honoured with their choice. The following letter from Mr. Jefferson to the President of Congress, explains the reasons which induced him to decline the appointment.

WILLIAMSBURG, Oct'r. 11th, 1776.

Honorable SIR,

Your favour of the 30th, together with the resolutions of Congress, of the 26th ultimo, came safe to hand. It would argue great insensibility in me, could I receive with indifference, so confidential an appointment from your Body. My thanks are a poor return for the partiality they have been pleased to entertain for me. No cares for my own person, nor yet for my private affairs, would have induced one moment's hesitation to accept the charge. But circumstances very peculiar in the situation of my family, such as neither permit me to leave, nor to carry it, compel me to ask leave to decline a service so honorable, and, at the same time, so important to the American cause. The necessity under which I labour, and the conflict I have undergone for three days, during which I could not determine to dismiss your messenger, will, I hope, plead my pardon with Congress; and I am sure there are too many of that body to whom they may with better hopes confide this charge, to leave them under a moment's difficulty in making a new choice. I am, sir, with the most sincere attachment to your honorable Body, and the great cause they support, their and your

Most obedient humble servant,

THO's JEFFERSON.

Dr. Arthur Lee, whom his *Monitor's Letters*, in vindication of Colonial rights, his subsequent services as Agent for Virginia in England, and his ardent devotion to the American cause, justly recommended to the public esteem,

was then appointed, in the room of Mr. Jefferson; and he joined his colleagues. Dr. Franklin and Mr. Deane, at Paris, in December following.

CHAP.  
IX.

When, towards the close of this session, the Legislature of Virginia beheld the awful and critical situation of America—the enemy in possession of New York—General Washington precipitately retreating through the Jerseys, before an overwhelming force—and the salvation of the country, depending next to providential aid, on some extraordinary measures and efforts—several of its members, actuated, it is thought, by laudable intentions, but struck with causeless, or at least, exaggerated alarm, and misapplying the example of the Roman republic, in times of extreme danger, proposed and advocated a step, in itself more formidable, and eventually more fatal to the liberties and happiness of the people, than the British arms. This was no less than the surrender into a single hand of every power, legislative, executive, and judiciary, civil and military of life and of death, over the persons and the properties of the citizens; nothing less than the substitution of a despotic in lieu of a limited monarch; nothing less, in short, than the appointment of a *Dictator*! Strange blindness! unaccountable infatuation! where was the constitutionality of the measure? or its necessity? or its expediency? But, it would ill become us to offer our feeble remarks on this momentous subject, after the eloquent, nervous, and overpowering development of it, which the warning voice of a venerable sage and Patriot\* has solemnly impressed on the minds of his country-men. With him we are willing to acquit the consciences, whilst we impeach the judgment, of those who fell into an error so palpable, and so fraught with peril and mischief; with him we experience increased surprise and indignation, when we see the same proposition repeated in June, 1781, and wanting only a few votes of being passed; and with him we are firmly convinced, that if in either case, promotes of a design so vitally fatal, supposed in the people such resignation as to suffer themselves to be delivered over to the rods and hatchet of a Dictator, they totally mistook their character! We have not been able to probe to the quick, of this political ulcer; Mr. Jefferson who had laboured in the common cause with the men who advocated the obnoxious measure, and often proved the purity of their principles,† impeaches their judgment only, as before observed. Let it be so! Let no secret putridity of heart, and profligacy of principles, be suspected in a considerable portion of “that plurality, in whose hands the

\* See *Jefferson's notes on Virginia*, Query XIII, Constitution, &c.

† See notes on Virginia; *ubi Supra*.

## CHAPTER X.

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*General transactions in Virginia—Measures against disaffected persons and deserters—Arrivals of supplies from France—Meeting of a Scientific society—Beneficial objects of that society—Meeting of the Legislature—Principal acts of this Session—Measures for completing the quota of men for the Continental service—Oath of allegiance prescribed—Continental Loan Office established at Williamsburg—Establishment of another Loan Office for the State—Act to support the credit of the Continental and State paper money—Act against desertion—Provisions against invasions and insurrections—Act relative to the Congressional Delegation from the State—Appointment of Delegates—Thanks of the House given to R. H. Lee—Provisions for the recovery of public money, and for the fulfilment of contracts with Government—other labours of the Legislature—Act in favor of Hampden Sidney Academy—P. Henry is re-appointed Governor—Public Records removed to Richmond—Adjournment of the Legislature—Arrival of the Baron de Kalb, and of the Marquis De la Fayette in America—Proclamation of the Governor against certain dangerous persons—Anniversary of Independence—Washington reinforces the Northern army—Sullivan's excursion into Staten-Island—The British fleet enters the Chesapeake—Active measures in Virginia thereupon—Howe lands below Elkton—Battle of Brandy Wine—Howe enters Philadelphia.*

### CHAP. X.

General transactions in Virginia. Measures against disaffected persons.

And against deserters.

Whilst the two armies were thus preluding to the awful drama to be shortly acted on the banks of the Hudson or on those of the Delaware, the Executive of Virginia pursued, with energetic zeal, the measures sanctioned by the late General Assembly, for the removal of obnoxious persons, and for an adequate augmentation of military force. British merchants, not well affected to the cause of America, were peremptorily ordered to leave the State, and such as failed to comply, in due time, with this order, taken into custody and treated as prisoners of war. The recruiting service was pressed with successful ardour, and desertion subjected to rigorous penalties. Under the influence of mistaken sympathy, or attachment, several persons harboured and concealed individuals who, at so critical a juncture, unblushingly abandoned the banners of their country. On the 24th of April, Governor Henry issued a proclamation intended to crush a practice so nefarious, in a case of voluntary enlistments, and when the



lives of the citizens, their liberty, and whatever Freemen ought to hold dear, were invaded by an armed force ; directing diligent search to be made for all military fugitives, but, at the same time, opening a prospect of pardon to such as should spontaneously surrender themselves. Energetic regulations were besides adopted, tending to enforce, among the troops, order, discipline, a due respect for property and other civil rights ; in short, a strict adherence to all the duties of their honorable profession. Thus were the fundamentals of military worth, gradually established, by the introduction of regularity, system, and experience ; they made ample amends for those deficiencies which the general state of things did not yet permit to remove.

In the mean time, the public mind was cheered by the appearance, in the principal rivers of the State, of several French vessels loaded with warlike stores. Arrivals of this description were now frequent in different parts of the United States. They resulted either from private commercial enterprize, or from purchases made in France by Dr. Franklin and his colleagues ; such purchases being secretly allowed, and even favoured by the Cabinet of Versailles. From Holland and Spain, various supplies were also procured.—Another circumstance productive of considerable joy and benefit, was the return, about this time, of Colonel Gibson and Captain Lynn, who, in May 1776, had been sent by General Lee to New-Orleans, with a small escort, for the purpose of negotiating with the Governor, the purchase of a certain quantity of gun-powder. Of this valuable article, they now brought to Virginia twelve thousand pounds, obtained on moderate terms. This expedition, which ended so successfully notwithstanding the multiplied dangers of the route, was universally applauded, and soon after liberally rewarded by the Legislature.

Arrivals of  
supplies  
from France

Amid the hurry of revolutionary scenes, and the clangour of war, it is pleasing to behold an homage paid to science. A taste not only for elegant literature, but also for profound research, at that time, prevailed through Virginia. A zealous professor at the University of William and Mary, the learned Dr. Small,\* patronized and encour-

Meeting of  
a Scientific  
Society.

\* Dr. Small is a remarkable instance of great individual usefulness. In Virginia, he formed disciples whose light has irradiated several departments of science ; and, on his return to England, having settled at Birmingham as a physician, his application of chemical discoveries to various manufactures, greatly promoted the prosperity of that place. Of that amiable and meritorious professor, the Historian has heard the late Governor Paine, and the late Bishop Madison speak with enthusiasm. Mr. Jefferson also expresses the warmest gratitude for Dr. Small's enlightened and affectionate guidance of his studies, when at College. The Dr. was professor of mathematics, and for sometime occupied the philosophical chair. He first introduced into both schools rational and elevated

## CHAP.

## X.

1777

Beneficial  
objects of  
that society.

raged by Governor Fauquier, the ablest character who ever filled the chair of government in Virginia, before the revolution, had chiefly contributed to the diffusion of that taste. The men who possessed it had, most of them, been his disciples. They aimed at higher objects than present gratification or future fame. They fully understood the principle "that national industry is compounded of theory, application, and execution." Pursuits, which to vulgar eyes appear, at best, pure sources of rational amusement, were by those men justly considered as intimately linked with the interests and prosperity of husbandry, manufactures, the arts, and commerce. In the vast extent of their country, they saw boundless fields of research hitherto untrodden. A few natives of the State, possessing, at the same time, a laudable spirit of investigation, and much liberal leisure, had, indeed, explored some favourite spots in this immense region of promise. Scientific travellers, drawn to this side of the Atlantic by an ardent thirst after knowledge, had also examined and described the most prominent of those treasures with which the bounteous hand of nature has enriched the forests, the plains, the rivers, and the mountains of Virginia. But the solitary, unassisted efforts of the former, and the transient attention of the latter, could only produce narrow and unsatisfactory results. Their labours could not embrace a range of discovery sufficiently extensive to benefit mankind in any remarkable degree. The uses, nay, the very names of numberless native productions, still remained unknown. The uniform, unremitted, regular efforts of a zealous and systematic association, were evidently wanted to produce results splendidly and substantially useful. A society was, therefore, instituted, whose commendable objects were, by collecting into a proper focus, the solitary rays of genius and knowledge, which beamed here and there throughout Virginia, to throw some light on several of the Sciences, to render them all familiar to the inquisitive and the studious, and to apply them with skill and efficacy to the perfecting of those arts which might be most essentially serviceable to the country at large. Of this society, Mr. John Page, who with the active patriotism of which we have already related so many proofs, combined eminent scientific acquirements, was now President, and the Rev'd, James Madison, professor of mathematics at William and

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courses of study; and from an extraordinary conjunction of eloquence and logic, was enabled to communicate them to the Students with great effect. Dr. Small was the intimate friend of George Wythe, and first introduced Mr. Jefferson to the patronage and friendship of that venerable character. Governor Fauquier has been delineated by Mr. Burk.—Suffice it to observe, that Small, Wythe, and Fauquier, were inseparable friends. Mr. Jefferson was soon added to that truly Attic society, whose chief enjoyments were philosophical conversation, and music.

**Mary College**, acted as one of the Secretaries, and as Curator to the same. For two years past, the meetings of that useful association had been interrupted, partly by the critical state of the country, and partly by the difficulty of convening so large a number of members as was required to constitute a meeting, conformably to certain fundamental regulations. It was, therefore, judged necessary, and resolved by a meeting held at the Capitol, early in May, that for the future seven members, with the President, or Vice President inclusive, might proceed to business, and that a Committee then appointed, should immediately examine and publish such papers as they should judge worthy of a place in their transactions. Several valuable papers on curious and useful subjects, some astronomical observations, and many interesting meteorological journals, had already been given in, and a hope was entertained of soon presenting the whole to the public eye through the medium of the press.—It is to be sincerely regretted that the calls of the war prevented those precious germs from receiving the developement of which they were susceptible. Such an institution, if cherished and nurtured into a proper degree of vigor, would have been attended with the happiest effects. It would have furnished delightful and manly entertainment for its members, diffused abroad a spirit of useful inquiry, stirred up a laudable emulation amongst men of genius, drawn out of obscurity, and brought into action, men of abilities, whose modesty has deprived the world of valuable discoveries, and speculations, in short, by reacting, in a greater or less degree, upon education, manners, and industry, it would have eminently contributed to the dignity of the national character, and to the agricultural and commercial prosperity of the country.

On the 5th of May, the General Assembly met at the Capitol, in Williamsburg. Archibald Cary was chosen Speaker of the Senate; and George Wythe placed in the Chair of the House of Delegates.

Meeting of  
the Legislature.

To this pre-eminent distinction, George Wythe was entitled not only by superior depth and extent of legal and political knowledge, but by spotless purity of virtue, and a devotion to the common cause, both fervent and systematic. Distinguished before the present contest, as a self-instructed scholar and philosopher, as an able, zealous and disinterested advocate, he had become, on the very first movements of the opposition, equally conspicuous as a firm and decided patriot. Actions, not words, characterized the patriotism of George Wythe. No sooner did Virginia call her sons to arms, than he joined a corps of volunteers. Exchanging forensic for martial pursuits, he was seen daily inuring himself to military discipline, and the toils of the field. But, though in need of

CHAP.

X.

1777

soldiers, his country still more wanted statesmen and legislators. Her public councils were the proper theatre for abilities like his: there his peculiar usefulness could be exerted to the utmost advantage. Accordingly, the voice of his fellow-citizens called him to a seat in the House of Burgesses, over which he presided for some time, with universal approbation. A still more important trust was confided to him, by his appointment to the General Congress, which assembled on the 18th of May, 1775, and assigned to America "a distinct and separate station, among the nations of the world." The honorable task delegated to him, as a member of the Committee of Revisors, brought him back to Virginia; and the City of Williamsburg placed him in the Assembly, of which we now see him elected Speaker. It is worthy of remark that his illustrious pupil and friend, Thomas Jefferson, was associated with him, in all the stages of this patriotic and useful career.

Two striking circumstances distinguish this session—the immense number of petitions laid before the Assembly, and the parental attention bestowed upon them. In all countries, a state of war necessarily produces much private distress; but it is only in popular governments that private distress becomes so peculiarly an object of Legislative concern.

Principal  
acts of this  
Session.

Measures  
for complet-  
ing in Vir-  
ginia, the  
quota of  
men for the  
Continental  
service.

The same session exhibits an unabated activity of military preparation. The better organization and discipline of the militia, were efficiently promoted by judicious and energetic regulations. This was soon followed by an act *for the more readily completing the quota of troops to be raised in the Commonwealth.* Any two members of the militia, in any part of the State, who should, before the first day of October following, procure an able bodied soldier to serve for the term of three years, or during the war, were to be exempted from all draughts whatever, and from other military obligations, during the term for which such a recruit should be enlisted. The recruit himself was entitled to the Continental bounty and other allowances, independently of private gratuities. The arrest of soldiers, in cases of debts, or demands not exceeding fifty dollars, was prohibited by this act. But, not trusting entirely to the effect of the encouragements formerly offered, and those now given, the framers of this act directed a just and equal draught from the militia, in the following manner.

In each military section of the State, on or before the 10th of August, ensuing, the deficiency of men in the quota allotted to that section, was to be ascertained by proper military and civil authorities; and the militia, divided into as many lots as there might be men wanting, to complete the quota required. In forming the several divi-

sions, regard was to be principally had to the number of able bodied men, and to property, so as to observe as far as practicable, a strict equality in respect to both. Each division was to furnish one man. In case of refusal, or neglect, the field officers, jointly with certain magistrates, were to draught those individuals who could best be spared, and promised to be most serviceable. From these allotments scarcely any citizens were exempted; and the men thus draughted were placed, in all respects, upon the same footing as the Continental Regulars.

By the same Act a battalion of ten companies of artillery was directed to be raised. For this purpose the most liberal encouragements were held out—especially, in the provision made for the support and comfortable subsistence of the wives, children, and aged parents of all poor soldiers, during the absence of the latter in the public service.—We have mentioned a scheme of trade for which appropriations had been made in 1776. This afforded further means of excitement for entering the army. All soldiers were to be supplied out of the public store with clothing and other necessaries, at the prime cost, and without any advance whatever, upon directions to that effect from their commanding officers.

An oath of allegiance to the Commonwealth was required from all free-born male inhabitants above the age of sixteen. Recusants were to be immediately disarmed, and, moreover, deprived of all civil rights. Individuals coming from other States into Virginia were called upon to renounce all allegiance to the King of Great-Britain; and a promise was required from them not to do any thing prejudicial to the Independence and interest of the United States.

Oath of allegiance prescribed.

To carry into effect two resolutions of Congress, for the purpose of obtaining a loan of seven millions of Continental dollars for the use of the United States, a loan office was opened at Williamsburg, and William Armistead appointed to superintend its operations. For the repayment of the sums borrowed, at the end of three years, the faith of the United States was pledged. Specie, Continental paper dollars, or bills of credit heretofore emitted by the State, might constitute part, or the whole, of each sum thus borrowed; and that sum could not be less than two hundred dollars. Certificates were delivered to the lenders, who received upon the same, an annual interest of six per cent.

Continental loan office opened at Williamsburg.

A desire to prevent the further emission of large sums of paper-money, induced an act for borrowing, on account of the Commonwealth, one million of dollars. G. Webb, or the Treasurer for the time being, was entrusted with the management of this loan, the circumstances of which resembled those of the last case, except that the sums bor-

Establishment of another loan office.

## CHAP.

## X.

1777

Act to support the credit of Continental and State paper money.

rowed were not to be less than three hundred dollars each. Severe penalties were enacted to prevent fraud of any kind, in respect both to Continental and State-certificates. In the event of this loan not succeeding, Treasury-Notes were to be issued in dollars, and parts of dollars. The circulation of these notes was enforced by certain regulations; and they were declared redeemable, on the first day of December, 1784.

Congress, aware of the immense and multifarious evils threatened by depreciation, had been solicitously employed in measures, tending to keep up the value of the Continental bills of credit. Among other provisions, they had recommended it to the respective Legislatures to pass laws, declaring these bills a tender in all payment of all debts. The Legislature of Virginia, therefore, passed an act making the bills of credit emitted by authority of Congress current in all payments, trade, and dealings within the Commonwealth. A refusal of Continental or State bills, or a demand of more, in such bills, than in any other species of money, or the exchange of the same for gold or silver below par, was made punishable with forfeiture, extinguishment of interest, and other penalties. Creditors were compelled to receive the tender thus made, and specialties were not to be withheld and secreted, in order to avoid the operation of this law \*—Thus far was the recommendation of Congress complied with by the Legislature of Virginia. That this measure was inadequate to its object will appear in the sequel of our narrative. Opinion, not law, regulates such matters. To the imperious necessity of the times, we must look for the motive of this policy; and acquaint the Legislators of the demoralizing, and, in many cases, individually ruinous operation of the retro-active clause in this act for the legal tender of paper bills. Both Congress and the State Legislatures, at that time, contemplated the redemption of paper-money at par with gold or silver. Hence this law, which a rapid subsequent depreciation rendered partially fatal, whilst it fundamentally promoted the universal good. It was one of those extreme cases which call for extreme remedies. SALUS POPULI SUPREMA LEX ESTO!

Act against desertion.

Deserting had become so frequent as to threaten serious injury to those great interests which now hung on the success of military operation. The Proclamation of Governor Henry against this fatal practice, and its abettors, has already been noticed. The Legislature, justly dreading the consequences of its continuance, adopted vigorous measures for the apprehension of soldiers known or suspected to be deserters. Strict injunctions to that effect were laid

\* See on *Synopsis* in the Appendix

On the commanding officers of the militia in the different counties; considerable rewards offered for the seizure of such fugitives, and heavy forfeitures denounced against those persons who should harbour or entertain any of them for the space of twenty four hours; or favour their concealment and escape by purchasing or exchanging their military accoutrements.

Another important act was passed, with a view to provide against invasions and insurrections. According to this Act, the militia of each county was to be divided into ten parts, as nearly equal as possible. From such allotments, no Citizen of military age and capacity was to be exempted. Upon receiving intelligence of any invasion or insurrection, in his own county, any officer of the militia was immediately to convey such intelligence to the commanding officer of said county; and, in case of extreme urgency, forthwith to raise the militia under his special command, and proceed against invaders or insurgents. If the case admitted of delay, or was so fraught with danger as to require a greater force than that which the county alone could furnish, a communication was to be made to the Governor by express, and assistance called from the adjacent counties. The Governor was then to call into the field adequate numbers of the militia from the most convenient parts of the State; and to appoint proper commanders. This act further regulated other points connected with this subject, and promotive of efficient service from the militia in the cases which it embraced.

Provision against invasions and insurrections.

The policy of frequently changing, in free political institutions, influential agents, suggested an act for limiting the continuance in office of the Delegates to Congress from the State of Virginia. The term of service was limited to three successive years, after which the same person could not serve again, till he had been one whole year out of office. It was, moreover, enacted that no person chosen in future as a member of the Continental Congress, should be eligible to either House of General Assembly of the Commonwealth, during his continuance in the Delegation. The same act regulated the salary of the Congressional Delegates.\*

Act relative to the Congressional Delegation from the State.

Thomas Nelson, one of the Delegates then in Congress, was compelled by the bad state of his health to resign that station, no-less laborious than honourable. George Mason was appointed in his place; and by the joint ballot of both houses, Benjamin Harrison, George Mason, Joseph Jones, Francis Lightfoot Lee, and John Harrison, were nominated

Appointment of Delegates.

Thanks of the House given to R. H. Lee.

\* In 1775, the salary allowed the Congressional Delegates, was 45 Shil. (V. C.) per day, and 1 Shilling per mile; their present salary was 48 Sh. per day, and 1s. 3d. per mile. Depreciation was already felt.

**CHAP. X.** Delegates to the General Congress for one year, from the 11th of August following Thus was R. H. Lee omitted in this appointment. It appears that reports\* injurious to the reputation and public character of that Gentleman, had in his absence, been alledged against him. This led him to solicit an enquiry by the House into the nature of those allegations. The Senate attended this enquiry, and their presence gave additional solemnity to the scene. Several witnesses were examined, and Mr. Lee heard in his place. His conduct had been pure, and his fame was brightened by this ordeal. The Senate withdrew; and the house came to a resolution, in consequence of which the Speaker, the venerable George Wythe, addressed Mr. Lee in the following words :

1777

**SIR,**

It is with peculiar pleasure that I obey this command of the House, because it gives me an opportunity, whilst I am performing an act of duty to them, to perform an act of justice to you. Serving with you in Congress, and attentively observing your conduct there, I thought that you manifested in the American cause, a zeal truly patriotic; and, as far as I could judge, exerted the abilities for which you are confessedly distinguished, to prosecute the good and prosperity of your own country in particular, and of the United States in general. That the tribute of praise deserved, may reward those who do well, and encourage others to follow your example, the House has come to this resolution :

*Resolved*, That the thanks of this House be given by the Speaker to Richard Henry Lee, Esq. for the faithful services he has rendered his country, in the discharge of his duty, as one of the Delegates from this State in General Congress.

To which Mr. Lee answered :

*Mr. Speaker,*

I thank the House for this instance of candour and justice, which I accept the more willingly, as my conscience informs me it is not undeserved. I consider the approbation of my country, Sir, as the highest reward for faithful services, and it shall be my constant call to merit that approbation by a diligent attention to public duties.

My thanks are particularly due to you Sir, for the obliging manner in which you have been pleased to signify the vote of the House, and I pray you, Sir, to receive my grateful acknowledgements accordingly.

The result of this investigation having thus honorably dispelled the clouds which had for a moment obscured Mr. Lee's political character, he was fully restored to the con-

\* See Appendix, No. 28.



fidence of his fellow citizens. In the course of the session, George Mason having resigned his appointment as one of the Congressional Delegates, Richard H. Lee was nominated in his room.—The thanks of the Senate had, in the most flattering manner, been added to those of the House of Delegates.

Avarice and fraud are ever on the watch, ever ready to circumvent or seize their prey. They were insensibly creeping into the bosom of the new Republic. Various persons, receiving money at the treasury of the commonwealth for public uses, applied it to private purposes, and when called on, refused or neglected to repay the same. Against, this evil no adequate remedy had yet been provided. It was, therefore, enacted that it should be lawful for the Treasurer to sue such persons in the name of the Governor, and to obtain, against them and their securities, the usual redress of judgment and execution, with interest and costs. The same act guarded against the infraction of contracts entered into with the government; in short, it applied the axe to the root of unprincipled speculation, or criminal and ruinous neglect.

The labours of this active Session were not confined to the acts of which we have just stated the substance. Iron works, and the making of salt received from the Legislature that encouragement which the present situation of the country recommended. The salaries of the clergy were again suspended to a more distant period. Several acts of a local or personal nature were, moreover, passed. Among these, we remark the appointment of Commissaries to ascertain the losses sustained by the late inhabitants of Norfolk, with a view to extend to such among the sufferers as were friendly to the American cause, the aid of a sympathizing Government. Another act authorized the Trustees of the Academy of Hampden Sidney, in the county of Prince Edward, to raise by lottery a certain sum of money for the erection of additional buildings. That Academy, created by individual efforts, cherished and fostered by private patronage and voluntary contributions, had, in a short time, risen into a high reputation, and become entitled to the attention and encouragement of the Legislature. During the last session of General Assembly, the Trustees of Hampden Sidney, had made an eloquent appeal to the wisdom and liberality of the fathers of the State. “They were aware, they said, of the expences attendant on a war, in the infancy of Government; but, even under the growing load of public debt, there were reasons which seemed to them to justify, and render necessary their application for Legislative aid. In the course of human life, and during the ravages of a destructive war, it was very uncertain how many of those who now filled the civil and military departments of the Government, might

Provision for the recovery of public money

And for the fulfilment of contracts with Government.

Other labours of the Legislature

Act in favour of Hampden Sidney Academy.

CHAP.  
XI.

1777

Courts of  
Justice opened again.High Court  
of Chancery  
and General  
Court established.Articles of  
Confederation approved by Virginia.December  
15.

The troubles which had convulsed the whole country, and the distresses incident to a state of war, had induced the General Convention to suspend the proceedings of the Courts of Justice in certain cases. This measure, then the offspring of the most imperious exigencies, had gradually become injurious to commerce, industry, and public morals. The streams of justice now were made to flow again in their former channels. A High Court of Chancery, and a General Court were, moreover, established. These tribunals were to receive appeals from the County Courts; and to have original jurisdiction where the subject of controversy was of the value of ten pounds sterling, or where it concerned the title or bounds of land. To the General Court, was also attributed the power to hear and determine all treasons, murders, felonies, and other minor crimes. Of the Court of Chancery, Edmund Pendleton, George Wythe, and R. C. Nicholas were appointed Judges; for the General Court, Joseph Jones, John Blair, Thomas Ludwell Lee, Thomson Mason, and Paul Carrington, received a similar appointment.

Several other acts were passed, in the nature and bearings of which history is little interested. This Session, however, presents circumstances worthy of remark, in addition to those already related.

The Articles of Confederation and Perpetual Union proposed by Congress, on the 17th of November, 1776,\* were approved and ratified by the following resolutions:

*“Resolved, nemine contradicente, That a speedy ratification of the Articles of Confederation between the United States of America, will confound the devices of their foreign, and frustrate the machinations of their domestic enemies, encourage their firm friends, and fix the wavering, contribute much to the support of their public credit and the restoration of the value of their paper-money, produce unanimity in their Councils at home, and add weight to their negotiations abroad, and, completing the independence of their country, establish the best foundation for its prosperity.”*

*“Resolved, nemine contradicente, That the Articles of Confederation and Perpetual Union, proposed by Congress on the 17th of November, 1776, between the States of New-Hampshire, Massachusetts Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, and referred for approbation to the consideration of the several Legislatures of the said States, ought to be approved and ratified on the part of this Commonwealth; and that our*

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\* See Appendix, No. 1.

Delegates in Congress be accordingly authorized, and instructed to ratify the same in the name and on the behalf of this Commonwealth, and that they attend for that purpose on or before the 10th day of March next."

In the country about Fort Pitt, alarming symptoms of disaffection had manifested themselves, and nefarious schemes of combined savage and internal hostility were known to have been formed. Commissioners had been named by Congress to repair there, and investigate the rise, progress, and extent of the dark liberticide plots, hatched in that quarter. The Legislature of Virginia authorized those Commissioners to apprehend such inhabitants of the Counties of Ohio, Monongalia, and Yohogania as should appear to them to have been concerned in any conspiracy against the Union, and to surrender them to the just vengeance of the laws.

1777

Other Legislative measures.

The arm of the Executive was nerved by the grant of additional extraordinary powers to the Governor and Council ; the vexatious suits instituted against them by the suspected individuals who, during the late alarm, had been removed or confined, were stopped by Legislative authority; and the thanks of the House were unanimously given to General Nelson, whose patriotic and disinterested exertions, upon the appearance of the enemy's fleet, we have already noticed.

Military preparation was, at this time, deemed so vitally important that the employment of a foreign corps by the Commonwealth appeared to the Legislature a desirable step. The Governor was empowered to stipulate with one Bory, the projector of this scheme, for the importation of foreign troops, whose numbers and duties were defined by the Legislature, and whose pay was to be drawn from the Treasury of Virginia.

In the mean time, great attention was bestowed on whatever could promote in the state, a knowledge of the art of war. A school of instruction in artillery and fortification, under the direction of Monsieur Loyaute, was liberally encouraged. A French independent company, headed by that valuable officer, had been taken into the pay of the Commonwealth. Loyaute was, moreover, appointed Inspector-General of artillery, fortifications, and military stores. An obvious policy suggested the measure of associating with him, in the multiplied labours of this department, a citizen of the State, of a studious, active, and intelligent disposition, with the title of Adjutant-General, and the rank of Lieutenant-Colonel. In the school of artillery, one hundred men were to be instructed at a time, in rotation, so as to communicate the desired knowledge to the whole regiment, of which Thomas Marshall was appointed Colonel, George Muter, Lieutenant-Colonel, and Thomas Mathews, Major, to the great satisfac-

CHAP.  
XIV.

1779

and the Treasurer was authorized to issue, in dollars, State bills, to the amount of one million of pounds. An experiment was made, which gave to Congress the idea of a requisition for specific supplies. It was a tax to be paid in determinate quantities of Indian corn, wheat, hemp, rye, tobacco, and other agricultural products. This plan was, at the time, much approved—and notwithstanding the difficulties attendant on its execution, imitated in many States.

We have mentioned the effects of the act to support the credit of the Continental and State bills, so fatal to individuals, whilst they vitally promoted the collective interest. That act was now repealed.\* No indemnification was, however, afforded to the victims of the tender-law. The labyrinth of injury was so extensive, and so intricate, that no thread could guide enquiry, through its mazes. As opinion is not regulated by law, the act under view had not been able to buoy up the sinking credit of the paper currency, from the moment the public confidence in its redemption had ceased to support it. Depreciation had daily increased; and such was now its ratio that many useful citizens, raised by the suffrages of the community to offices of trust, found themselves compelled to retire from situations, to the dignity of which their salaries had become inadequate, and in which even the sacrifice of their private fortunes could scarcely enable them to continue with decency. This induced the General Assembly again to augment the emoluments of most public officers;† but the value of the Continental and State bills constantly varying, and there being no data to determine its decrease within a given period, it frequently happened that what was originally deemed a liberal support, soon melted away to an insufficient pittance. Public spirit alone could, under such circumstances, attach men to the service of their country.

It may be recollected, that in the year 1746, under Governor Gooch, a strenuous, but fruitless attempt was made to transfer the seat of government to some convenient,

The tender law is repealed.

Act for removing the seat of government.

\* We will see the new emissions again made a legal tender, but in a less objectionable form.

† To Members of Assembly,	-	-	50 lb. of Tobacco per day.
Congress,	-	-	40 dollars per day
Governor,	-	-	4,500 pounds per annum.
Members of Council,	-	-	7,200 do. to be divided, &c.
Treasurer,	-	-	3,000 do.
Auditors of Public Accounts, each,	-	-	1,500 do.
Members of Board of War, each,	-	-	1,500 do.
of Trade, each,	-	-	2,000 do.
Judges of Superior Courts, each,	-	-	1,200 do.
Attorney-General,	-	-	1,200 do.

It has already been remarked that depreciation varied this year from 6 to 28 for 1, between Jan. and Oct. At the close of the year, 40 for 1.

and promising site. The same idea now recurred; and although local interest struggled for a moment against the proposed removal, Richmond was ultimately fixed upon as the seat of Government, after the first day of April, 1780. The reasons assigned in the preamble of the act passed to that effect are, greater facility of access for the generality of the people to the Legislature, the Executive Department, and the Superior Courts of Justice: extensive advantages of navigation for the growth of the new Metropolis to a size commensurate with the dignity of the State; and the purposes in view; and lastly, security from the insults and injuries of the public enemy. Temporary buildings were deemed sufficient: edifices on a larger and more magnificent scale, were reserved for the time, when under the auspices of liberty and peace, agriculture, commerce, and the arts, should pour into the lap of the State streams of private and public wealth.

Among the labours of this session, we observe an act respecting naturalization and expatriation, of which we cannot too much commend the liberal policy. Its operation has been superseded by subsequent institutions; but that philanthropy which opened, in Virginia, an assylum to individuals of any nation not at open war with America, upon their removing to the State to reside, and taking an oath of fidelity; and that respect for the natural and social rights of men, which lays no restraints whatever on expatriation, and claims the allegiance of citizens, so long only as they are willing to retain that character, cannot be forgotten. The Legislators of Virginia well knew that the strongest hold of a government on its citizens is that affection which rational liberty, mild laws, and protecting institutions never fail to produce, especially, when physical advantages march in front with political blessings, and industry and worth are perennial sources of comfort and respectability.

To this session also belongs, in some measure, a monument of Legislation, evidently the work of men uniting the enlarged, profound, and systematic views of philosophers, with the liberal sentiments of philanthropists, and the immense, detailed, and intricate knowledge of consummate lawyers. We allude to the "Report of the Committee of Revisors," appointed in 1776. In the course of their labours, the committee were deprived of the assistance and abilities of two of their associates, T. Ludwell Lee and G. Mason—of the one by death—of the other by resignation. As before that loss, the basis of this admirable fabric in view, had been settled, the remaining members proceeded with indefatigable zeal, to complete the superstructure; and, on the 18th day of June, T. Jefferson, and G. Wythe, authorized by Edmund Pendleton, to notify his concurrence, reported to the General Assembly one hundred and twenty-

Act declar-  
ing who  
shall be  
deemed ci-  
tizens.

Report of  
the Com-  
mittee of  
Revisors.

June 18.

CHAP.  
XIV.

1779

six bills, forming a code of civil and criminal law, founded, indeed, upon the English system of jurisprudence, but pure from its monarchical corruptions, and free from its feudal shackles. To enumerate all the excellent laws proposed by the reporters, most of which have since been adopted, and constitute the best parts of our code, does not fall within the province of history. The report itself is accessible to every Virginian; and it has been abundantly commented upon, and justly praised,\* even by European philosophers. Yet, the attention of the historian is irresistibly arrested by a particular system of bills of which Thomas Jefferson was the author, and than which nothing could be better calculated to crush forever the eternal antagonism of artificial aristocracy against the rights and happiness of the people. These bills were marshalled in a phalanx for that exalted purpose, embracing; 1st. Freedom of religion.—2nd. Suppression of entails.—3rd. Equal partition of inheritances.—4th. General education. With the last object, was connected a division of the different counties into wards or townships. Already, at the first session of the General Assembly, after the declaration of Independence, a law had been passed, abolishing entails. The privilege of primogeniture had likewise been suppressed, and a law made to divide the lands of intestates equally among all their children, or other representatives. Religious freedom was not so speedily established in its perfection, this was delayed until the year 1786. Owing to the slow progress even of the most salutary ideas in certain matters. Thus was the axe laid to the root of that undue influence which the church, wealth, and birth had hitherto exercised. Equality of conditions was nurtured—freedom and elasticity restored to the human mind, throughout the State. To crown the noble work, it remained only to raise the mass of the people to the high ground of moral respectability, necessary to their own safety, and to orderly government, by adopting the measures proposed in the bill for general education. Then might the people have been properly and beneficially trusted with the exercise of all the smaller powers of government, to which they would have been fully competent, and which constitute a great mass of salutary and important powers.

Why has not the admirable bill, which, by carrying education to every man's door, would elicit genius and worth from their obscurest recesses, yet been acted upon by the great Council of the State? Is it less important than that for a reform of the penal code, the substance of which has since been so beneficially adopted? If we could pre-

\* Tucker's Blackstone—British Spv—Wythe's Memoirs—Demaubrier's *Econ. Pol. États Unis*—For the plan of revival, see Jefferson's Notes on Virginia.—Page 226, &c.

## APPENDIX.

alone which is wanting, and that is growing space, under the flustering hand of our King.—One bloody campaign will probably decide everlastingly, our future course. I am sorry to find a bloody campaign is decided on. If our winds and waters should not combine to rescue their shores from slavery, and General Howe's reinforcement should arrive in safety, we have hopes he will be inspired to come out of Boston, and take another drubbing; and we must drub him soundly, before the sceptered tyrant will know we are not mere brutes, to crouch under his hand, and kiss the rod with which he designs to scourge us."

## [ No. 13. ]

*Extract of a letter from Mr. Jefferson to Edmund Pendleton, on the subject of his resignation of his seat in Congress, after hearing of his re-appointment.*

"I am sorry the situation of my domestic affairs, renders it indispensably necessary that I should solicit the substitution of some other person here, in my room. The delicacy of the House will not require me to enter minutely into the private causes which render this necessary. I trust they will be satisfied I would not have urged it again, were it not unavoidable. I shall with cheerfulness continue in duty here till the expiration of our year—by which time I hope it will be convenient for my successor to attend."

On the 10th of October following, the General Assembly appointed Benjamin Harrison a Delegate to the Continental Congress, in the room of Mr. Jefferson. A high compliment was, at the same time bestowed on him, for his former conduct in the important trust to which he was recalled.

*See Journal of the House of Delegates of Virginia, Anno Domini, 1776—page, 8.*

## [ No. 14. ]

Several schemes were proposed for a new seal. We find, in our documents, the following, in Dr. Franklin's hand writing:

**MOSES**—standing on the shore and extending his hand over the sea, thereby causing the same to overwhelm Pharaoh, who is sitting in an open chariot, a crown on his head, and a sword in his hand: Rays, from a pillar of fire in the clouds, reaching to Moses, to express that he acts by the command of the Deity

*Motto*—Rebellion to Tyrants, in obedience to God.

Another Coat of Arms for Virginia, was devised by Mr. De Cimetiere of Philadelphia.

**FIELD**—a cross of St. George (as a remnant of the ancient Coat of Arms, shewing the origin of the Virginians to be English) having in the center a sharp pointed knife, in pale, blade argent, handle or, alluding to the name the Indians have given to that state.

In the first quarter argent, a tobacco plant fleur, proper.

In the second argent, two wheat sheafs in sahoir, proper.

In the third argent, a stalk of Indian corn, full ripe, proper.

In the fourth vest, four fasces waved argent, alluding to the 4 great rivers of Virginia

**N. B.** The pieces contained in the above, may very well admit of a different disposition, if thought necessary, and more emblematical or heraldical.

**SUPPORTERS**—Dexter, a figure dressed as in the time of Queen Elizabeth, representing Sir Walter Raleigh, planting with his right hand the standard of Liberty, with the words *Magna Charta* written on it, and with his left supporting the escutcheon.

**SINISTER**—A Virginian rifleman of the present times, completely accoutred.

**CREST**—The crest of the ancient arms of Virginia—the breast of a Virgin naked, and crowned with an antique crown, alluding to Queen Elizabeth, in whose reign the country was discovered.

*Motto*—Rebellion to Tyrants in obedience to God;—or. *Reverent qui regem non habet.*

(Suggested by Mr. Jefferson)

(*Mr. Wythe proposed the annexed—The figures from Spence's Polymetia.*)

APPENDIX.

VIRTUE, the genius of the Commonwealth, dressed like an Amazon, resting on a spear with one hand, and holding a sword with the other, and treading on Tyranny, represented by a man prostrate, a crown fallen from his head, a broken chain in his left hand, and a scourge in his right.

In the exergon, the word *Virginia*, over the head of *Virtus*, and underneath, *sic semper tyrannus*.

On the reverse, a group; *Libertas* with her wand and pælus, in the middle; on one side *Ceres*, with the *Cornucopia*, in one hand, and an ear of wheat in the other; on the other side, *Eternitas* with the *Globe* and *Phoenix*.

In the exergon, *Deus Nobis hæc omnia fecit*.

On July 20th, Mr. John Page wrote thus to Mr. Thomas Jefferson:

We are very much at a loss here, for an engraver to make our seal. Mr. Wythe and myself have, therefore, thought it proper to apply to you to assist in this business. Can you get the work done in Philadelphia? If you can, we must get the favor of you to have it done immediately. The enclosed will be all the directions you will require. The engraver may want to know the size. This you may determine; unless Mr. Wythe should direct the dimensions. He may also be at a loss for a *Virtus* and *Libertas*; but you may refer him to *Spence's Polymetia*, which must be in some Library in Philadelphia, &c. &c.

The delay which attended the execution of this new seal, caused a law to be passed by the first republican assembly, empowering the Governor to issue commissions without the seal of the Commonwealth; and to confirm those already issued.

In October, 1779, an act was passed, for having the above engraved, either in America or Europe, only changing the motto on the reverse to *Perseverando*.—The present seal is generally known.

### [ No. 15. ]

27th of Edward III. Chap. XVII.

A merchant stranger, shall not be impeached for another's debt, but upon good cause, merchants of enemies countries sell their goods in convenient time, and depart.

Item—That no merchant stranger be impeached for another's trespass, or for another's debt, whereof he is not debtor, pledge or main person. Provided always, that if our liege people, merchants or others be endangered by any Lords of strange lands, or their subjects, and the said Lords duly required, fail of right to our said subjects, we shall have the law of Marque, and of taking them again, as has been used in times past, without fraud or deceit; and in case that debate do rise (which God defend) betwixt us and any Lords of strange lands, we will not that the people and merchants of the said lands be suddenly subdued in our said realm and lands because of such debate, but that they be warned, and proclamation thereof published, that they shall void the said realm and Lands, with their goods, freely, within forty days after the warning, and proclamation so made; and that, in the mean time, they be not impeached, nor let of their passage, or of making their profit of the same merchandizes, if they will sell them. And in case that for default of wind or of ship, or for sickness, or for other evident cause, they cannot avoid our said realm and lands within so short a time, then they shall have other forty days, or more, if need be, within which they may pass conveniently, with selling their merchandize, as afore is said.

### [ No. 16. ]

"I rejoice," says Mr. John Adams, in a letter to Mr. Jefferson, dated, Philadelphia, May 26, 1777, "to hear that your battalions are so far filled as to render a draught of the militia unnecessary. It is a dangerous measure, and only to be adopted in great extremities, even by popular governments. Perhaps, in such governments, draughts will never be made but in



## ERRATA.

Page 75. The examination of Connelly, &c. has been inadvertently suffered to remain here, instead of Dunmore's letter, alluded to in the text.

- |        |  |                            |                                  |
|--------|--|----------------------------|----------------------------------|
| 82.    | For 'Randoldh's'   | read                       | 'Randolph's.'                    |
| 84.    | 'Stated that savage'   |                            | 'Stated that <i>the</i> savage.' |
| 102.   | 'Mass of distress'   |                            | 'Mass of <i>moral</i> distress.' |
| Ibidem | 'Even there'   |                            | 'Even then.'                     |
| Ibidem | 'Causes and the manner'  |                            | 'And in the manner.'             |
| 115.   | 'Nominated'  |                            | 'Appointed.'                     |
| 134.   | ☞ No. 12 of the Appendix is connected with the note at the bottom of this page   |                            |                                  |
| 150.   | 'Ever zealous desire'  |                            | 'Over zealous.'                  |
| 189.   | ☞ Supply the marginal Index,....   | <i>Dictatorial scheme.</i> |                                  |
| 190.   | 'Stunness'   |                            | 'Sternness.'                     |
| 224.   | ☞ <i>Our Synopsis</i> referred to in the note, has been unavoidably suppressed, as mentioned in the Preface.                                 |                            |                                  |
| 226.   | 'Appendix, No. 22'   |                            | 'No. 17.'                        |
| 236.   | Contents of Chap. XI. 11th line, for 'Curns Esopus' read 'Burns Esopus.'   |                            |                                  |
| 246.   | 'Appendix No. 23'  |                            | 'No. 18.'                        |
| 258.   | ☞ The No. of the Appendix here erroneously referred to, has been suppressed.   |                            |                                  |
| 260.   | 'Appendix No. 2'   |                            | 'No. 19.'                        |
| 269.   | ☞ The No. of the Appendix referred to in this page, has been suppressed.   |                            |                                  |
| 275.   | 'Simdon'   |                            | 'Simeon.'                        |
| Ibidem | The No. of Appendix mentioned in the note, has been retrenched.  |                            |                                  |
| 306.   | Supply the marginal Index.... <i>Military measures.</i>  |                            |                                  |
| 328.   | The bottom notes should be transposed by the reader : viz. read the last note to the first reference, instead of the second, as printed, &c. |                            |                                  |
| 342.   | 'Rome'   |                            | 'Roam'                           |
| 348.   | 'Demaubniers'  |                            | 'Demeunier's'                    |
| 385.   | The part of the Appendix here referred to, has been necessarily suppressed, on account of its great length.                                  |                            |                                  |
| 391.   | Ditto.   | Ditto.                     |                                  |
| 448.   | 'Cases faders's'   |                            | ' <i>Canus faderis.</i> '        |