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Charles Lynch, originator of the term Lynch law

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CHARLES LYNCH
ORIGINATOR OF THE TERM LYNCH LAW

BY

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INTRODUCTION

Short sketches bearing activities and incidents in the life of Charles Lynch are frequently found in books dealing with the history of lynch law, in genealogies of colonial Virginians, in histories of Lynchburg, Virginia, or in scattered contributions to magazines. Each of these sources contains fundamentally the same information, (i.e., a list of his political offices, reputation as a zealous patriot, and his association with the term lynch law), although there is some variation to be found. The purpose of this paper, therefore, has been to bring together all the miscellaneous bits of information pertaining to Charles Lynch which are already known, and where possible, to add some new material. It is believed that the sections relating to Lynch's activities with the Quakers, his work in manufacturing saltpetre and gunpowder, and his management of the lead mines, contain more information than has hitherto been published.

Original sources have been consulted throughout in the form of reprints, photostats, microfilm, and in the case of the Lead Mine Papers, the original manuscripts have been available. However, the value of secondary material has been immeasurable for references to Lynch and in explanations of various events with which he was associated. Credit must also go to Miss Juliet Fauntleroy of Altavista, Virginia, who,

though not in good health, most graciously consented to an interview for obtaining traditions about Lynch. Miss Fauntleroy is descended from and resides at a place originally owned by Lynch. The old walnut tree upon which the Tories were hung by their thumbs is still standing, and Lynch's grave is marked by a tombstone on the property.

Charles Lynch was a relatively obscure character during the Revolutionary period. Few of his writings have been preserved, and as a result, there are gaps in his life about which little is known. Elsewhere fragments of information set off by themselves are found which often have little or no meaning. It has been necessary, therefore, to speculate a great deal as to the reasons which prompted Lynch to act as he did. In most every instance of speculation, the writer has done his own rationalizing, and he must assume responsibility for any inaccuracies of interpretation.

CHAPTER 1

CHARLES LYNCH'S HERITAGE

The first Charles Lynch ran away from his home in Ireland in 1720 at about the age of fifteen. It is said that as the ship on which he sailed left the coast of Ireland, the boy jumped overboard in an attempt to swim back to his home but was quickly fished out of the water and the voyage was resumed.¹

On reaching Virginia, Lynch was indentured to a wealthy planter, Christopher Clarke, to pay for his passage across the ocean. Clarke subsequently took a great interest in Charles Lynch and helped to educate him. Lynch studied law and became a good business man. He married Sarah, the daughter of Christopher Clarke, and was the first settler to occupy Lynchburg and its environs.²

Lynch can very properly be considered a pioneer when it is remembered that only the Tidewater area of Virginia was relatively well populated. No well-defined line was drawn delineating the frontier, but it is generally conceded that the benefits of civilization extended

1. Miss Juliet Fauntleroy, Interview, June 27, 1955, Altavista, Virginia.

2. William W. Hinshaw, Encyclopedia of American Quaker Genealogy, pp. 289-290.

only about one hundred miles from the coast at the time Lynch moved his family to the frontier region. His first land grant of about 1,000 acres was received in 1731, in Goochland County. By 1750 he had received some twenty grants of land which totaled 10,231 acres.³ Lynch was relatively prominent in his county, his name frequently being associated with that of Nicholas Meriwether and Peter Jefferson, father of Thomas Jefferson.⁴ He operated a ferry from his plantation in Goochland County across the Northana River;⁵ he acted as a trustee with Joshua Fry, William Randolph, and Peter Jefferson for money granted by the General Assembly to clear the Fluvanna River of rocks and make it more navigable;⁶ he was commissioned a Captain in the Militia in July, 1745;⁷ he served a term in the House of Burgesses from 1748 to 1749 and was appointed to the Committee for Courts and Justice;⁸ he was appointed sheriff for Albemarle County in 1749⁹ and was appointed one of the justices of the peace for Albemarle in

3. Index to Patents, 1623-1774, Part 1 (Virginia State Library).

4. The Virginia Magazine of History and Biography, XXXIV, 111.

5. William W. Hening, The Statutes at Large, V, 249-250; VI, 15.

6. Ibid., pp. 377-378.

7. Lyon G. Tyler, editor, Tyler's Quarterly Historical, III, 149.

8. John P. Kennedy, editor, Journals of the House of Burgesses of Virginia, 1748-1749, pp. ix, 259.

9. Wilmer L. Hall, editor, Executive Journals of the Council of Colonial Virginia, V, 291.

April, 1752.¹⁰ This list of achievements, from an indentured servant to membership in the House of Burgesses in the space of thirty years, speaks well for his initiative and intelligence and would indicate that Lynch was a conscientious, hardworking individual.

Charles Lynch married Sarah Clarke in 1733,¹¹ and moved to about one mile south of the present site of Lynchburg. Sarah had become a Quaker in Louisa County so maintained contact with her old church for a number of years, holding silent worship at home with her children when no meeting was near enough to attend. However, her husband was not religiously disposed and seems to have taken no part in the church or family worship. Sarah Lynch raised six children, three of whom became famous: Charles as the author of Lynch Law, John as the founder of Lynchburg, and Sarah Lynch-Terrell as the "...outspoken opponent of slavery in South River Meeting."¹²

As more settlers moved to the Lynchburg area, Sarah Lynch invited her neighbors to attend silent worship in her home. Enough interest was shown for this group to petition the Cedar Creek Monthly Meeting,

10. Ibid., p. 389.

11. Mary D. Ackerly, "Our Kin", p. 674.

12. Hinshaw, Encyclopedia Quaker Genealogy, p. 290.

their immediate superiors in the Quaker Church organization, for a public meeting place of their own to be called South River Meeting, because of its location on the south side of the James River.¹³ Permission was granted in 1754, but these Friends continued to meet in homes until 1757, when Sarah Lynch gave some land to provide a place for building a meeting house.¹⁴ Thus, from a simple family worship grew a substantial church which lasted well over a hundred years and formed the foundations of the city of Lynchburg, for the history of the South River Meeting from 1754 to 1800 is the history of Lynchburg.¹⁵

Sarah Lynch's influence on her son, Charles, must have been tremendous in his early years for it will be seen later that he was very active in Quaker affairs. As proof of the righteousness of this woman, it should be noted that she was appointed an elder for the South River Meeting in June, 1759,¹⁶ a very rare privilege among the orthodox Quakers who only bestowed such honor in exceptional cases, as they preferred to have no hierarchy rather than appoint unworthy individuals to leadership.

13. Friends' Records, Cedar Creek, Hanover County, Proceedings of Monthly Meeting, 1739-1773, p. 74.

14. Hinshaw, Encyclopedia Quaker Genealogy, p. 290.

15. Douglas S. Brown, A History of Lynchburg's Pioneer Quakers, pp. 49-51.

16. Friends' Records, South River, Bedford County, Proceedings of Monthly Meeting, 1757-1797, p. 8.

As Charles Lynch Jr. grew up, it is reasonable to assume that his parent's activities afforded him an opportunity to come in contact with law, business, politics, management of a plantation, military life, religion, and possibly a disregard for constituted authority, since the Quakers were not prone to pay homage to anyone as their superior. This last-named trait offers some interesting speculation which may help to show how Charles Lynch Jr. stepped so surely in with other American patriots of the Revolution. It is not known that Charles Jr. had any formal education.¹⁷ Probably he was taught at home by his mother, and his father certainly could have provided his more technical instruction. What few of his letters which have been preserved seem to indicate that he would belong to the planter aristocracy of Virginia, intellectually speaking. Of course, he would not rate with a Jefferson, but was above the average man.

Little else is known about Charles Lynch Jr. in early life. The first time his name appears in print is in his father's will, dated October 9, 1752 and proved on May 10, 1753, in which Charles Jr. is designated one of his father's executors.¹⁸ Born in 1736, Charles Jr. was only seventeen at the time of his father's death. According to the terms of the will, Charles Jr. was to receive a good tract of land on the Staunton River, five slaves, and to divide the cattle and hogs

17. Miss Juliet Fauntleroy, Interview, June 27, 1955.

18. Va. Mag. Hist. and Biog., XXVI, 317.

at Staunton with his brother, John, in 1757 when the former reached his majority.¹⁹

This, then, is the heritage of Charles Lynch, Jr., with whom this paper is primarily concerned. The cultural background of his parents provided him with good intellectual potential and his physical needs and start in life were amply provided for in his father's will.

19. John V. Horner, editor, The Sage of a City, Lynchburg, Virginia, p. 23.

CHAPTER 2

LIFE AMONG THE QUAKERS, 1754-1767

There is no doubt that Sarah Lynch governed the thinking and activities of her children altogether for several years after the early death of her husband. Certainly, they acquired her interest in religion and the Quaker Church, and Charles was no exception.²⁰ Even though the South River congregation had been authorized to hold its own public meetings, there were some proceedings which had to be approved by the Cedar Creek Church until South River was granted an independent status. Accordingly, Charles Lynch and Anne Terrell published their intention of marriage the first time at Cedar Creek Monthly Meeting on December 14, 1754. Likewise, in good Quaker tradition, a committee was appointed "...to Enquire into the s'd Lynches Clearness and make a report to..." the next Monthly Meeting.²¹ The committee reported the following month that Charles was "clear in relation to marriage" and the marriage was approved. Charles and Anne Terrell were married on January 12, 1755 according to the prescribed form as reported by the committee appointed to attend their wedding.²²

20. Hereafter, unless otherwise designated, Charles Lynch will be taken to mean Charles Lynch, Jr.

21. Cedar Creek Monthly Meeting, p. 77.

22. Ibid., pp. 77-78, 79, 84.

Attendance at the Cedar Creek Meetings required some little traveling, for it was usually held in Caroline County. Nevertheless, Charles Lynch continued to attend various meetings throughout the next two years as evidenced by his appointment to investigating committees and for permission to sue for just debts.²³ The latter occasion is a good example of the independent action carried on by a Quaker community. In order to stay in the good graces of fellow Quakers a member was required to announce his intentions involving like matters and request approval from the congregation, as a short look at the Quaker records will indicate.

By March, 1758, the South River community had begun to conduct its own Monthly Meetings, and Lynch had risen in importance enough to be appointed to attend the Quarterly Meeting, representing South River.²⁴ In addition, he was appointed to take over the job of clerk of the Monthly Meeting, a duty which he performed for about six years and which involved writing the proceedings of each meeting in a journal provided for that purpose.²⁵

Lynch's name appears frequently in the records throughout 1758 in various committee assignments and as a representative to the Quarterly Meeting. In one instance, he and several others were

23. Ibid., pp. 78, 90, 105.

24. South River Monthly Meeting, I, 3.

25. Ibid.

appointed to inquire into the failure of a previous committee to make a certain report about prospective members to the Society from Halifax. Lynch's committee was also a failure for several months, but eventually made its report in December of that year and along with it, satisfactory reasons for the delay of their investigation.²⁶ Such checking and double-checking on the assignments of Quaker committees was not uncommon. Frequently there was delay in reporting. Always, in such cases, another group was appointed to investigate the failure of the first, but if satisfactory explanations were forthcoming, then nothing else was ever said about the failure.²⁷ The purpose of this illustration is to show further the lengths to which the orthodox Quakers went in governing the affairs of their members, as it may shed some light later on the reasons which caused Charles Lynch to break with the church.

During the years 1758 through 1763, Lynch was a veritable pillar of the church community in which he lived. Hardly a month passed without his name appearing in the records as a representative to the Quarterly Meeting, appointment to an investigating committee, appointment to prepare the Quarterly Meeting accounts, to attend smaller Quaker meetings and assist them in correct procedure, to prepare

26. Ibid., pp. 2-5.

27. Ibid.

testifications against other Quakers who were straying from the straight and narrow path, to prepare or deliver disownments to members who did not repent of sinful acts, to repair the meeting house and secure the title to same by law, or to perform miscellaneous duties of the clerk.²⁸ This was the period of his greatest activity among the Quakers and one which it must be assumed that he entered into wholeheartedly or else he could have found ways to shun the various duties required of him. Several other men stand out as prominent members of this community, but in church affairs Charles Lynch played equally as important a part.

It was not until the spring of 1764 that the first clue appears that possibly Lynch was tiring of his church duties. The entry appears in South River records that Charles Lynch requested to be relieved from his duties as clerk, and one William Chandler was appointed to that station.²⁹ After August, 1764 his name does not appear again to any assignment whatsoever.

Possibly one of the greatest factors in Lynch's waning interest for the church was the affair in which his brother Christopher was involved. No specific account of the charges brought against Christopher Lynch by his brethren is found in the Quaker records except that, "Christopher Lynch being in practices contrary to the principles of Truth..." will be disowned unless he can give the meeting satisfaction

28. Ibid., pp. 11-45.

29. Ibid., p. 40.

for his actions, whatever they were. This entry was recorded on July 21, 1764,³⁰ and although it may be mere coincidence that Charles Lynch took no active part in the work of the church after August, it is probable that he sympathized with his brother or else had been contemplating leaving the church for some time. The business with Christopher Lynch ended in October, 1764, when the two men appointed to treat with him reported that he no longer claimed any right or title among the Quakers.³¹

An interesting pursuit was begun in September, 1765 by the Quakers in their attempts to get back the meeting papers and other business records belonging to the church which had been retained by Charles Lynch since he had given up his post as clerk. Boling Clark and William Candler were appointed to collect the papers and settle various other matters with Lynch. For reasons unknown, they were unsuccessful in their task. Several other men were appointed to the committee but each month the record shows them all to be unsuccessful. Almost a year later, on August 16, 1766, "The Friends appointed to settle the Meeting business with Charles Lynch report they could not get the accounts nor settle it any other way than it was. They are therefore discontinued till further direction."³² Here the matter ended, and it is not yet known if the records in question were ever collected.

30. Ibid., p. 44.

31. Ibid., pp. 45-46.

32. Ibid., pp. 53-59.

October, 1766 brought on the final round with Lynch and the Quakers. The church entered a complaint against Charles Lynch for taking "solemn oaths" and justifying himself in the action. A committee was appointed to persuade him of his error and also to inform him that he would be testified against unless he made the proper repentance to the congregation. In November the committee reported that Lynch had again justified himself for taking oaths, so several Quakers were designated to draw up a paper of denial against the accused.³³

There are two events that may have led to the paper of denial against Lynch for taking oaths. The first occurred on September 23, 1766, when Lynch and two others were appointed by a Bedford County Court order to settle with the executors of William Boyd's estate to see that a final settlement of the will was made.³⁴ Such an order may have necessitated taking an oath before Lynch could be approved for the assignment. The second event, although not recorded until December, 1766, by the House of Burgesses, could have occurred before the Quaker complaint and thereby have been its cause. The House of Burgesses resolved "That Captain Charles Lynch, ...being ordered out on emergent Occasions, and not having Time to raise the full Complement of Men to entitle him to Captain's pay, ...ought to be allowed the Pay of a Captain for his said Services."³⁵

33. Ibid., pp. 61-62.

34. Bedford County Will Book, 1763-1787, p. 23.

35. Journals House of Burgesses, 1766-1769, p. 71.

Lynch's commission as a captain being authorized by the government, may have involved an oath of allegiance to England. Even though neither of the events cited are positive illustrations of Lynch's oath taking at this time, both are plausible. It need scarcely be added, that had Lynch not been disowned for taking oaths, he certainly would have been for participating in the above military campaign. Enlistment in the army or other warlike activities were grounds for disownment by the Quakers.³⁶

The paper of disownment was drawn up and read to Lynch in January, 1767, by Eoling Clarke, one of Lynch's closest friends while in the church. Lynch was offered a chance to redeem himself³⁷ but apparently never did, for the final statement in the records reads,

Whereas Charles Lynch having been a member of the Society of the People Called Quakers & have Contrary to our known principles been guilty of taking solemn oaths we do therefore testify against him all such practices and the acter thereof from being any longer a member of our Society till it may please God to convince him of his error and work repentance in him by a Godly sorrow which is the Sincere desire of us...³⁸

It is difficult to say precisely why Charles Lynch broke with his religion after spending about ten very active years among the Quakers and having been reared a Quaker by his mother. Maybe his father's

36. South River Monthly Meeting, I, passim, pp. 5-30.

37. Ibid., pp. 63-65.

38. Friends' Records, South River, Bedford County, Virginia, Register, 1757-1857, p. 16.

aloofness from the church had some bearing on his decision. Certainly he was deeply concerned over the disownment of Christopher Lynch. It is also possible that Lynch developed some skepticism as to the value of Quaker passive resistance in the face of Indian massacres about the countryside around 1760.³⁹ He may even have turned the Quakers' own disregard of constituted authority against them, had it occurred to him that the church did a good deal of unwarranted meddling into the private affairs of its members. Whatever his reasons, breaking with the church caused him to radically alter his previous living pattern and enter a variety of activities which he could not have done otherwise.

39. Hinshaw, Encyclopedia of Quaker Genealogy, pp. 291-292.

CHAPTER 3
PUBLIC ACTIVITIES 1769-1780

While he had still been a member of the Quaker Church, Charles Lynch had patented several large tracts of land around 1760. The records indicate that between 1756 and 1761 he was issued 6353 acres in his own name;⁴⁰ some small tracts were owned jointly with other members of the family. These grants plus the acreage inherited by Lynch from his father gave him considerable landholdings. He kept various kinds of farm animals, and as did most other farmers during the same period, he raised mixed grains and tobacco. Slaves were needed to develop and maintain the land. Lynch never became averse to owning or working slaves, nor did he ever set them free,⁴¹ as was done by his brother John some years later.⁴²

Lynch probably had neither the time, interest nor prestige to enter politics until he was able to consolidate his landholdings and get production on the plantations organized. When he did win his first seat in the House of Burgesses, it was at the time that protests against

40. Index to Patents, 1623-1774, Part 1 (Virginia State Library).

41. Miss Juliet Fauntleroy, Interview, June 27, 1955.

42. Va. Mag. Hist. and Biog., XXXVI, 260.

England's use of her taxing power began to get louder. Charles Lynch and John Talbot were elected Burgesses from Bedford County in January, 1769.⁴³ The session began on May 8, 1769, and on that same day Lynch was appointed to serve on the Committee of Trade.⁴⁴

During May a nonimportation resolution was drawn up at the home of Anthony Hay in Williamsburg which prohibited the exchange or sale of goods with England until the taxes on tea, paper and glass should be removed.⁴⁵ Charles Lynch was among the signers of this Association, as it came to be called, and which also included the signatures of some of Virginia's most prominent men such as Jefferson, Washington and Patrick Henry. An announcement of the formation of the Association with the resolutions it had agreed upon and a list of its signers was published in the Virginia Gazette to notify the public of their intentions.⁴⁶

Lynch was also a member of the House of Burgesses for the November session in 1769.⁴⁷ Although his name does not appear in the Journal, it is probable that he attended some of the proceedings for he is known to have bought a slave at Williamsburg in December of that year.⁴⁸

43. Rind, Virginia Gazette, February 2, 1769, p. 2.

44. Journal House of Burgesses, 1766-1769, p. 191.

45. Julian P. Boyd, editor, The Papers of Thomas Jefferson, I, 27-30.

46. Purdie and Dixon, Virginia Gazette, May 25, 1769, p. 1.

47. Journal House of Burgesses, 1766-1769, p. 221.

48. Purdie and Dixon, Virginia Gazette, May 24, 1770, p. 4.

For the session of Burgesses which convened on May 21, 1770, Lynch and John Talbot again represented Bedford County. Lynch remained slightly less than a month, however, and on June 15, 1770, he requested and was granted permission to be absent from that house for the remainder of the session.⁴⁹ No reason for this request is given, but any aspect of his personal affairs that needed immediate attention would have warranted approval of a leave of absence. In November, Lynch received his first appointment as justice of the peace for Bedford County.⁵⁰ This appointment was approved by the Council of Colonial Virginia and began a series of appointments to that office for many years to follow.

The next February, Lynch is found to be carrying out the terms of the Association resolutions which he had signed earlier. The men appointed as a subordinate association in Bedford County convened for the purpose of choosing a committee to enquire into the importation of goods from England to see whether or not the goods mentioned in the Association's resolutions were being boycotted. Lynch was one of five men appointed to this investigating committee,⁵¹ for which his previous Quaker training must have proved invaluable. Even though his part in

49. Journal House of Burgesses, 1770-1772, pp. 3, 73.

50. William P. Palmer, editor, Calendar of Virginia State Papers and other Manuscripts, I, 265.

51. Rind, Virginia Gazette, February 21, 1771, p. 3.

politics was relatively a minor one for his first two years, his thinking and activities indicate that he approved wholeheartedly of the methods being used to bring relief from England, and they place him among those men of his day who formed the groundwork of the Revolution.

For the next two years (1772-1773) Lynch and John Talbot were members of the House of Burgesses for Bedford County, but neither is shown by the Journal to have been present during the assembly.⁵² It is not known why either of them could not attend. Something unusual must have happened during this period, for absences were the order of the day, and at one session over sixty members failed to appear.⁵³ Lynch's only other recorded activity during this period was his appointment as one of several trustees who were to supervise the construction of slopes on mill dams in Bedford County to allow the passage of fish both ways.⁵⁴

As tension between England and her colonies mounted in 1774, Lynch appears to have taken a greater interest in public affairs, for his name is found more frequently in the records. He was a member of the May 5, 1774 session of the House of Burgesses, and was added with others to serve on the Committee of Public Claims.⁵⁵ This session of Burgesses lasted only a few weeks and was dissolved by Lord Dunmore on May 26.

52. Journal House of Burgesses, 1770-1772, pp. 113, 143; 1773-1776, p. 3.

53. Ibid., p. 113.

54. Hening Statutes, VIII, 585-586.

55. Journal House of Burgesses, 1773-1776, p. 102.

On hearing news of the Boston Port Bill which provided that Boston would be closed on June 1, and tea imports be limited to only four other ports, eighty nine members of the dismissed House of Burgesses met the next day at Raleigh Tavern in Williamsburg to protest against tea shipments and arbitrary taxation. Charles Lynch was present and signed the protest.⁵⁶ Another meeting was scheduled for August 1, 1774, to elect delegates to a general congress at Philadelphia;⁵⁷ Lynch and his colleague John Talbot again were elected to represent Bedford County for this meeting.⁵⁸ Up to this point Lynch had been privileged to take part in all three of the dramatic attempts to bring England to terms by forming nonimportation associations.⁵⁹

During the remaining months of 1774, Lynch evidently stayed close to his home in Bedford County. Being a justice of the peace and qualified according to law, he often sat with others as a magistrate in the Bedford County Court, or filled various court assignments to settle the estates of deceased persons.⁶⁰

A convention of delegates for the counties and corporations of Virginia was convened on March 20, 1775, at Richmond, to study the

56. Ibid., p. xiv.

57. Lyon G. Tyler, editor, William and Mary College Quarterly, V, 98-99.

58. Purdie and Dixon, Virginia Gazette, August 4, 1774, p. 2.

59. William and Mary Quarterly, XIII, 65.

60. Bedford County Order Book, 1774-1782, pp. 79, 81, 84.

resolutions agreed upon by the Continental Congress of October, 1774. Peyton Randolph was elected President of this convention which was composed of some of the most outstanding men of Virginia such as Jefferson, Washington, Benjamin Harrison, Patrick Henry, Robert Carter Nicholas, and Richard Henry Lee. The convention resolved to govern its proceedings by the same rules that were used in the House of Burgesses, and accepted all the resolutions handed down by the Continental Congress, but only acknowledged superiority of Congress to the extent that it would respect "...the wisdom of their counsels...." Among other things, the convention provided for a state militia and proposed doing away with a standing army and taxes for the same.⁶¹ Charles Lynch and John Talbot represented Bedford at the above convention,⁶² and also at subsequent sessions in July, 1775,⁶³ and May, 1776, the latter being held in Williamsburg.⁶⁴

The committee of safety for Bedford County met on April 25, 1775 to read the resolves of the convention held earlier at Richmond, and declared that every means in their power would be used to carry those resolutions into effect. The committee then dissolved itself to await the outcome of an election to replace its members, scheduled for the following month.⁶⁵

61. Dixon and Hunter, Virginia Gazette, April 1, 1775, p. 2.

62. The Proceedings of the Convention of Delegates for the Counties and Corporations in Virginia, 1775-1776, pp. 3-4.

63. Ibid., pp. 3-4.

64. Ibid., p. 3.

65. Pinkney, Virginia Gazette, June 8, 1775, p. 2.

A new committee of safety consisting largely of its old members and including Charles Lynch, was elected in May,⁶⁶ and immediately proceeded to business. John Talbot was appointed its chairman. Before adjourning on May 23, the committee resolved that, as gunpowder was greatly needed in Virginia, and all the ingredients required for it except sulphur were known to be plentiful in the state, a premium of ten pounds current money was offered to the first person to produce twenty five pounds of good sulphur from materials certified to be in the state of Virginia.⁶⁷ No doubt, Lynch was the force behind this resolution because he was already about to be successful in the manufacture of gunpowder.

In accordance with a resolution passed by the First Continental Congress, local committees of safety were chosen in every county, city, or town, to observe the conduct of the local inhabitants with regard to nonimportation of British goods. The local committee acted as a trial court, and if a majority of its members found a person guilty of violating the Association, the accused ran the risk of having his name and facts relevant to the case published in a newspaper.⁶⁸ Virtually the same procedure was carried out when a person was accused of committing political offenses, except that important cases of loyalty were carried to the Central Committee of Safety.⁶⁹

66. William and Mary Quarterly, V, 253.

67. Pinkney, Virginia Gazette, June 8, 1775, p. 2.

68. William and Mary Quarterly, V, 100.

69. Issac S. Harrell, Loyalism in Virginia, pp. 66-67.

Charles Lynch wasted no time in carrying out his duty as a member of the local committee of safety. Less than a month after the new committee for Bedford had been elected, Lynch informed the committee that in a conversation between himself and one John Hook, a notorious tory, Hook had expressed the view that "...there never will be peace till...the Americans get well floged [sic]..." Lynch informed Hook that he was an unworthy member of society, and also accused him of circulating a number of pamphlets to the public which were against the American cause. His intention, charged Lynch, was to create divisions among the people. Hook did not deny these charges, according to Lynch, but he stated that a majority of the country, at least of Bedford County, was of the same opinion as he. John Hook was then ordered to appear before the committee to answer the charges brought against him, but he failed to appear because his summons did not express the charges in writing.⁷⁰

Hook received another summons shortly afterwards stating the charges. Instead of making himself present before the committee, he answered their summons with a letter, qualifying his statement to Charles Lynch about Americans being flogged by saying that he meant Bostonians only, because of their behavior in destroying the tea. About the dispersion of pamphlets, Hook declared that he only gave them to several inhabitants. He had merely acquired the literature to inform himself

70. Va. Mag. Hist. and Biog., XXXIII, 399-400.

of both sides of the question. Hook also stated that he was wrong to suppose that a majority of Bedford thought his way. However, he had only stated that as an opinion, not as a certainty as Lynch claimed. Hook promised to conceal his future views and give the pamphlets up to the committee, because he wanted liberty and prosperity for America but had his own opinion about the method of procuring those things. Finally, Hook made a statement to the committee indicating that he was truly sorry for what he had done. He could not be pinned down firmly in his repentance, however, for in his statement he absolved himself of part of the blame by declaring that at first, the course followed by the Bostonians had been frowned upon by many persons, but had only recently been justified.⁷¹ An oath of allegiance to the state required by all males over sixteen years of age⁷² was given to Hook on October 10, 1777, which ended the matter once and for all.⁷³

Lynch's actions in the Hook case may seem a bit extraordinary at the present time, but such occasions were not uncommon during the Revolutionary period. Indeed, they were necessary if the patriots expected to keep the government in their own hands. So far as Charles Lynch is concerned, the case affords a good example of the enthusiasm with which he entered on the side of the patriots.

71. Ibid., pp. 400-403.

72. Hening Statutes, IX, 281-283.

73. Va. Mag. Hist. and Biog., XXXIII, 403.

In Bedford County, Lynch's name can be found frequently between 1774 and 1780 in the court records. Twice he received appointments as a justice of the peace;⁷⁴ he sat many times as a magistrate for the court;⁷⁵ and he even served as clerk of the court on one occasion.⁷⁶ On February 24, 1778, Lynch was recommended to the Governor as a proper person to hold the rank of colonel in the state militia,⁷⁷ which title he carried for the remainder of his life. He was also recommended, along with two other men, as a suitable person to hold the office of sheriff of Bedford County,⁷⁸ but did not receive the actual appointment until some time later. The experience Lynch acquired through his work at the county court certainly must have given him a working knowledge of legal affairs, and probably also influenced others to nominate him as a presiding justice in the tory trials in which he subsequently became involved.

The next legislative work in which Lynch was engaged after the Virginia Convention was his membership in the House of Delegates for several years. The second day of the session, which lasted from October until December, 1776, Lynch was appointed to serve on the Committee of

74. Bedford County Order Book, 1774-1782, pp. 1, 112.

75. Ibid., pp. 95, 102, 104, 111, 115, 141, 167, 180, 188, 192, 236, 289.

76. Ibid., p. 289.

77. Ibid., p. 141.

78. Ibid., p. 290.

Propositions and Grievances with others which included George Mason and Meriwether Smith. Other Committee work involved a bill to divide Fincastle into two counties and one to employ persons at the lead mines for the purpose of increasing production.⁷⁹

On the last day of the session, Lynch was one of five men appointed to collect all militia claims for pay and provisions in the western counties. Bedford, Pittsylvania, and Henry counties were assigned to Lynch's district. His duties also consisted of administering oaths and taking depositions for supporting the claims. A bond was required and accounts had to be kept for the auditor's records. The commissioners who rendered this service were allowed ten shillings per day for their services for as long as they were employed in that business.⁸⁰

Charles Lynch served his last year in the House of Delegates in 1777. During the May session he worked on one committee assignment to change the boundaries of Montgomery and Washington counties.⁸¹ The only reference to him at the November session that same year is when he was fined one pound and four shillings for being absent without an excuse and having to be sent for by the sergeant-at-arms, as was the custom when a quorum was needed to convene the House.⁸²

79. Journal of the House of Delegates of Virginia, 1776, pp. 4, 62, 80, 100.

80. Ibid., pp. 107-108.

81. Ibid., 1777-1780, p. 88.

82. Ibid., pp. 15, 78.

Charles Lynch was a member of Virginia's most important legislative bodies for nine consecutive years, and he was an outstanding person in his own county. Although the part he played in shaping the future of the United States was, comparatively speaking, a small one, he nevertheless contributed something of value by his very presence during the early years of the Revolution. His interest in politics declined as the war progressed and he turned to more practical matters which took enough of his time to cause him to quit politics altogether for about eight years.

CHAPTER 4

MANUFACTURER OF SALTPETRE AND GUNPOWDER, 1775-1778

As the idea of independence gained more adherents in Virginia, those persons who had foresight and who realized the gravity of the situation involved in gaining freedom, began to plan for a certain degree of self-sufficiency because they knew that much of their livelihood depended on imports from England. Independence would also be certain to call for a measure of self-defence, and consequently, gunpowder and saltpetre, which had formerly been imported, would have to be made in Virginia. Newspaper editors in the state appear to have been, almost without exception, sympathetic to the patriot cause, and as if to calm fears of their own and the public about the near future, they tended to exaggerate the power of the state or the success of manufacturing products such as gunpowder and saltpetre. In the early months of 1775, a number of people had begun to experiment with making saltpetre, a principal ingredient of gunpowder, at various places in Virginia with some degree of success.⁸³ Others hopefully encouraged the production by suggesting that Virginia might even go into the saltpetre export

83. Purdie, Virginia Gazette, March 10, 1775, p. 1.

business after the present disturbance had subsided. Occasionally, too, letters were published containing new formulas for the manufacture of saltpetre.⁸⁴

Though Benjamin Clement is credited with being the first person in Virginia to make gunpowder,⁸⁵ Charles Lynch had been experimenting with the process even while a member of the Virginia Convention. He had erected a mill for that purpose, but in June, 1775, had only made small quantities of powder.⁸⁶ Surely Lynch realized that the need for gunpowder was urgent, and he was not alone, for the Convention passed an Act in July, 1775 to encourage more people to make saltpetre and sulphur. Three shillings per pound for saltpetre and one shilling for sulphur was offered for the delivery of either of these substances to any county committee of safety before October, 1776. The sulphur and saltpetre would be sent from there to some manufacturer of powder.⁸⁷

An interesting letter from Charles Lynch to the editor of the Virginia Gazette appeared in the paper in August, 1775. Lynch explained that in order to take no more credit than he deserved from a previous news story about making gunpowder, he would like to inform the public

84. Dixon and Hunter, Virginia Gazette, February 18, 1775, p. 1.

85. Va. Mag. Hist and Biog., XXXII, 295.

86. Purdie, Virginia Gazette, June 16, 1775, p. 2.

87. Hening Statutes, IX, 72, 73.

that Benjamin Clement was the first person he knew who had attempted the task, but that Clement had not perfected the process. He further stated that he and Clement had formed a partnership which resulted in the manufacture of gunpowder to such perfection that the best riflemen approved of it. The mill that they were operating could produce fifty pounds of powder a day, but there was considerable need for a better supply of saltpetre. The latter could be easily made, he declared, by following some suggestions which were added to the end of the letter. Then he added:

...when it is considered how much we want powder, and that saltpetre is its principal ingredient, it is hoped that those who have the good of their country at heart will exert themselves in making it. Without it, we can have no powder, consequently no means of defence; but with it we shall soon have both.⁸⁸

Here can be seen Lynch's attitude toward England, his incentive for helping to perfect gunpowder, and his determination to use it for gaining American independence, in one concise statement.

Several months later an optimistic report was published in the paper to the effect that Charles Lynch had discovered many rocks in Bedford County which were impregnated with saltpetre, and which would, "...remove every obstacle to that gentleman's furnishing the country with Gunpowder..."⁸⁹ The validity of that statement must be questioned,

88. Purdie, Virginia Gazette, August 11, 1775, p. 1.

89. Ibid., October 13, 1775, p. 2.

however, for the next issue of the paper contains a request from the Committee of Safety to Virginia farmers to preserve all their tobacco suckers, trash, stalks, and sweepings of tobacco houses, because it had been discovered that such material was useful in the production of saltpetre.⁹⁰ Lynch himself clarified the situation in a letter to Jefferson. He explained that he did not doubt in the least that saltpetre could be procured in Virginia, but sickness of himself and family and a shortage of cash had kept him from developing some land which he had reserved by a partial payment to the owners. Works could be set up to make great quantities of saltpetre for about £200 to £300 he estimated. Lynch had several other places picked out which he thought might produce saltpetre and he believed that with a loan of £500 he could get works operating at each of them. He had been offered a loan earlier by the Committee of Safety to make gunpowder, but since there was no positive source of saltpetre present at the time, he had not contacted the Committee again.⁹¹

Lynch also corresponded with the Virginia Delegates in Congress and sent them samples of saltpetre deposits from the property he had reserved near the lead mines in what is now Wythe County. He informed

90. Ibid., October 20, 1775, p. 1.

91. Boyd, Jefferson Papers, I, 261-262.

them that he was certain of success but would make no promise about the amount he could deliver in a year.⁹²

By December, 1775, a good deal of progress had been made in obtaining saltpetre, for Lynch was turning out fifty pounds of gunpowder a day from the saltpetre supplied him, and several other people were engaged in various searches for a more plentiful supply. One in particular, a Colonel Carter from Stafford County, had contracted to buy the sweepings of tobacco houses with which he eventually hoped to produce 200,000 pounds of saltpetre yearly. It is not known just how accurate Carter's estimation was.⁹³

Some kind of agreement between Charles Lynch and the government, relative to the manufacture of gunpowder, had apparently been reached in January, 1776, for warrants began to issue to Lynch by order of the Council of State which provided him with money to carry on his operations as early as the first week in February.⁹⁴ After June, 1776, the business evidently maintained a good degree of stability since no more money was loaned it by the Council of State.⁹⁵

Lynch formally petitioned the Virginia Convention in May, 1776 for aid to carry on his saltpetre works.⁹⁶ On May 18, the Convention

92. Ibid., pp. 263-264.

93. Pinkney, Virginia Gazette, December 13, 1775, p.1.

94. Journal Council of State, II, 405, 411, 420, 508.

95. Calendar Va. State Papers, VIII, 191.

96. Wm. and Mary Quarterly, XVII, 207.

resolved that the slaves then prisoners in the public jail be delivered to Lynch to help him carry on the work. He was advanced £50 at the time and authorized to draw any sum up to £500 in the future, if necessary, and if he gave an adequate bond. The price at which he could sell the powder manufactured was fixed at six shillings a pound. He was furthermore requested to deliver any slaves which he could spare to the lead mines, guards for them to be furnished by the state and counties.⁹⁷

Little else is known about Lynch's saltpetre works during the remainder of 1776. The year was a busy one for him. Not only did he attend the Virginia Convention in May, the October session of the House of Delegates, and get the saltpetre works going, but he was also occupied throughout that year and the next collecting militia claims according to the terms of his previous appointment.⁹⁸

In June, 1777, while a member of the House of Delegates, Lynch read a memorial proposed by himself to the House. The memorial had been considered by the Committee of Propositions and Grievances, which Committee resolved that Lynch ought to pay hire for the slaves used by him at his saltpetre works from July 1, 1776, the day on which they arrived, until the last day of November, 1778. Rates were set for the

97. Proceedings of Convention, 1775-1776, pp. 17-18.

98. Calendar Va. State Papers, VIII, 178, 180; Journal Council of State, I, 289; II, 508; Va. Mag. Hist. and Biog., X, 295-297.

hire of each slave, and that rate was to be paid making due allowances for any slave who might be removed earlier by the Executive. It was furthermore resolved by the House that all the gunpowder made by Lynch until December 31, 1778, would be taken for public use at six shillings a pound.⁹⁹ A petition to the House of Delegates ordinarily makes an outright request. A memorial differs slightly in that it recalls certain facts. If the above memorial was the work of Charles Lynch alone, he deserves to be highly commended for his excellent foresight because a great deal of litigation resulted later over the use of slaves for public work, even when specific rates for hire were set. Had there been no rates specified, it is likely that much more confusion would have ensued.

Only one other occasion has been found associating Lynch with the saltpetre works. As he was about to close his accounts with the state in November, 1778, he requested permission from the Assembly to pay off the sums advanced to him for powder manufacturing with interest in money. Lynch explained that incursions of the Indians and removal of several slaves who had been working for him, prevented him from paying off his debt in powder at six shillings a pound.¹⁰⁰ Evidently the loss of a part of his manpower and time lost in restraining the Indians made the powder more valuable to him than money.

99. Journal House of Delegates, 1777-1780, pp. 64, 77.

100. Ibid., p. 50.

It is presumed that Lynch dropped his gunpowder interest altogether at the end of 1778. He had already had charge of the lead mines for a year at that time,¹⁰¹ and more than likely had too much work on his hands at one time. In addition, he had agreed to sell all the powder produced to the government only until December 31, 1778.

101. Journal Council of State, II, 42.

CHAPTER 5

THE LEAD MINES, 1775-1790

Lead was discovered in Montgomery County about 1759 along the New River. As the ore was thought to be rich in silver, John Robinson, Governor Fauquier, William Byrd, and John Chiswell entered into a partnership to develop a 1000 acre tract on which the ore was found. Governor Fauquier dropped out of the enterprise soon after it was started, but the other three partners continued to invest money and operate the mining venture. By 1768, William Byrd was the only surviving partner of the mines. Edmund Pendleton and Peter Lyons, administrators for the Robinson estate, refused to use the estate's money for further development, but they allowed the property to be worked by others.¹⁰² Several times Robinson's share of the lead mine property was offered for sale.¹⁰³ However, it apparently was never sold because Pendleton and Lyons negotiated with the state for the use of the mines during the war and later.

102. David J. Mays, Edmund Pendleton, I, 203.

103. Purdie and Dixon, Virginia Gazette, December 21, 1769, p. 1; April 5, 1770, p. 4; Rind, Virginia Gazette, December 28, 1769, p. 1.

Very little attention was paid the mines until fighting broke out in 1775, at which time the mines became of primary importance, not only to serve Virginia's needs, but to furnish lead for the northern colonies where they had resorted to melting down window weights in order to have metal to shoot at the English.¹⁰⁴ The Virginia Convention wasted no time in providing legislation to meet this emergency. An act was passed in July, 1775 which provided that the committee of safety in Fincastle County¹⁰⁵ would contract with the proprietors of the lead mines for certain quantities of lead to be delivered by direction of the committee. If the proprietors should refuse, the committee was to agree with them for the use of the mines, and then to employ the necessary workmen and materials at the charge of the state.¹⁰⁶ The wording of the act implies that, regardless of which arrangement was made, the mines were to produce, even if force were required.

Apparently no agreement was reached for the owners to operate the mines, because nineteen slaves were sent out to work the project under its first manager, James Callaway, who was responsible to the state.¹⁰⁷ The lead mines became of vast importance to Virginia when

104. Mays, Edmund Pendleton, I, 203-204.

105. Fincastle was later divided into Kentucky, Washington, and Montgomery Counties, the lead mines being located in the latter. Hening Statutes, IX, 257-271.

106. Hening Statutes, IX, 73.

107. Journal Council of State, I, 71.

her Delegates in Congress informed Governor Henry that all America might possibly have to depend on Virginia for a supply of lead. They also suggested that if Virginia had the sole supply of lead in the country it would make a good article of commerce for trade in addition to creating profits for the state or individuals.¹⁰⁸

The mines were producing at a reasonably rapid rate in the summer of 1776 for supplies of lead were being sent to Philadelphia and North Carolina, indicating that Virginia had enough to furnish her own needs at the moment. Provisions were made to hire additional hands to increase the output and a stockade fort was ordered to be erected to defend the workers there from Indian attacks.¹⁰⁹ It is known also, that 15,000 pounds of the metal had been produced and delivered to the state by August of that year,¹¹⁰ and 20,000 pounds were ready for delivery to the Continental Army in October.¹¹¹

An act was passed by the October, 1776 session of the legislature pertaining to the mines for the purpose of increasing their production still further. Various ways were provided to dispose of the lead produced. A "reasonable" annual rent was offered the proprietors for use

108. Boyd, Jefferson Papers, I, 460-461.

109. H. R. McIlwaine, editor, Official Letters of the Governors of the State of Virginia, I, 8, 15, 18, 56.

110. Purdie, Virginia Gazette, August 16, 1776, p. 3.

111. Official Letters of Governors, I, 53.

of the mines, or if they preferred to operate the works themselves, they could do so as long as they were able to produce 100 tons of lead per year.¹¹² Pendleton and Lyons, acting on behalf of the Robinson estate, agreed to accept a reasonable rent rather than operate the mines themselves. No specific rent was fixed at the time because they were "...strangers to the value..." of lead.¹¹³

In March, 1777, James Callaway was offered £100 per year and all his expenses paid in addition, for his services as manager of the lead mines.¹¹⁴ It is not known what sum he had received earlier. Callaway wrote to the Council of State three months later to inform them that the allowance made him was inadequate. He proposed that his pay be increased to 150 plus expenses, which Council accepted.¹¹⁵ Charles Lynch was appointed by the Governor and Council to succeed Callaway at the end of 1777, at the same pay of 150 per year.¹¹⁶

Lynch took over the lead mines in January, 1778. He was assisted for a while by a Doctor Levingston in constructing new works and getting familiar with his new position.¹¹⁷ To stress the importance

112. Hening Statutes, IX, 237-238.

113. Calendar Va. State Papers, IV, 510.

114. Journal Council of State, I, 372.

115. Ibid., p. 432.

116. Ibid., II, 42.

117. Ibid., II, 74.

of operating the mines at their greatest capacity a special letter from Governor Henry to Lynch was prepared on the subject.¹¹⁸ Receipts signed by Lynch show that during the remainder of 1778 various jobs were performed by craftsmen, the furnace was repaired, and small amounts of lead were delivered to scattered points in the state. He also kept accounts of food purchased, the use of slaves for specific periods, and whiskey furnished the lead mines.¹¹⁹ It is to be remembered that Lynch furnished the state with both lead and gunpowder during this year;¹²⁰ in November his contract to manage the mines was renewed with a salary increase to £400 since the former allowance had been found inadequate due to inflation.¹²¹

Transportation of the lead ore from the mines to a foundry at Westham was an exceedingly difficult task. The ore was first carried from the mines by wagon to a river, loaded into canoes to get it across, then carried by wagon again to the pounding mill and furnace, a distance of about one mile from the ore bank. From the furnace, ore

118. Official Letters of Governors, I, 255.

119. Lead Mine Papers, 1778. (Manuscripts, Virginia State Library.) Whiskey appears to have been charged to the state, and was considered a necessary item even for soldiers in the militia.

120. Official Letters of Governors, I, 240.

121. Journal Council of State, II, 213. (The value of paper currency fell from an exchange with sterling in 1777 of one and one-half to one, to 1000 to one in 1781. Haning Statutes, X, 465.)

was carried by wagons through the Peaks of Otter to Lynch's Ferry on James River, where it was loaded into canoes a second time and carried down the river to Westham, a total distance of more than 250 miles.¹²² Jefferson suggested using canoes to cover the entire distance by water but this would have necessitated opening three falls in the river to allow passage of the boats.¹²³ Such a course would have cut down greatly on loading and unloading and would have reduced the time required to cover the distance by land.

Little is known of happening at the lead mines for the year 1779. No correspondence has been preserved which was written during that time but it is presumed that operations were being carried out satisfactorily. Production for the year totaled 64,970 pounds, which appears to have been about average for Lynch.¹²⁴

During 1780, Lynch provided rather large quantities of lead for posts on the western frontier, even escorting some of it with mine guards.¹²⁵ Also a great deal was delivered to North Carolina about the time Cornwallis was beginning his southern campaign.¹²⁶

122. Thomas Jefferson, Notes on the State of Virginia, pp. 45-46.

123. Ibid., p. 46.

124. Lead Mine Papers, November, 1779.

125. Boyd, Jefferson Papers, III, 422.

126. Lead Mine Papers, 1780.

Application was made by the proprietors of the mines for rents due them in July, 1780, but because of a dispute over ownership between administrators of the Robinson and Byrd estates, it was decided to wait until the title was legally settled before paying back rents and those accumulating.¹²⁷

Lynch became concerned at the close of the year over his salary. The Board of Trade, under which he had been working, was discontinued in a rearrangement of administrative offices. Lynch, therefore, petitioned the House of Delegates, "praying relief" for his past year's services as manager of the lead mines.¹²⁸

Apparently, James Callaway assumed management of the mines from January through March, 1781, for several letters are addressed to him as such,¹²⁹ and Charles Lynch was in North Carolina fighting the British with General Greene at that time. The enemy's presence just to the south of Virginia created a great anxiety about her defence, with lead ranking higher than ever in importance. Lead formerly allotted for delivery to North Carolina was ordered by Governor Jefferson to be sent to Richmond instead,¹³⁰ and David Ross, the new Commercial

127. Official Letters of Governors, II, 139-140.

128. Journal House of Delegates, 1777-1780, p. 19.

129. Official Letters of Governors, II, 294.

130. Ibid., pp. 289-290, 294.

Agent for the state, was instructed to employ as many additional laborers for the lead mines as possible so that the work could be speeded up.¹³¹ To make matters even worse, the principal vein at the lead mines failed, leaving Virginia's troops "...in a state of equal distress and danger."¹³² Excellent veins of ore had previously disappeared suddenly and required some time and searching until they could be located again.¹³³ So far as Lynch was concerned, managing the lead mines was never the same, for he spent the rest of his service explaining for one reason or another why the mines were not being operated at maximum efficiency.

David Ross wrote to Jefferson at the end of March to say that he was gathering all the scattered stores of lead in the state and making an inquiry into the state of the mines, number of hands employed, etc. He also requested that Jefferson write to Lynch informing him of the reasons for taking a check on the status of the mines at that time. Ross wanted to hire an additional manager with more laborers to work under Lynch, but he was treading lightly in this instance lest he assign a man who would be disagreeable to Lynch.¹³⁴ Jefferson complied with this request, notifying Lynch that since Ross had succeeded

131. Boyd, Jefferson Papers, V, 191-192.

132. Ibid., pp. 199, 232.

133. Jefferson, Notes on Virginia, pp. 45-46.

134. Boyd, Jefferson Papers, V, 264-265.

to the duties of the Board of Trade and hence, superintendence of the mines, it would be necessary to hire additional laborers under another manager because it was imperative that the mines be worked at their greatest capacity.¹³⁵ Indeed, the situation had become so acute that if the 4000 British stationed at Portsmouth decided to become active, Virginia would have been at their mercy for want of lead.¹³⁶

If Lynch was in any way offended by the suggestion of hiring another manager there is no record remaining to prove it, and it appears that no other manager was ever hired due to the difficulty of procuring laborers for working in the mines.¹³⁷ The principal vein had not been found in the middle of April, but by May was located again for David Ross reported prospects of an abundance of lead with 40 to 50 tons being ready for delivery shortly.¹³⁸ This estimate was slightly optimistic because Lynch's accounts only show that 57,875 pounds were made during the entire year of 1781.¹³⁹

The proprietors of the lead mines evidently settled their dispute over legal title to the mines early in 1782, as David Ross was ordered to collect all the accounts kept by Lynch and James Callaway during

135. Ibid., p. 263.

136. Ibid., p. 367.

137. Official Letters of Governors, II, 512.

138. Boyd, Jefferson Papers, V, 445, 600.

139. Lead Mine Papers, 1779.

their services as manager, so that a settlement could be made agreeable to the directions of the Assembly.¹⁴⁰ Accounts from the Commercial Agent and the managers were submitted to the House of Delegates in May of that year.¹⁴¹

A story began to circulate in the spring of 1782 that mismanagement at the lead mines was all but making the works there useless. In an effort to clarify the situation and rid himself of part of the blame, Lynch wrote to David Ross explaining how the rumor got started. He declared that his overseer at the mines, Captain Sanders, had incurred the ill will of the laborers working under him because he allowed only very meager food provisions to be distributed at the mines, and he worked them too hard. Sanders also raised the ire of people living in the vicinity of the mines because of his short dealings when trading lead for provisions. In addition, a group of Welsh laborers, formerly employed at the mines but who had been thrown out of work because of a dispute with Lynch over employment, were doing everything in their power to spread false reports about the mines and had "...gain'd the Ear of Some...."¹⁴²

The Commercial Agent relayed this information to the Governor along with other details,¹⁴³ but not in time to keep the story from reaching

140. Ibid., 1782.

141. Official Letters of Governors, III, 220.

142. Lead Mine Papers, May, 1782.

143. Ibid., June, 1782.

the Council of State that the works at the mines were in such an ill state they would soon become useless. Accordingly, Council ordered the Commercial Agent to inform them who was to be considered manager of the mines and whether or not he had made a recent inventory of the state of the works.¹⁴⁴ This prompted a reply from Lynch to the effect that the operating equipment and furnace were in a good state of repair. Among items listed in the inventory, Lynch's accounts show that he employed thirty three slaves, two overseers, three miners, had seventy acres of good corn growing, but the Negroes' quarters were only "tolerable", and all the cattle at the mines had died from some type of poisoning.¹⁴⁵

In August, 1782, Lynch sent the Commercial Agent another inventory pertaining to food supplies at the mines and estimates of the amount of food needed for the next year. The slaves had never been furnished less food than at the present, he declared. Also, the two men whom the Governor had pardoned on condition they work three years in the mines had never made their appearance. Lynch then requested that someone be appointed to receive his accounts so that he could finish his service on December 15, the date on which his contract expired.¹⁴⁶ There is no

144. Journal Council of State, III, 104.

145. Lead Mine Papers, July, 1782.

146. Ibid., August, 1782; Official Letters of Governors, III, 234.

doubt that he was tired of his present position and wished to be free from the meticulous accounts required of him by the state. Furthermore, he must have foreseen the rather belittling effect which subsequent investigations into his accounts would show.

The following month Lynch's request to be relieved from duty was considered by the Council and his records studied.¹⁴⁷ Then the lead mine accounts which he had previously sent to the House of Delegates were reported out of committee where it was resolved "...That the said accounts are in so complicated and confused a state, as not to admit of adjustment until further information on the subject can be obtained; and that they ought therefore to be referred to the next session of Assembly."¹⁴⁸ Apparently, Lynch was no bookkeeper or else he had just failed to spend the time required to fulfill his duties properly. The latter suggestion is probably more correct, for a good many of the lead mine receipts which have been preserved were signed by Lynch's overseer, Captain Sanders. In addition, Lynch was seldom present at the mines himself, preferring to occupy his time on various military excursions or with county affairs. His lead mine accounts were not finally settled until over a year later.¹⁴⁹

147. Journal Council of State, III, 138.

148. Journal House of Delegates, 1781-1785, p. 20.

149. Journal Council of State, III, 306.

Negotiations with the state were begun by the proprietors of the lead mines in December, 1782, to have the mines restored to them. Governor Harrison offered to deliver up the mines and allow the owners to hire the slaves already there if they could produce 100 tons of lead per year to the state.¹⁵⁰ About one week later the Council of State ordered a contract to be drawn up with Jacob Rubsaman for 50,000 pounds of lead to be delivered during the next year. Rubsaman was given an offer to buy all the state's equipment at the mines and to hire out the public Negroes there.¹⁵¹ However, the original contract which was actually drawn up obligated Charles Lynch and Jacob Rubsaman to deliver the 50,000 pounds of lead mentioned above. They gave a bond for £2500 as security and agreed to accept tobacco if money were not available at the time they were paid for the service.¹⁵² This contract was carried out, for Lynch and Rubsaman were paid for the lead produced in the following year.¹⁵³

Success has not been forthcoming in determining precisely how this contract came about. Several arrangements were possible, however. Lynch and Rubsaman either contracted to deliver lead because the proprietors of the mines refused to operate them if they had to furnish

150. Official Letters of Governors, III, 399.

151. Journal Council of State, III, 195.

152. Lead Mine Papers, December 20, 1782.

153. Journal Council of State, III, 301.

100 tons; they agreed to rent the mines from the proprietors; or they formed a lead mine company of their own. As events will subsequently show, the latter account is more probable.

Lynch and Rubsaman bought all the state's equipment at the mines on January 12, 1783 and hired the slaves from the state for £380 per year. For any slave claimed by its owner and ordered to be delivered up by the Governor before the end of the year, allowances would be made.¹⁵⁴ It is presumed that Rubsaman dropped out of the mining company venture after one year, for his name cannot be found after 1783. Lynch worked the mines throughout the year 1784 as proved by several certifications made by him that certain slaves were employed there.¹⁵⁵ From similar evidence and a request by Lynch for rents due him for working the mines, it is believed that he had charge of the mine company from 1785 through 1789.¹⁵⁶

The public Negroes employed at the lead mines were ordered to be delivered up in February, 1785 to Captain John Peyton.¹⁵⁷ A number of the Negroes were detained by Lynch, who claimed to have purchased the slaves from people who had a right to sell them. The Council of State ordered Lynch to give up the slaves and transport them at the Point of Fork at his own expense because Lynch was the cause of their not having

154. Lead Mine Papers, January, 1783.

155. Journal Council of State, III, 398, 401, 404.

156. Calendar Va. State Papers, IV, 372, 517; Lead Mine Papers, November 20, 1788, November 2, 1789.

157. Calendar Va. State Papers, IV, 11.

been sent before,¹⁵⁸ but Lynch did not heed the order and even sold one of the slaves he had kept to a third party.¹⁵⁹ Sometime later the Attorney-General rendered an opinion that if the legislature ordered Lynch to give up the slaves and he refused, he would be liable for damages to the true owners and find himself in considerable difficulty.¹⁶⁰ Some kind of settlement was made, for no more was said about the matter and in January, 1786, Lynch was offered a chance to hire the slaves by Council.¹⁶¹

During April, 1788 some light is shed on Lynch's claim to part of the lead mines, for he requested the court of Montgomery County to include in one survey all his land adjoining and including the lead mine company.¹⁶² This move he evidently hoped would strengthen his claim to the mines later. After the Peace Treaty of 1783, Edmund Pendleton and Peter Lyons had pressed a claim on behalf of the Robinson estate against the Commonwealth for rents due for use of the mines. This request was impeded when Lynch claimed a part of the mines and rents, although the justification for Lynch's claim is unknown. That

158. Journal Council of State, III, 443.

159. Ibid., p. 445.

160. Calendar Va. State Papers, IV, 42.

161. Journal Council of State, III, 514.

162. Lead Mine Papers, April 4, 1788.

Lynch did have some right to a part of the mines is evidenced by the fact that Pendleton offered Lynch one-third of the rents due from the state if he could put up sufficient bond until a final settlement could be made.¹⁶³ The case became very involved in the years to follow, but Lynch was not affected by the court's decision, for he died in 1796. It was not until 1822 that a final settlement was made and the court awarded the Robinson estate a judgement of over £10,000 against the lead mine company.¹⁶⁴

Lynch sent his vouchers to the Governor in February, 1790 after he had stopped working the mines. According to his figures the state owed him a balance of about £112 for past services.¹⁶⁵ Thus ended a period of twelve years in which Charles Lynch was engaged in one of the most vital industries in Virginia. Lead was naturally precious during the war years, but even afterwards it claimed a high priority for western defence. As the facts indicate, Lynch's management of the mines was not always the best and he often neglected his affairs there. Some interesting traits of his character show up in the process. His defiance of constituted authority appeared again in the dispute over the public Negroes; but one new trait can be seen in his determination to have a part of the lead mines. It seems possible that Lynch may

163. Calendar Va. State Papers, IV, 510, 528-529; Lead Mine Papers, May 30, 1789.

164. Kays, Edmund Pendleton, I, 204-205.

165. Calendar Va. State Papers, V, 108.

have foreseen a long legal battle while he was getting rents from the mines all the time, and all that was needed to begin a dispute was a little bullying. Also, it does not seem beyond the realm of possibility that Lynch "used" Jacob Rubsaman to go into partnership with him for the year 1783. With such a bad year at the mines in 1782, the state very probably would not have contracted with Lynch alone.

CHAPTER 6

Lynch's Law and Military Campaigns, 1779-1782

Throughout the Revolutionary War Tories tried to hamper the patriot cause in Virginia at every opportunity. Norfolk and the Tidewater area had more Tories than any other part of the state. Second in numbers to Norfolk were the frontier Tories, who roved in bands, inciting and leading the Indians to barbarous acts of murder and plunder. Of all the Tories in the state, these last-named had least reason to be sympathetic to England.¹⁶⁶

Because of their strategic importance, the lead mines became target number one for the Tories in the back-country, and rumors were constantly circulating that the mines were in danger of being destroyed. As early as 1776 a fort had been erected at the mines to defend the workers from attack,¹⁶⁷ but as the war progressed and lead supplies increased in importance, a guard was furnished the mines constantly, regardless of the expense.¹⁶⁸

166. John A. George, "Virginian Loyalists, 1775-1783", Richmond College Historical Papers, I, no. 2, 177-183.

167. Official Letters of Governors, I, 56.

168. Boyd, Jefferson Papers, III, 325.

One of the earliest serious attempts by the tories to destroy the lead mines came in the summer of 1779, about eighteen months after Charles Lynch became manager of those works. William Preston, county-lieutenant for Montgomery, took charge of quelling an uprising by tories from North Carolina who had united with those in Montgomery County to destroy the lead works and then join Cornwallis in the south. Preston gathered all the militia he had available plus the guards at the mines and about 150 men from Washington County. Several weeks were required by these combined forces to disperse or capture the insurgents, Charles Lynch participating as commander of small detachments.¹⁶⁹ Lynch also attempted to uncover the tories' plans, for it is known that he paid £15 to one Benjamin Price for acting as a spy in July.¹⁷⁰

However, groups of tories from North Carolina continued to make quick raids into Virginia. To rid the frontier of this danger, Colonel William Campbell, who had brought the 150 militia from Washington County, captured some of the tories and hung a few.¹⁷¹ Campbell's action was undoubtedly rough, but was necessary from the patriot's point of view because it set an example to other would-be insurgents and the emergency called for stringent measures such as this. A bill

169. Va. Mag. Hist. and Biog., XXVI, 372.

170. Lead Mine Papers, December 20, 1779.

171. Va. Mag. Hist. and Biog., XXVI, 372.

was introduced in the House of Delegates during November to indemnify Campbell and others who had aided him in suppressing the conspiracy; the Senate gave its approval the following month.¹⁷² The purpose of the act was to exempt all who had taken part in the suppression from legal suits, in spite of the fact that the measures taken by them "...may not be strictly warranted by law...."¹⁷³

British Generals Matthews and Leslie had come to Virginia in 1779 using Portsmouth as their base of operations. As British forces increased, the feeling spread among tories that England was about to rule again. This was not a new feeling, however, because tory activity always rose and fell with the proximity of British forces.¹⁷⁴ Throughout the first six months in 1780 rumors circulated that tories on the frontier were preparing their greatest attack so far on the lead mines. After destroying those works, they planned to meet up with British forces, turn loose the prisoners of war being held in central Virginia, and overrun the state.¹⁷⁵

Alert patriots were aware of the primary tory design as early as March, 1780, and apparently they arrested a good many of them on little more than suspicion, for William Preston wrote to the Governor requesting

172. Journal House of Delegates, 1777-1780, pp. 71, 90.

173. Hening Statutes, X, 195.

174. George, "Virginian Loyalists", pp. 200-202.

175. Boyd, Jefferson Papers, III, 533.

advice on how to dispose of the tories. Jefferson replied that Preston should "...avoid any irregularity which might give them legal means of withdrawing themselves from punishment", and if necessary to send them to another county for safekeeping. He also suggested that if the evidence against them would not support a charge of treason, then they might be convicted of lesser charges rather than letting them off scot-free.¹⁷⁶

The lead mines were the object of constant attention during these months. A guard was always provided the mines, and when, as sometimes happened, these guards were required to escort shipments of lead, detachments of militia were called to take their place. Jefferson's previous desire to have a guard of regular soldiers stationed at the mines was accomplished, and in June fifty stand of arms were sent there to strengthen the defence.¹⁷⁷

In July, the tories prepared to launch their attack. Preston called on the militia from Washington and Botetourt Counties, in addition to his own (Montgomery), for assistance. He was authorized by the Governor to extend his call to other counties if necessary.¹⁷⁸

Sometime late in July part of the plot was uncovered by some patriot

176. Ibid., p. 325.

177. Ibid., pp. 325, 448, 469.

178. Ibid., pp. 479-481.

officers posing as tories; the remainder of the insurrection was put down by force. Every available patriot soldier was called into action, and Charles Lynch marched a party from Bedford County to the mines.¹⁷⁹

A good deal of the material which immediately follows is necessarily speculative because the trials that were held, being outside of the law, were not recorded. Enough is known, however, to make this account reasonably authentic.

Apparently the fighting during the tory attack had been scattered, each militia commander taking what prisoners he could and holding them for future trial. It is also presumed that Lynch took his prisoners back to Bedford County; the jailer at Bedford petitioned the legislature in December, 1780 for relief and more payment to care for the 75 men held in his custody under suspicion of treasonable practices, since "last summer".¹⁸⁰ Although no specific date is given in the petition, it is not likely that such a large number of men would be held at one time unless they were members of the tory insurrection.

In a letter to Charles Lynch dated August 1, 1780, Governor Jefferson expressed great concern that anybody could prefer English rule to that of the present government. He recommended seizing every person on whom "probable" guilt should appear, and to try any who had accepted commissions from the enemy, enlisted others to their cause, or

179. Ibid., p. 533.

180. Journal House of Delegates, 1777-1780, p. 37.

led tory forces, for high treason. If they were found guilty of treason before the examining court, they were to be sent to Richmond for further trial. Jefferson then approved of Lynch's conduct, declaring, "Your activity on this occasion, deserves great commendation, and meets it from the Executive. The method of seizing them at once which you have adopted is much the best." He advised Lynch, however, to see that the tories got a regular trial afterwards, and to have the county-attorney advise him in the proper procedure to follow.¹⁸¹

Lynch began to try his prisoners and collect confessions from them.¹⁸² But during the process he apparently deviated from the procedure suggested by Jefferson, because he felt compelled to assure William Preston that he was setting prisoners free if it was certain that they were not guilty. Others he kept for a proper trial, some for witnesses, and some he planned to make examples of. He further requested that Preston allow him to see any letters which Preston might have if they contained criticism of his conduct.¹⁸³ This would seem to indicate that Lynch might possibly be taking more freedom in his trials than he was authorized to do. Furthermore, a woman whose husband was being held by Lynch, wrote to Preston pleading with him to intervene by taking charge of her husband's trial himself, for she was afraid that Lynch

181. Boyd, Jefferson Papers, III, 523.

182. Va. Mag. Hist. and Biog., XXVII, 162-163.

183. Preston Papers, Draper Manuscripts, V, 57-58.

would not give the prisoner justice.¹⁸⁴ Lynch was undoubtedly developing a reputation among those trials for conspiracy of being harsher than the rest.

Transporting prisoners from Bedford to Richmond for further trial would have entailed time, trouble, and expense, not to mention danger from small tory bands on the way. Therefore, as tradition has it, Lynch conducted trials at his home just outside of what is now Altavista, Virginia. The accused was brought face-to-face with his accuser. If found guilty, he was hung by the thumbs and severely flogged, rather than being sent to Richmond for another trial.¹⁸⁵ The guilty party was then left hanging "...till he cries out, 'Liberty!'"¹⁸⁶ It is probably true as Jefferson claims, that no one in Virginia was executed for treason during the Revolution,¹⁸⁷ including those tried by Lynch. But if such were not the case, Lynch had nothing to fear later, for he certainly must have been aware of the indemnity given William Campbell in 1779. Indeed, approval of Campbell's acts by law may have been the very reason Lynch took it upon himself to try the tories as he saw fit. No doubt, Lynch's method of dealing justice to the tories was very effective. And there seems to be little doubt that the term

184. Ibid., pp. 58.

185. Miss Juliet Fountleroy, Interview, June 27, 1955.

186. Wm. and Mary Quar., XIII, p. 205.

187. Jefferson, Notes on Virginia, p. 194.

"lynch law" developed from these proceedings.¹⁸⁸ Charles Lynch himself, speaking of whippings dealt out by his overseer at the lead mines, referred to the treatment as "Lynch's Law".¹⁸⁹ This reference was made over seven months before an act was passed to indemnify Lynch, and serves as positive proof that the term originated from his proceedings at the tory trials, rather than from a law passed in his favor as is commonly believed.

It is claimed that Lynch, and others associated with him in suppressing the conspiracy, petitioned the legislature in 1782 for relief from legal actions already taken against them.¹⁹⁰ No evidence has been found to substantiate this statement. Furthermore, with the war over, tories more than likely had as much difficulty using the courts as their British cousins did, the latter being prohibited to sue for debt in any state court.¹⁹¹

Whatever the case, Arthur Campbell and John Talbot, representatives to the House of Delegates from Bedford, were ordered to draw up a bill to indemnify certain persons for suppressing a conspiracy against the state. The bill was reported out of committee, read the requisite number

188. W. J. Van Schreeven, Interview, August 2, 1955, Archivist, Virginia State Library.

189. Lead Mine Papers, May 11, 1782.

190. Wm. and Mary Quar., XIII, 204.

191. Hening Statutes, XI, 176.

of times, approved by the Senate, and became law on December 24, 1782.¹⁹²
The wording of the act is precisely the same as was drawn up to indemnify William Campbell. Both refer to measures taken to suppress the conspiracy that were not warranted by law, and both protect the people named therein from legal suits.¹⁹³

There is a rather unenviable honor attached to Lynch's name as the originator of the term "lynch law". In all fairness to him, however, there appears to have been at least a semblance of order in his proceedings even though the final judgment was somewhat arbitrary. In addition, the term originally meant to whip rather than to execute, as it is used today.¹⁹⁴

During January, 1781 Virginians awaited with great anxiety an impending attack to the heart of the state by British forces stationed at Portsmouth. Militia forces were needed so badly that Jefferson requested the county-lieutenants to send them to him in detached parties as fast as they could be collected. There was also a great need for arms because those left in the public stock were no longer fit for use. Therefore, recruits were ordered to bring their own weapons if possible.¹⁹⁵

192. Journal House of Delegates, 1781-1785, pp. 36, 43, 45, 47, 52, 79.

193. Hening Statutes, XI, 134-135.

194. Albert Matthews, The Term Lynch Law, passim., 1-15.

195. Official Letters of Governors, II, 258, 280.

Although General Arnold's small force of English troops had met practically no resistance, his presence in Virginia kept reinforcements from going to the American commander in North Carolina, General Greene, who was fighting a delaying action in the face of Cornwallis' troops. When Arnold retired to Portsmouth, Virginia arranged to aid General Greene.¹⁹⁶

General Greene performed an amazing withdrawal throughout the state of North Carolina. His deception was so perfect that Cornwallis was never able to trap him, or for that matter, to tell exactly where Greene's main body was located. Cornwallis increased the distance of his supply lines daily, and in an attempt to speed up his pursuit of Greene, he finally destroyed all his baggage by burning it.¹⁹⁷

About the middle of February it seemed that Cornwallis might drop his attempt to corner Greene and move on up to Virginia instead. This brought quick action from Jefferson. Charles Lynch, who happened to be in Richmond at the time, was ordered by Jefferson to raise as many volunteers as possible in Bedford County and proceed at once to join Greene in North Carolina. Lynch was authorized to appoint such officers as he saw fit, and he subsisted his men by calling on anyone holding public provisions or by impressing what was needed. In either case, certificates had to be issued and accounts filed with the state auditors

196. Francis V. Greene, General Greene, p. 205.

197. Ibid., pp. 200-204.

to collect payment.¹⁹⁸ About the first of March, Lynch started to North Carolina with the 300 men he had raised and joined other units of Virginia troops on the way.¹⁹⁹

When his reinforcements arrived, General Greene decided to make a stand at Guilford Courthouse. He formed his line (March 15, 1781) with the militia out in front and with Lynch commanding a battalion of Virginia militia on his right flank. Greene's regular troops backed up the militia, for the most he expected from the latter was to give several fires and then retreat in good order.²⁰⁰

When Cornwallis attacked the American line, North Carolina's militia, which was stationed on the left flank, quickly broke and ran in spite of threats by the regulars to fire on them if they did not stop. Virginia's troops proved a different story, however, and held their ground "with obstinacy" even though they were not as well protected in their position as the North Carolina militia had been. Seasoned British veterans gradually pushed the Virginia militia back to the courthouse, but their withdrawal never became disorderly. So stubborn was the resistance put up by Virginia's men, that had North Carolina's militia been equally as courageous, Cornwallis would have been defeated on this

198. Boyd, Jefferson Papers, IV, 618; V, 7-8, 36.

199. Ibid., V, 103.

200. Charles Cardwell, Memoirs of the Life and Campaigns of Nanthaniel Greene, pp. 185, 228-229.

201
occasion.

Greene's forces were compelled to retreat slowly before Cornwallis but their withdrawal moved them up a gradual slope to ever higher ground. Unable to overrun the American position, Cornwallis admitted failure and began to retire towards Wilmington, several hundred miles away. Detachments from General Greene's army harassed Cornwallis' rear for a part of that distance, although little damage was inflicted.²⁰² The Battle of Guilford Courthouse was not a decisive one, but it served to weaken the British forces and heartened the patriots for the final engagement at Yorktown.

Virginia's militia deserved to be highly commended for their courage shown at Guilford. Since the effectiveness of an army often depends on the bravery displayed by its officers, Lynch is also entitled to recognition. Of course, he was not the only Virginia officer present, but prior experience in fighting Indians and Tories undoubtedly made him a fearless soldier. That he was shouldering some responsibility during the campaign is evident, for additional soldiers from Bedford who were ready to join Greene about the time of Cornwallis' withdrawal were "...Dismissed by Advice of Colo. Lynch...with the approbation of the General."²⁰³

201. Ibid., pp. 231-234.

202. Ibid., pp. 235-245.

203. Boyd, Jefferson Papers, V, 403.

So far as it is known, the Battle of Guilford Courthouse was the only major campaign that Lynch participated in during the Revolution. He returned to Bedford County around the first week of April, 1781, and became occupied with the lead mines again. There was still danger to the mines from tories in the area, plus a food shortage at the works which was causing a good deal of discontent among the laborers,²⁰⁴ all of which he managed to survive after returning as has been shown in the preceding chapter.

204. Ibid., pp. 403, 438.

CHAPTER 7
PUBLIC AND PRIVATE AFFAIRS, 1781-1796

With the termination of the war, Lynch once again assumed the role of planter-aristocrat, devoting more time to his private affairs and taking a renewed interest in county and state matters. Like many inhabitants of Virginia, he had been called upon to supply Continental and state troops with provisions during the war years. The certificates issued him were certified and collected soon afterwards.²⁰⁵

Lynch had been recommended in 1778, along with several other persons, as a proper person for the office of sheriff for Bedford County.²⁰⁶ He was finally appointed to that office in October, 1781, the same month that Cornwallis surrendered at Yorktown.²⁰⁷ During January of the following year he was commissioned a justice of the peace for Campbell County, but the appointment did not become effective until February 1, 1782, the date Campbell County was to be officially established.²⁰⁸ Lynch's appointment as sheriff of Bedford presumably expired at this time.

205. Va. Mag. Hist. and Biog., XXXVI, 261.

206. Bedford County Order Book, 1774-1782, p. 141.

207. Journal Council of State, II, 394.

208. Ibid., III, 24.

Lynch and other justices of the peace acted as a court for the nomination of county justices soon after the new county was formed, and this same court recommended that Lynch be appointed a colonel in the militia.²⁰⁹ As he had already served for four years (1778-1781) as a colonel in Bedford County, the only reason for a second recommendation, apparently, was that the county of Campbell, being new, had positions for militia officers that needed to be filled, or else Lynch's previous commission was not valid in Campbell County. It is known that Lynch received the final appointment and that he served in the militia at least until 1787.²¹⁰

An act was passed by the legislature in 1783 which authorized a certain group of trustees to supervise clearing of the Roanoke, Staunton, and Dan Rivers to make them more navigable. Charles Lynch, Patrick Henry, and James Callaway were among those appointed to carry out this work. Anyone refusing to obey the orders of a majority of the trustees, relative to clearing those streams, was subject to a fine.²¹¹

The town of Lynchburg was established in 1786 from land belonging to John Lynch, brother of Charles, and presumably the man who gave Lynchburg its name. Charles Lynch was one of several trustees appointed by law to lay off the town into streets and lots, to sell the lots and

209. Va. Mag. Hist. and Biog., XXXVI, 257-258.

210. Ibid., XXIII, 380.

211. Hening Statutes, XI, 250-252.

see that John Lynch was paid for them.²¹² It is also probable that Lynch's Ferry and Lynch's Warehouse belonged to John Lynch because he owned a good deal of property in the vicinity of Lynchburg, and both of these enterprises were located on property which was in his possession.²¹³ Charles Lynch operated a ferry in Montgomery County at the lead mines after 1787, but it appears to have had no name.²¹⁴

Charles Lynch was elected to the state Senate in 1785, for the district comprising Bedford, Henry, Campbell, and Pittsylvania Counties, and he continued to serve in that capacity through the year 1788. Because the Senate seldom had more than fifteen members present at any one time, Lynch's name appears more frequently than it did while he was a member of the House of Burgesses or Delegates.

The Senate convened October 17, 1785, but a quorum was lacking and the sergeant-at-arms was ordered to take into custody all the members absent, which included Lynch. It was over five weeks before he arrived to take his seat, but his excuse for being absent was accepted so he was not required to pay a fine; he immediately went to work on a bill for forming a new county out of Bedford and Henry.²¹⁵

212. Ibid., XII, 398-399.

213. Ibid., XI, 38; XIII, 479-480.

214. Ibid., XII, 511-512.

215. Journal of the Senate, 1785-1790, pp. 4-5, 22.

Throughout the remainder of the 1785 session Lynch was very active on miscellaneous committee assignments but was not appointed to any specific committee.²¹⁶ On two occasions he was selected to report the Senate's approval of certain bills to the House.²¹⁷ He voted in the affirmative on a bill to establish the free exercise of religion, and on a resolution to strike out that part of a bill which would prohibit any succeeding legislature from amending the bill, he voted in the negative,²¹⁸ indicating that he may have been somewhat sympathetic to the legal process of entail. This is pure conjecture, however, and cannot be stated as a certainty because no other details of the bill are given in the journal.

Following true to his own tradition, Lynch was over a month late in taking his seat at the autumn session of the Senate in 1786. This time he had to answer a charge of contempt for not appearing when the session opened, but as usual his excuse was good enough to let him by without paying fees.²¹⁹ Again he did committee work on bills pertaining to the formation of new counties, settling boundary disputes, allowing payments in land bounty and cash arrears of Revolutionary

216. Ibid., pp. 41, 53, 55, 65, 77.

217. Ibid., pp. 25, 97.

218. Ibid., p. 61.

219. Ibid., pp. 5, 11-12.

soldiers, etc.²²⁰ Two of these assignments are worthy of note. Lynch was ordered to acquaint the House of Delegates that the Senate had approved a bill to establish the town of Lynchburg on his brother's land. He also served on a committee which studied a resolution for presenting Captain Jouett an elegant sword and pair of pistols in appreciation of the latter's support of the patriot cause.²²¹ Jouett is famous for the warning he gave state leaders at Charlottesville which allowed them to escape Tarleton's raid.

Lynch took his seat only one day late in October, 1787. That same day he seconded the nomination of John Jones to act as Speaker of the Senate, and then served on the ballot box committee which counted votes for that election.²²² The remainder of that assembly was about normal so far as the activity of Lynch was concerned.

A special session was called by the Governor in June, 1788, but Lynch was not present.²²³ He did appear in October of that year, but aside from being appointed to the Committee of Privileges and Elections,²²⁴ his work was of a routine nature, and this session terminated his membership in the Senate.

220. Ibid., pp. 14, 19, 37-38, 41-42, 58, 61, 67.

221. Ibid., pp. 20, 37.

222. Ibid., p. 4.

223. Ibid., pp. 1-10.

224. Ibid., p. 4.

Several interesting but sketchy fragments of information relating to the last years of Lynch's life have been preserved, but as most of the details are missing it is difficult to evaluate them properly.

One William Henderson recommended himself to the Governor in July, 1789 for the office of sheriff in Campbell County, and requested that his commission be sent him. However, Charles Lynch and John Ward, Lynch's step-father, sent an accompanying note of protest on the subject of Henderson's commission. Some months later Henderson requested of the Governor that a copy of Lynch's protest be made available, for he claimed that John Ward informed him that the latter had never signed such a letter.²²⁵ Apparently Lynch was not afraid to speak his mind if he saw fit, but the evidence also suggests that if Ward were telling the truth, there must have been deceit on Lynch's part.

Charles Lynch is also said to have been keenly interested in land speculation during the years following the Revolution; however, he never was able to make any financial gains from such ventures.²²⁶ He had considerable landholdings to speculate with, for in addition to the land mentioned in Chapter 3, he was granted ownership to 9,211 acres during and after the war,²²⁷ making a total of 15,564 acres. This figure does not include the land he inherited, because no specific acreage was given in his father's will.

225. Calendar of Virginia State Papers, V, 1, 38.

226. Miss Juliet Fautleroy, Interview, June 27, 1955.

227. Index to Grants, 1779-1803, pt. 1, pp. 212, 214, 219, 220, 221, (Virginia State Library).

It is not known what happened to all of Lynch's land. Probably a good part of it was sold during his speculations. Since no record bearing Lynch's last will and testament has been found, it is assumed the remainder was divided among his children. No mention is made of his real property in an inventory of his estate made in 1797. The inventory lists only his personal property, almost all of which is described by the word "old" (e.g., two old slaves, five old axes, old broken furniture), the total value coming to about £171.²²⁸ There must have been a previous disposal of his property, for it does not seem likely that this figure could represent Lynch's total assets.

Lynch was buried in the graveyard at his home in what is now Altavista, Virginia. His tombstone bears the inscription:

In Memory of
Col. Charles Lynch
a zealous and active patriot
of the revolution
Died October 29th 1796,
Age 60 years.

Thus ended the life of a man who participated in one of the most dramatic periods of United States history. His record of achievements speaks well for his energy, initiative, and intellect. Many facts are missing in the life of the real Charles Lynch, however, which would have added immeasurably to this account had they been preserved. His

228. Campbell County Will Book, No. 1, 1782-1800, pp. 349-351.

first twenty years are almost completely blank in this respect, as are his last six. In between, there are spaces of several years about which little has been found. Nevertheless, some aspects of Lynch's character seem to be fairly obvious if the known facts are supplemented with a little speculation.

Lynch acquired a rebellious instinct early in his life from the teachings of the Quaker Church. After his break with the church it seemed only natural for him to fall in with and support the patriot cause, and no doubt the trouble which was developing in the late 1760's with England caused him to take a great interest in politics. His political philosophy subsequently came to coincide with that of the leaders of the Revolution because of his close association with those men in the Assembly, and the fact that he could hardly have kept his seat in the House of Delegates had it been otherwise. The presence of so many intellectual giants in Virginia at one time certainly must have been frustrating to a man with Lynch's energy, and rather than be relegated to an obscure position in the legislature for the remainder of the war, he chose to pursue more practical fields such as making gunpowder and managing the lead mines; both of which enterprises necessarily had to rate high in affairs of the state. Somehow, Lynch never seemed to fit in the legislature at any time, for his frequent absences from whole sessions or delays in taking his seat, although excused in the majority of cases, suggest that his main interests were elsewhere.

County affairs were a different thing, however, for there he could stand out above his fellow citizens. His long standing as a justice of the peace, his frequent appearances in court matters, and his commission as a colonel in the militia are testimony to that fact.

However, the most accurate picture of the real man probably comes out in Lynch's business dealings. He did not make a general practice of deceit, but neither was he averse to using it to attain his end if the occasion necessitated it. There is no concrete evidence that he went into partnership with Rubsaman for the benefit of the latter's credit, although the possibility did exist. But his encroachment on the Robinson estate and subsequent claim to a part of the lead mines is hard to justify. Apparently his claim at the mines was based on something akin to squatter sovereignty. Lynch's selling of the public slave is another instance of his more unscrupulous business dealings. In this case he had no rights whatsoever, and seemingly tried to bluff his way through.

The tory trials in which Lynch was involved will be the reason why most people will remember him. His conduct in this case hardly needs any justification, however. This was a matter of cold practicality for Lynch and other patriots. Tories had given trouble to the patriots throughout the war, and if the revolution was to succeed there must be infringements on civil rights occasionally. Rather than give those men the benefits of a proper trial, Lynch instituted

a new technique which, if it worked, would keep the tories suppressed by fear, and save the expense and trouble of transporting them to Richmond. From all appearances, Lynch's method was not successful, for the tories were active on the frontier almost until the end of the war. But had he been less independent, there may never have been a term to connote such proceedings.

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