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County government in colonial Louisa County, Virginia

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COUNTY GOVERNMENT IN COLONIAL LOUISA COUNTY, VIRGINIA

A Thesis

**Presented to
the Faculty of the Graduate School
The University of Richmond**

**In Partial Fulfillment
of the Requirements for the Degree
Master of Arts**

by

Rudolph Stone Rangel

August 1962

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PREFACE

Over one hundred years ago Joseph Martin, describing Louisa County, wrote, "This county has been the scene of no important historical incident."¹ This may well be true. Incidents, however, are not the only factors to be taken into consideration in determining the relative historical importance of a people or locality. A historical incident is usually the culminative crisis of a series of formative experiences in the lives of the members of a community. "Important historical incidents" may come to a climax at a given time and place, as in a military or parliamentary conflict, but their roots are to be sought in other places and at other times.

In this sense Louisa County merits consideration. The painful progress from Jamestown to the mountains took over a century and a quarter. It was in the Piedmont that a hardy, self-sufficient and (to their opponents in the Tidewater) disturbingly independent race of men was bred, which was to form the hard core of the offensive against the entrenched aristocratic interests, and around which the ever-growing number of patriots was to rally against the Crown. In many ways, Louisa has changed little from the typical Piedmont county of the eighteenth century.

The very names associated with the history of Louisa County fire the American historian's imaginations: Thomas Jefferson, born at Shadwell, attended Parson James Maury's school in Louisa, as did James Monroe, Bishop James Madison, and Dabney Carr.² The latter was a native of Louisa.

¹Joseph Martin, Comprehensive Gazetteer of Virginia and the District of Columbia (Charlottesville, 1835), 220.

²Richard L. Morton, Colonial Virginia (Chapel Hill: University of North Carolina Press, 1960) II, 577.

Also born in Louisa (in a section which later became part of Albemarle County) was George Rogers Clark, whose conquest of the northwest enabled the United States to claim so much territory in the peace negotiations of 1762 - 83; and there were others.

This study concerns itself with the establishment, functioning, and development of local government in colonial Louisa County for a number of reasons. In the first place, the growth of the institutions of self government is more clearly depicted at the "grass roots"; it was at the local level that the people were immediately affected by the legislation of the General Assembly, and it was here that the government came to grips with the problems of the colonists. The success or failure of many a grandiose scheme devised and enacted into law at Williamsburg was due, ultimately, to its enforcement or non-enforcement in the counties.

The county in colonial Virginia corresponded to the township in New England.³ It was the unit of representation at the legislature, and the positions taken by the Burgesses on the issues of the day generally expressed the needs of the counties they represented. To be sure, there were essential differences between the Virginia county and the New England township: ". . . the vast plantations were not grouped about a compact village nucleus like the small farms of the north . . . there was not in Virginia that Puritan theory of the church according to which each local congregation is a self-governing democracy."⁴

³Matthew Page Andrews, Virginia - The Old Dominion (Richmond: The Deitz Press, 1949), I, 342.

⁴John Fiske, Old Virginia and Her Neighbors (Boston and New York: Houghton Mifflin Company, 1897), II, 37.

Louisa County affords a unique opportunity for studying the establishment and organization of the colonial county government for other reasons. The county was not the original type of local administration in Virginia. The first unit was the "hundred," a territorial (rather than numerical) division. By 1619 it had been succeeded by the borough, and it was in the 1620's that the county became the most important unit. While the borough had been the original unit of representation at the House of Burgesses, the county (at first known as the "shire") gradually supplanted it.⁵

From the time of Bacon's rebellion in 1676 until the eve of the Revolution, there was a period of nearly a century of continuous growth and development, during which local governmental institutions progressed and set the pattern for the future. It was during this period that Louisa County was formed. Furthermore, this county was spared many of the upheavals and distresses to which other areas were subjected. This afforded it the opportunity to develop in a relatively "normal" manner (that is, with a minimum of accommodation to changing circumstances).

This thesis embraces the period from the creation of the county in 1742 to the eve of the Revolution in 1776. Developments after the latter year no longer form a part of colonial American history.

The resources of the Virginia State Library, the Virginia Historical Society, the University of Richmond, and the Louisa County Clerk's Office have been (we hope, profitably) exploited.

⁵Margaret McMillen, "The County Courts of Colonial Virginia" (Unpublished Master's Thesis, Indiana University, 1934), 2.

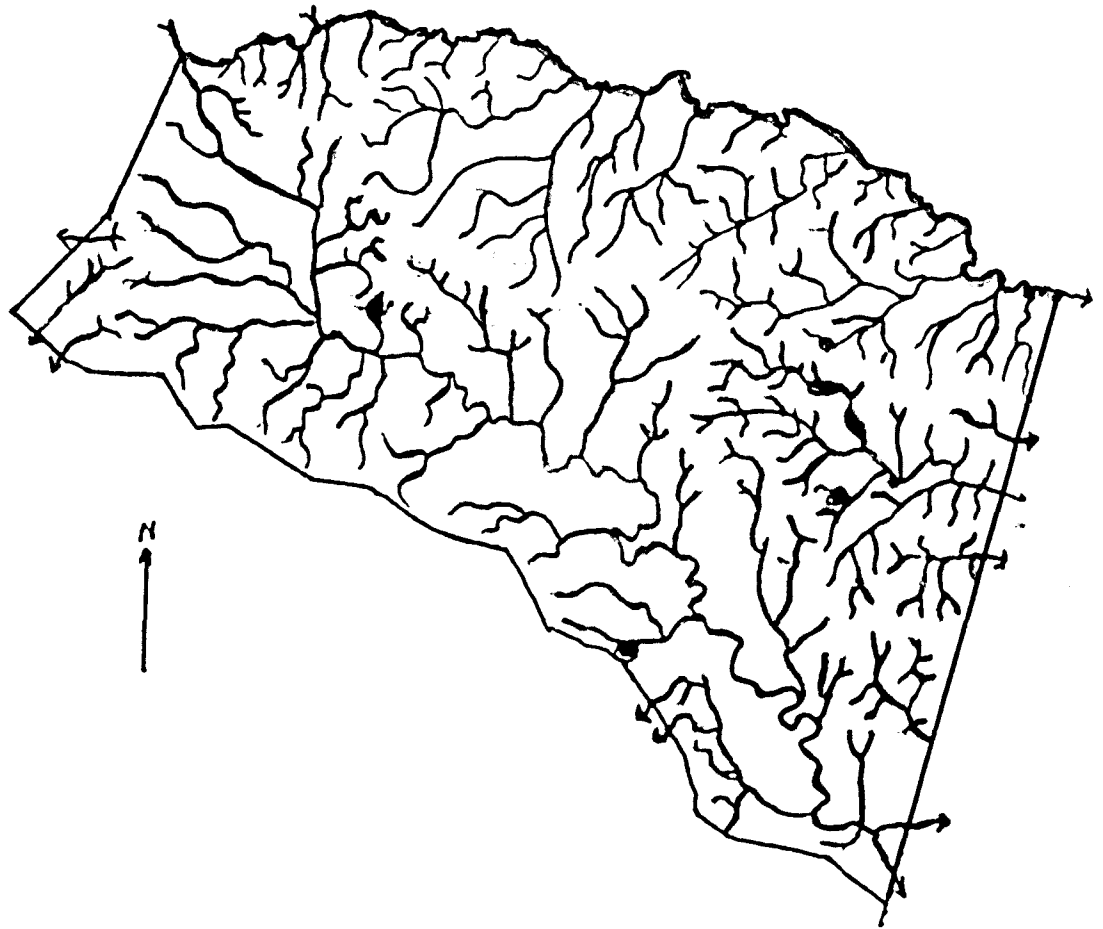
CHAPTER I
ORIGIN OF LOUISA COUNTY

Charles River, one of the original eight shires into which Virginia was divided in 1634, became York Shire in 1642. Eleven years later it was divided, and Gloucester County was formed on the north side of the York River. At that time the area included what are now King and Queen, Hanover, and Louisa counties. The Act establishing a separate County of Hanover was approved by Governor Spotswood in 1720. During the next twenty years, when the idea became prevalent that a new county would be formed from the upper part of Hanover, there was a rapid increase in the settlement of that area.¹

Louisa County is situated in the Piedmont Province of central Virginia, stretching out from the Tidewater to the foothills of the Blue Ridge Mountains. It consists of 514 square miles of gently undulating country, with elevations up to 500 feet above sea level, and it lies almost entirely within the Pamunkey River basin. The North and South Anna Rivers rise in the Southwest Mountains of Albemarle County, and are joined by the Little River to form the Pamunkey in Hanover County. The divide between the North and South Anna bisects the county from northwest to southeast.

The land has always been heavily forested. When the first settlers arrived, they found an abundance of pine, oak, hickory, gum, and other hard and soft woods.

¹Malcolm H. Harris, A History of Louisa County, Virginia (Richmond: The Deitz Press, 1936), 2.



Louisa County Waterways

- North Anna River and Tributaries** _____
- South Anna River and Tributaries** _____
- Little River and Tributaries** _____
- James River Tributaries** _____

The soil is among the best in Virginia. During the colonial period tobacco was the staple crop, and it is still extensively cultivated. Corn and wheat are also abundantly produced, as are garden crops.

Mining has played an important role in the county's economy since the eighteenth century. As early as 1608, Sir Christopher Newport is reported to have traced a vein of gold into the upper part of the county,² and prior to the Revolution, iron ore was mined for the furnaces in Spotsylvania County.³ In more recent times, pyrite and copper ore were mined near Mineral, and mica, soapstone, and barite in other areas.

There were few Indians in the area when the first settlers arrived around 1699. Writing about these settlers, Thomas P. Abernethy says that

Starting from the James River falls, the settlement did not extend much above until the decade of the 1720's. Then, within ten years, the central piedmont was occupied by its first settlers and landowners. Here . . . it was not the indentured servant seeking a home in the backwoods who first appeared The trail was broken by a group of prosperous men who needed new lands for the cultivation of tobacco, for the establishment of their younger sons on plantations of their own, and for purposes of speculation.⁴

It is generally conceded that the great migration into the western

²Charles W. Turner, "History of Louisa County," The Central Virginian (Louisa, Virginia, October 15, 1940).

³John Spenser Bassett, ed., The Writings of Colonel William Byrd of Westover in Virginia, Esq. (New York: Doubleday, Page and Company, 1901), 345.

⁴Thomas P. Abernethy, Three Virginia Frontiers (Louisiana State University Press 1940), 42.

part of the colony began somewhere around the second decade of the eighteenth century, and that it was primarily carried on by the enterprising planters. However, as early as 1699 there were settlers in what is now Louisa. One John Higginson, for example, obtained a land patent in that year near the South Anna River, near the lands already occupied by Henry Duke, esquire.⁵ This does not mean that these landowners were the first to settle in the area. Although no land patents are found prior to 1699, enough people lived in the vicinity to warrant the building of a church.⁶ Abernethy himself says that both Governor Spotswood and William Byrd state that the back country was in places "infested" with squatters, of whom they both give "highly unflattering accounts."⁷ Harris says that "prior to 1700 there were few people living in Louisa except, possibly, a few traders, and the frontier families from the lower counties."⁸

The "prosperous men" to whom Abernethy refers arrived in increasing numbers by the 1720's. In the records of the State Land Office are to be found patents issued for considerable acreages to men whose names figure prominently in the early history of the county. These patents range anywhere from 400 to 20,000 acres, granted at various times.

The first planters to arrive established themselves along the rivers. "The river land afforded more fertile soil, opportunity for grist mills,

⁵Walter Garland Duke, Henry Duke, Councillor, His Descendants and Connections (Richmond: The Deits Press, 1949), 33; also Harris, op. cit., 2.

⁶This was the old Hallowing Creek Meeting House, near Belcher's Road. Abandoned at the time of the creation of Trinity Parish in 1760, the site is marked by the grave of Patrick Belsches, who died in 1764. See William Waller Hening, The Statutes at Large (Richmond: 1819-23), VII, 428.

⁷Abernethy, op. cit., 47.

⁸Harris, op. cit., 2.

an important item in plantation life."⁹

By 1738 the population of upper Hanover County had increased to such an extent that a petition was presented to the House of Burgesses for the creation of a separate county. Read in December of that year, the petition prayed that

... the present county of Hanover be divided by a straight line to be run from the mouth of Elk Creek on the River North Anna to the mouth of Cub Creek on the north side of the South Anna River and thence by a straight course to Owen's Bridge on the county's main road till it intersects with the Goodland line.¹⁰

The House sent the petition of the inhabitants to a committee to prepare a proper bill for the Act. The next day it was reported for the first reading, and was subsequently amended on its second reading. The bill passed the House, but it was not approved by Governor Spotswood,¹¹ who was of the opinion that the multiplication of counties was not for the best interests of the people.¹² Had the bill been approved, a considerable portion of eastern Louisa, as it is today, would have remained a part of Hanover County.¹³

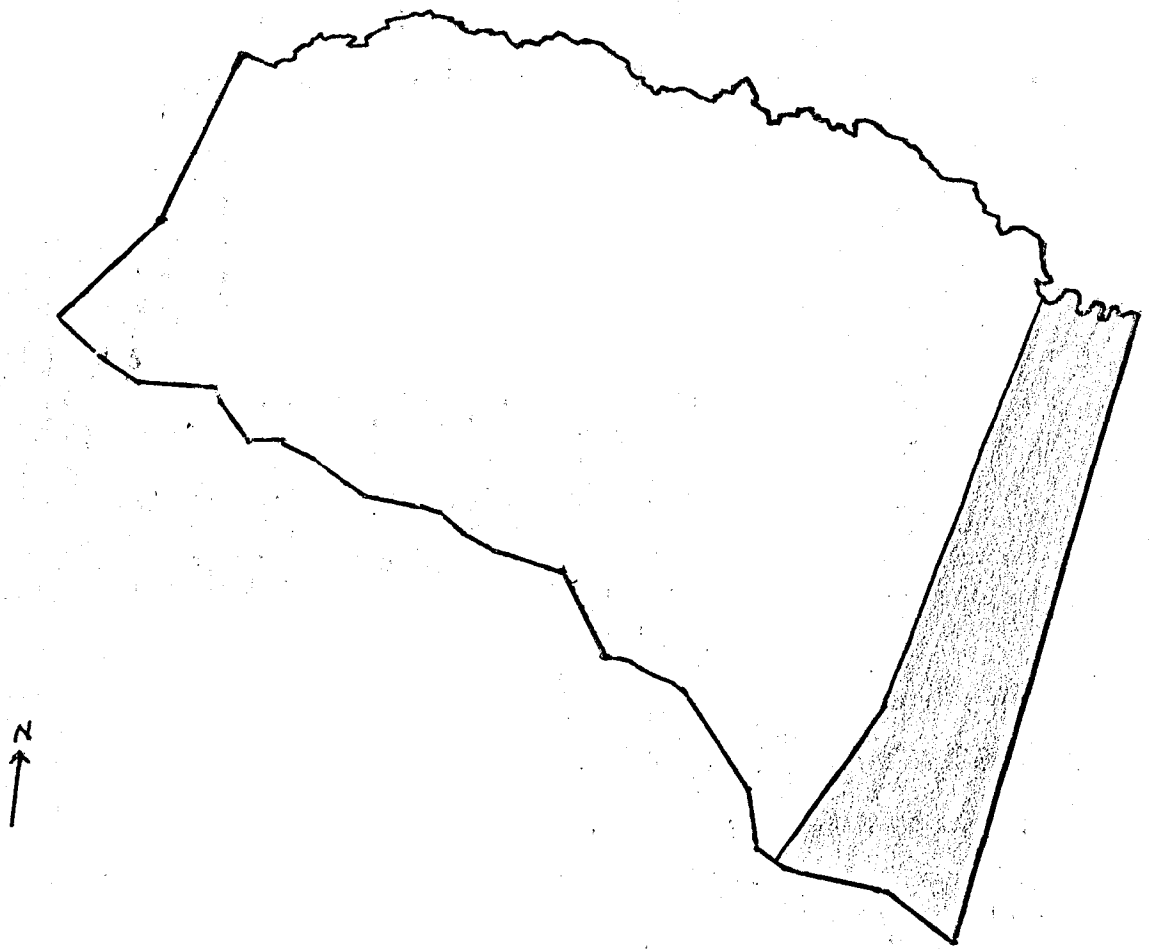
⁹Ibid., 3.

¹⁰Journals of the House of Burgesses (hereinafter cited as J. H. B.), 1738, 373.

¹¹Harris, op. cit., 12.

¹²As early as 1710, in a letter to the Council of Trade, the governor said that the "private ends of the Representatives of these counties over-swayed the public benefit of the people." See R. A. Brock, ed., The Official Letters of Alexander Spotswood. (Richmond: Virginia Historical Society, 1922), 36.

¹³See map on page 6.



Proposed area of Louisa County in the petition of 1733.
Shaded area would have remained in Hanover County.

A companion bill, calling for the division of Saint Martin's Parish, which included the area of the proposed new county, was also rejected.

A second petition was presented to the House in June, 1740. The Committee of Propositions and Grievances prepared a bill, which was duly reported, read, and passed on June 11th. It was then sent on to Council, but there seems to be no record of what action was taken, if any.¹⁴

Far from being discouraged, the "Freeholders and Housekeepers" of upper Hanover presented a third petition on May 18, 1742, alleging that

. . . many inconveniences attend the upper inhabitants of the county of Hanover, by reason of their great distance from the court-house, and other places appointed for public meetings . . .¹⁵

As on the two previous occasions, the House acted favorably, and resolved that the proposition from the County of Hanover, " . . . for Dividing that County . . . is reasonable."¹⁶ It ordered that the Committee of Propositions and Grievances prepare and bring in a bill pursuant to the resolution.¹⁷ Mr. Henry Fitzhugh, a Burgess from Hanover County and member of the Committee, wasted no time. He promptly reported and read a bill on the same day in which the resolution was passed -- a somewhat unusual haste, at the time. The bill was read a second time on May 20, and ordered "Ingressed." On its third reading, it became "An Act, for Dividing the County of Hanover, and erecting the upper Part thereof into a distinct County," and it was

¹⁴J. H. B., 1740, 416, 422, 427.

¹⁵Hening, Statutes, V, 208.

¹⁶J. H. B., 1742, 24.

¹⁷Ibid., 46.

"resolved, that the said Bill do Pass" Mr. Fitzhugh was then ordered to carry the bill up to the Council for their concurrence.¹⁸ The following Wednesday (June 2nd) there came a "Message from the Council, by Mr. Nelson: That they have agreed to the Bill, intituled, An Act for Dividing the County of Hanover; and Erecting the upper part thereof into a distinct County."¹⁹

On June 19, the Act was put into the statutes, having been approved by Lieutenant Governor William Gooch. As finally approved, the Act read as follows:

- I. Whereas, many inconveniences attend the upper inhabitants of the County of Hanover, by reason of their great distance from the court-house, and other places appointed for public meetings, Be it therefore enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and immediately after the first day of December next ensuing, all that tract of land now deemed to be a part of the said county of Hanover, lying above a straight course, to be run from the mouth of Little Rocky creek, on the river Northanna, south, twenty degrees west, until it intersects the line of Goochland county, be divided from the said county of Hanover, and be made into a distinct county, to be called by the name of Louisa county; And that the inhabitants thereof be exempt from any dependence on the said county of Hanover. - And for the due Administration of justice in the said County of Louisa, after the same shall take place,

Be it further enacted, by the authority aforesaid, That after the said first day of December, a court for the said county of Louisa, be constantly held by the justices thereof, upon the second Monday in every month, in such manner as by the laws of this colony is provided, and shall be by their commission directed.²⁰

The new county soon became involved in the numerous boundary disputes which were common in this period. In 1744 Louisa attempted to get a section of land from Orange County " . . . from the mouth of North East Creek

¹⁸ Ibid., 34

¹⁹ Ibid., 46.

²⁰ Hening, Statutes, V, 206, 209.

on the River North Anna, etc." The House rejected the petition as unreasonable.²¹ In 1752 a group of Orange County residents asked that their section be added to Louisa County. The petition was rejected by the Burgesses upon the recommendation of the Committee of Propositions and Grievances.²²

In 1755 some inhabitants of Albemarle County petitioned that the section of that county where they lived be annexed to Louisa.²³ At about the same time some "Freeholders and Housekeepers of the County of Louisa situate back of the Little Mountains" prayed that a considerable area of Albemarle County lying on the north side of the North Fork of the James River be taken from that county, that Louisa County also be divided, and that a new county be created from these two areas. The House rejected this petition.²⁴ Still another petition, presented by the people living on the south side of the Fluvanna River, asked that their area be annexed to Louisa. This was also rejected.²⁵ Finally, by Act of April 7, 1761, a large portion of Louisa County was ceded to Albemarle.²⁶ Louisa County's borders have remained the same ever since.

²¹J. H. B., 1744, 119.

²²Ibid., 1752, 11, 21.

²³Ibid., 1755, 237.

²⁴Ibid., 246.

²⁵Ibid., 243.

²⁶Ibid., 1761, 250.

CHAPTER II

COLONIAL LOUISA COUNTY

A system of monthly courts was created in Virginia for the first time in the year 1618. Put into effect by Governor Yeardly, this system provided for the redressing of small cases. At first these courts were held in "pre-cincts," the county system not having yet been developed. Monthly courts were established in Elizabeth City and Charles City in 1623 and 1624, respectively.¹ These monthly courts became known as Courts of Shire as a result of the Act of 1634 which divided the colony into eight shires.² The Act of 1710, which provided for their detailed organization, styled them "county courts," a term which had first been used to describe them in 1642.³

The bench of commissioners or justices was not elected by the freemen of the county concerned, but was appointed by the governor with the consent of the Council.⁴ During the period of the Protectorate, these appointments had to be approved by the House of Burgesses as well.⁵

During the eighteenth century the organization of the county courts did not change in any essential detail. The justices were still appointed by the governor, and still exercised all the legal and administrative authority in

¹Hening, Statutes, I, 185.

²Ibid., 186, 187.

³Ibid., III, 503.

⁴Executive Journals of the Council of Colonial Virginia (Richmond: 1925), I, 82.

⁵J. H. B., 1619-1659, 82.

their counties, as they had done in the seventeenth century. Not that there were no changes; but the changes that took place in the personnel of the courts were social rather than political or legal. In the eighteenth century the plantation aristocracy became firmly established, not only in the Tidewater, but in much of the Piedmont as well. This left the frontier counties as the only democratic areas in the colony.⁶

The justices received their appointments for life, or until they moved away from the county.⁷ They were men who ordinarily had no training in law or procedure, chosen more often than not from among the planters, their chief qualification being that they were men of high character and dependability.

The county court soon became a closed corporation or self-perpetuating body. When, for any reason, a vacancy had to be filled in the ranks of the justices, or another justice added, the court nominated three persons to the governor, of whom one was chosen. If for any reason the governor did not approve of any of the persons nominated, another three names could be required.⁸ "Thus, they kept the succession in their own hands."⁹

The law set the number of justices at eight,¹⁰ but considerable latitude was permitted, eight being the exception, rather than the rule.¹¹

⁶Albert Ogden Porter, County Government in Virginia, A Legislative History, 1607 - 1904 (New York: Columbia University Press, 1947), 46.

⁷Harris, op. cit., 14.

⁸Porter, op. cit., 49.

⁹Fiske, op. cit., II, 40.

¹⁰Hening, Statutes, I, 133; II, 21.

¹¹Porter, op. cit., 49.

According to the reports of the clerks of the county courts in 1769, there were only two counties reporting the legal number (Surry and Isle of Wight); others ranged from seven to twenty-two.¹²

By December of 1742, fourteen planters from Louisa County had received their commissions from the governor, and the first meeting was held to organize the county government. These men were Robert Lewis, Christopher Clarke, Ambrose Joshua Smith, Abraham Venable, Charles Barret, Richard Johnson, Thomas Meriwether, Robert Harris, John Carr, Joseph Bickley, Joseph Fox, John Stark, Joseph Shalton and John Poindexter, Gentlemen.¹³ Other names were added to the court until there were twenty-one in 1764.¹⁴ One would think that these men, or many of them, were still functioning at that late date, were it not known that most of them had died, and that their sons by the same names had succeeded them. Harris believes that this illustrated the "old English idea of rights passing on to the oldest son."¹⁵

The new justices were required to take long and elaborate oaths. The first item of business, according to the first Louisa County Order Book, was the taking of the oaths.

A commission of the Peace for this County directed to the above mentioned persons and Dodimus Potestaten for administering the Oaths sd. both bearing date the iv day of November last past were this day openly read - And thereupon the sd. Robert Harris and John Carr Administered

¹²William P. Palmer, ed., Calendar of Virginia State Papers and Other Manuscripts (hereinafter cited as Calendar), 1652-1781 (Richmond: 1875), I, 261 ff.

¹³Louisa County Order Book (hereinafter cited LCOB), 1742-1748, 1.

¹⁴Harris, op. cit., 44.

¹⁵Ibid., 17.

the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy and the Abjuration Oath unto the sd. Robert Lewis which he took and then subscribed the sd. Abjuration Oath and the Test And then the sd. Robert Harris and John Carr Administered unto him the Oath of a Justice of the Peace and the Oath of a Justice of the County Court in Chancery which he likewise took. And then the sd. Robert Lewis Administered all the sd. Oaths unto the sd. Christopher Clarke, . . . who in like manner took the [illegible] and subscribed the sd. Abjuration Oath and Test.¹⁶

The men who took the oaths on that day were all planters, and large landholders. That they were not men of law is illustrated by the fact that one of their first orders was "that the Clerk of this Court apply to Mr. Parks Printer for such of the Laws as are wanting for the Justices of this County."¹⁷

Appointed for life by the governor, the justices could freely exercise their functions without fear of reprisals at the polls. The voters had no control over them, and any complaints about their policies or conduct had to find their way to the governor. As was to be expected, they generally ran the counties to their own advantage. They enjoyed many privileges. In 1738, for example, the justices and clerk were exempted from military service.¹⁸ In many of the later roads acts, all persons holding servants or slaves were exempted from compulsory labor on the roads.¹⁹

¹⁶ LCOB, 1742, 1.

¹⁷ Ibid., 15

¹⁸ Hening, Statutes, V, 16.

¹⁹ Porter, op. cit., 46.

Under the circumstances, it is not at all surprising that " . . . Democracy in county government . . . was not to come until after the Revolution" ²⁰

The county courts had originally been known as "monthly courts," because of the frequency of their meetings. In 1642 these meetings were reduced to six times yearly, and were to be known as "county courts." ²¹ The Act creating Louisa County had specified that the court was to meet "upon the second Monday in every month," ²² and in compliance with this requirement, the first courts were so held. However, within two years a new Act stated that

Whereas the days appointed by law, for holding courts in the said county of . . . Louisa, are found to be inconvenient, . . . Be it further enacted . . . That from and after the First day of December next the court for the said county . . . [shall be held] on the fourth Tuesday in every month. . . . ²³

This seems to have proved satisfactory for a few years, for the day of court was not changed again until 1762, when it was set on the second Tuesday of every month. ²⁴ In 1764 it was again changed, this time to the second Monday, as originally. ²⁵ Of course, the justices were not limited to these stated days, but could call special meetings of the court in order to hear criminal cases within their jurisdiction. The sheriff was instructed to call the meetings in those cases. ²⁶

²⁰Porter, op. cit., 43.

²¹Hening, Statutes, I, 273.

²²Ibid., V, 209.

²³Ibid., V, 265, 266.

²⁴Ibid., VII, 420.

²⁵Ibid., VII, 47.

²⁶Ibid., V, 541.

At first there were no set places where the courts were required to meet, and the justices assembled wherever it was convenient for them or for the majority of the people. The justices would agree on the next place of meeting.²⁷ As time went on, the deficiencies of this haphazard method became apparent. Records began to accumulate, and people were heard to complain about courts being held in out of the way places. In 1696 the York County Court was required by law to meet at Yorktown.²⁸ Even before the first Louisa County Court met in December of 1742, the Council, at a meeting held on November 4th at the governor's house, reviewed some correspondence with the Louisa men. The record reads:

Upon Reading the Petition of Diverse Inhabitants of the County of Louisa Desiring that a Court may be Erected on the lands of Matthew Jouett on Beaver Creek, and upon Reading of Sev'ill l'res relating thereto, it is the Opinion of this Board that the Justices for the said Court shall meet and hold courts at Jouett plc for the space of Six Months, and if they cannot in that time Agree amongst themselves, that this Board will then take it under their further Consideration²⁹

County Clerk James Littlepage's first entry in the Order Book shows that the court met at the place ordered:

At the House of Matthew Jouett Gent on Beaver Creek in the County of Louisa the xii day of December in the xii year of the Reign of our Sovereign Lord George the second by the Grace of God of Great Britain France and Ireland King Defender of the Faith etc. Anno Dom. MDCCXLII,³⁰

Since Jouett kept an ordinary at the place of meeting, it was

²⁷ "Extracts From the Northampton County Records," The Virginia Magazine of History and Biography, IV, No. 4 (April, 1897), 408.

²⁸ Hering, Statutes, III, 147.

²⁹ Virginia Magazine of History and Biography, XVI, No. 1 (July, 1908),

³⁰ LCOB, 1742, 1.

to his particular advantage that the arrangement continue indefinitely, if not permanently. After traveling many weary miles through the forests and rough country roads, the citizens would find it quite comforting to attend court sessions at a place where their thirst could be quenched, and where they could find, if need be, lodgings and victuals.

Not all of the justices agreed, however, since some of them had to travel from the far ends of the county to attend court. This was true in the case of Thomas Mariwether and John Starke, who had to come all the way from what is now Albemarle County. Toward the end of the six months' period fixed by the Council, Jouett made overtures to the court, promising to build a court-house and other conveniences. Under date of April 17, 1743, the Order Book gives an account of the discussion:

The Court having had under their consideration where the most proper place will be to Erect a Court house for this County and being of Opinion that on some part of the Land of Mr. Jouët where the Court is now hold is the most proper place to Erect the same Therefore upon the sd. Jouët's proposing to build a Court house Prison and Stocks such as the old ones were in Hanover County. It is considered that the sd. Court house Prison and Stocks be built on such place of the sd. Land as the Court shall hereafter direct To which Thomas Mariwether and John Starke Gent dissenting alledging that on some part of the Land of Ellis Hughes is a more proper place Provided the sd. Hughes would do as much as the sd. Jouët offered to do, the sd. Hughes having offered to build such a Court house as the old one in Hanover County.³¹

Jouett won out, for at a Council held on May 3rd, 1743, it was ordered that the court-house be erected on his land.³² The matter was not brought up again until 1764, when the Council rejected a petition that the court-house again be moved.³³

³¹ LCOB, 1743, 32.

³² Virginia Magazine of History and Biography, XVI, No. 1 (July, 1903), 27.

³³ Ibid., 152 - 153.

As in England, the county in Virginia was primarily an area formed for the more efficient administration of justice. The duties of the county court were as numerous as its powers were extensive. It had jurisdiction over all criminal cases not involving the peril of life and limb, as well as in all civil cases where the sum did not exceed twenty-five shillings. Furthermore, it served as a probate court, and in the administration of wills.³⁴ In summary, it can be said that all local judiciary, legislative, executive, and even military powers were concentrated in the hands of the county court. The separation of powers was unknown.

One of the most important functions of the court was the laying of the county levy. There were three tax levies in Virginia during the colonial period: the public levy, laid by the General Assembly; the parish levy, laid by the vestry; and the county levy. All three were laid in the form of a poll tax, a system most people felt was the fairest form of taxation.³⁵

The county court was responsible for paying all the expenses of the local government, including the building and care of the court-house and jail, the coroners' fees, the allowances to the Burgesses, the payment of salaried officials (the justices themselves were not salaried men, but served without pay), and even the equipping and support of the militia.³⁶

³⁴ Fiske, op. cit., II, 39.

³⁵ McMillen, op. cit., 25.

³⁶ Fiske, op. cit., II, 40.

The first session of the Louisa County Court ordered that

. . . the Clerk provide the necessary Books for the Records of this County and that he be allowed for the same at the laying of the County Levy. And that he also provide a Presser chest for the safekeeping of the sd. Records for which he is likewise to be allowed in the County Levy.³⁷

It was also ordered that the County Surveyor, Robert Harris, provide the necessary books for his office, and that he be allowed for them at the laying of the Levy.³⁸

A law of 1662, which did not change in any essential respect until post-Revolutionary times, provided that the levy include all male whites of any age, all Negroes, male or female, and all Indian servants. Women who worked in the fields were declared tithable, and the court could also decree whether any woman's occupation made her tithable.³⁹

The list of tithables was made up every spring, for every county, under the direction of the justices. For this purpose the county was divided into small precincts, and commissioners were appointed to receive the list in each.⁴⁰ These lists were turned over to the county clerk, who made complete lists for the use of the justices. Copies were sent to the secretary of the General Assembly before the September session, and the public levy was laid on the basis of these county tithable lists.⁴¹

³⁷ICOB, 1742, 4.

³⁸Ibid., 5.

³⁹Hening, Statutes, II, 84, 170.

⁴⁰Ibid., II, 83.

⁴¹Ibid., II, 24.

The justices had the privilege of exempting people from the list of tithables for a number of reasons. A citizen could be granted an exemption if he were a long time resident in the county, had settled on a dangerous frontier, had suffered losses due to fire or other cause, etc.⁴² Public officials, including the Burgesses, Councillors, and the county justices themselves, were exempt, as were the governor, his family and servants.

Understandably, this system of exemptions soon fell into abuse, and people began to suspect that the justices granted exemptions to their friends and relatives. Since this cast a heavier burden upon the rest of the people, requests were made to the General Assembly that no exemptions be made without the concurrence of the whole court.⁴³

The county taxes — and often the parish taxes as well — were collected by the sheriff. They were usually paid in tobacco, and he served as its custodian, being also responsible for its proper disposal. Thus, the sheriff functioned as county treasurer,⁴⁴ and was assisted in this arduous duty by the sub-sheriffs. Tax receipts were given by the sheriff or sub-sheriffs on pieces of paper of all shapes and sizes. Harris⁴⁵ gives sample receipts from Louisa County:

⁴²Ibid., I, 199, 460; II, 84, 85.

⁴³Virginia Magazine of History and Biography, V, No. 1 (July, 1897), 36.

⁴⁴Fiske, op. cit., II, 40.

⁴⁵Harris, op. cit., 40.

Rec'd of Mr. James Overton the quitrents of eight hundred acres of land and five levies for 1743.

Per Charles Smith, S. s.

1763 Mr. Samuel Ragland		
To 13 tithes 837 tobacco per hhd 4/1/2 e.2	12	
To 1657 acres and tax 4/6 1/6	3	15 5
To 967 acres and tax belonging to est.		
John Ragland, dec.	2	1
To ticket to Sec'y Nelson		4 8

July 21, 1763

The rec'd above acc't for year 1762.

Jno Juett, Subsheriff.

The right to hold public office in the county was limited to people who were eligible to vote — that is, landowners. By an Act of 1705 Indians, Negroes, and convicts were excluded, although the latter could have the right to hold office after their restoration to the community.⁴⁶ The principal officers of the county, such as the justices, clerk, and sheriff, were appointed by the governor, while the minor officials were elected by the justices.

James Littlepage, Gentleman, presented a commission from "His Secretary Robinson bearing date the xxix day of October," 1742, appointing him clerk of the Louisa court. He took the customary oaths and thus entered into his duties.⁴⁷ This man served the county in that capacity for eighteen years, and was succeeded by John Nelson in 1760.⁴⁸

⁴⁶Hening, Statutes, III, 250.

⁴⁷ICOB, 1742, 2.

⁴⁸Harris, op. cit., 439.

The first sheriff of Louisa County was John Bickley. Since his duties required him to handle the finances of the county, he had to bring along two sureties, John Carr and John Poindexter, who acknowledged their bond for his "due Execution of the Office"⁴⁹ This bond was made necessary because of the ill repute into which the office had fallen due to the unscrupulous and often unjust manner of collecting taxes. On many occasions the General Assembly had been forced to take action against the sheriffs and their assistants. Since they were not paid a stated salary, but were on a fee basis, they often saw to it that their own fees were collected first, ignoring the needs of the county.⁵⁰

On Sheriff Bickley's motion, one Charles Smith was appointed undersheriff by the court, being first required to take the Abjuration Oath and Test.⁵¹

The court then set about electing the other necessary officials of the county government. It ordered that all surveyors of the roads appointed by the Hanover Court continue as such for the time being, and then chose Benjamin Johnson, William Saxon, and James Goodall to be constables, each for a different precinct.⁵² Ben Hensley was elected to serve in the precinct above the mountains (later Albemarle County).⁵³ These elections were not without incident, however, for at the next court,

⁴⁹LCOB, 1742, 2.

⁵⁰Porter, op. cit., 28, 72.

⁵¹LCOB, 1742, 3.

⁵²Fiske, op. cit., II, 39.

⁵³LCOB, 1742, 5.

convened on February 11, 1743, we find that

Benjamin Hensley at the last court being appointed Constable and then & now refusing to take the Oath appointed to be taken by Act of Assembly concerning Deer is fined five shillings to our sovereign Lord the King, for his contempt and John Dickeson is appointed Constable in his stead.⁵⁴

Other officials recommended to the governor for appointment at this time were the coroner and the King's attorney. The coroner's office does not appear until the late seventeenth century, and the justices were required to serve in that capacity without fee.⁵⁵ Later on, however, the governor appointed one or more coroners for each parish.⁵⁶ William Waller, Gentleman, was recommended "to his Hin. the Gov. as a person duly qualified to serve as King's attorney" for the County of Louisa.⁵⁷

Lawyers qualified to practice before the court by taking the "Oath appointed to be taken by Attorneys mentioned in the Act of Assembly entitled An Act to prevent Lawyers exacting or receiving exorbitant Fees."⁵⁸

As stated before,⁵⁹ the court had the authority and responsibility to provide the county militia. During the eighteenth century, the justices played an important role in carrying on the struggle against the

⁵⁴LCOB, 1743, 13.

⁵⁵Hening, Statutes, II, 325; also Fiske, op. cit., II, 39.

⁵⁶Fiske, loc. cit.

⁵⁷LCOB, 1742, 4.

⁵⁸Ibid., 3.

⁵⁹See above, p. 17.

French and Indians. They assessed special taxes in the county levy for provisions, and enlisted men in the militia who were unemployed or unprofitably occupied.⁶⁰

Although no record exists of any actual engagement within the County of Louisa, the area was, nevertheless, greatly affected by the conflict, as can be seen from a letter written by the Reverend James Maury, of Fredericksville Parish in Louisa County, to Philip Ludwell, a member of the Council at Williamsburg,⁶¹ and dated "Louisa, 10 February 1756."

. . . Not to mention the repeated Acts of Hostility and Violence, committed on our fellow-subjects, in the remotest Parts of this Colony, by those bloody Instruments of french Policy, the Indians; nor the great Extent of country, on both sides of the Alleghanies, now almost totally depopulated by them . . . such Numbers of People have lately transplanted themselves hence into the more southerly Governments, as must appear almost incredible to any . . . From the waters of Potomac, James & Roanoke Rivers on the eastern side of the above mentioned Ridge of Mountains . . . hundreds of Families have, within these few Months past, removed, deserted their habitations . . . By Bedford Courthouse in one week, 'tis said, & I believe, truly said, near 300 Persons, Inhabitants of this Colony, past, on their way to Carolina . . . no later in Autumn that October 5000 more had crossed James River, only at one ferry, that at Goodland Courthouse, journeying towards the same place. . . Scarce do I know a Neighborhood, but what has lost some Families, & expects quickly to lose more.⁶²

⁶⁰ Henning, Statutes, I, 95; VII, 70; II, 238.

⁶¹ This Reverend James Maury was the plaintiff in the celebrated "Parson's Cause Case" which projected Patrick Henry into public life eight years later.

⁶² Virginia Magazine of History and Biography, XIX, No. 3 (July, 1911), 292 - 304.

Originally the counties had been subdivided into military districts, and the county lieutenant was invested with the military command.⁶³ At the first Louisa County court session, Robert Lewis, esquire, was appointed "Colonel of this County by Commission of the Hon. the Lieut. Gov.", Richard Johnson was appointed lieutenant colonel, and James Littlepage, Gentleman, major.⁶⁴ John Poindexter was named "Capt. of a Troop of Horse in this County," and "Ambrose Joshua Smith gent Capt of a Company of Foot in this County."⁶⁵

During the French and Indian War, Louisa County provided four companies of Rangers, known as the Captain Samuel Overton Company, the Captain Obadiah Woodson Company, the Captain Samuel Meredith Company, and the Captain Joseph Fox Company. These served in 1755 and 1756.⁶⁶

Less dramatic, perhaps, but no less important than the military activities of the court were its ordinary duties of keeping up the daily routine of government in the county. By Act of Assembly, the courts were responsible for seeing that the roads and bridges were built and kept in repair. When a road went from one court-house or public building to a similar place in an adjoining county, each court was to complete the section within the bounds of its jurisdiction.⁶⁷

⁶³Flake, op. cit., II, 41.

⁶⁴LCOB, 1742, 8.

⁶⁵Ibid., 9.

⁶⁶Harris, op. cit., 50.

⁶⁷Hening, Statutes, V, 33; VI, 65.

On February 14, 1743, at the second session of the Louisa court, we find that

John Rhoades and David Cosby at the motion of Charles Barret Gent are appointed to view the way from Stephen Petus's plantation to John Estes's Race Ground and report to the next Court where the most convenient road may be made.⁶⁸

Thereafter we find that the citizens petition for roads at almost every meeting of the court, and the court regularly orders the surveyors to report on where the "most Convenient roads may be made,"

The courts were to license ferries and ordinaries:

At the motion of Matthew Jouet Gent License is granted him to keep an Ordinary at his house in this County by the Court-house he with John England his security having first entered into Bond⁶⁹

The court also added that

The rates and prices that every Ordinary keeper in this County may ask demand receive or take for Drink, Diet, Lodging, Fodder, provender or pasturage are set and rated by this Court as the same now stands rated in Hanover County.⁷⁰

The justices were wise in protecting themselves from the possibility of Mr. Jouett's profiting too much at their expense.

In setting up the machinery of government, the court provided for the administration of justice. Thus, one of the first items of business was to order the sheriff to give public notice "for workmen to appear . . . in order to undertake the building of a Prison."⁷¹ Two months later the

⁶⁸ LCOB, 1742, 10.

⁶⁹ Ibid., 3.

⁷⁰ Ibid., 4.

⁷¹ Ibid., 3.

court ordered " . . . that Benjamin Hansen build a pair of stocks for the use of this County"72

By the end of February, 1743, Louisa County was functioning as a fully organized unit of colonial government.

The county courts were responsible for the holding of elections, and were required to see that they were held as prescribed by law.⁷³ "The principal election laws in force during the eighteenth century were passed in 1699 (Hening iii, 172-5), 1705 (Hening iii, 236-46) and 1736 (Hening iv, 475-8)."⁷⁴

According to law, the voter was an adult white male property owner. The amount of property necessary to qualify was not settled until 1736,⁷⁵ when it was set at one hundred acres of wild land or twenty-five acres of occupied land. Sydnor⁷⁶ says that

A one room log cabin or a tract of poor land, worth no more than £.8 or £10, qualified a man to vote. Nearly all landowners had more than enough land to vote, and most of them were not great landowners, but were farmers of moderate means, owning few or no slaves.

The writ for election was sent to the sheriff at least thirty days before a new General Assembly was to meet, and the local parish minister read it on each Sunday until the election took place. At first, the sheriff went around to the various householders and received the votes. Since this

⁷²Ibid., 9.

⁷³Porter, op. cit., 19; Hening, Statutes, I, 227.

⁷⁴Charles S. Sydnor, Political Leadership in Eighteenth Century Virginia (Oxford: Clarendon Press, 1951) I, note.

⁷⁵Hening, Statutes, IV, 524.

⁷⁶Sydnor, op. cit., I.

soon became too much of a burden for him, the court ordered the sheriff to publish the day on which the election was to take place, so that the free-men could come to the court-house and enter their names on the records.⁷⁷

According to an Act of 1762,⁷⁸ the election was to be by voice vote or a showing of hands, unless a poll was demanded. In such a case, the sheriff was to provide a poll book listing the candidates, and the voters were to write their names under the person's name for whom they voted. Twenty days later the sheriff was to deliver his poll list to the clerk, and also give a copy to the candidates who desired one.⁷⁹

In 1645 the number of Burgesses from each county had been limited to four,⁸⁰ and later, in accordance with English usage, to two.⁸¹ Charles Barret and Abraham Venable were the first Burgesses to be elected from the County of Louisa, to serve in the session of 1743. However, Mr. Barret served alone at that session, since the election of Venable was contested by Robert Lewis. The Journals state, under date of September 7, 1743,

A petition of Mr. Robert Lewis, complaining of an undue Election and Return of Mr. Abraham Venable, to serve as a Burgess from the County of Louisa, was presented to the House and read.⁸²

⁷⁷Virginia Magazine of History and Biography, IV, No. 4 (April, 1897), 403; Porter, op. cit., 54; Hening, Statutes, III, 236.

⁷⁸Hening, Statutes, VIII, 520.

⁷⁹Porter, op. cit., 56.

⁸⁰Richard L. Morton, Colonial Virginia (Chapel Hill: University of North Carolina Press, 1960), I, 149.

⁸¹Hening, Statutes, II, 20.

⁸²J. H. B., 1743, 8.

This petition of Mr. Lewis' was referred to the Committee of Privileges and Elections of the House, with the result that this committee reported, on September 8th, that the return of the writ of election from Louisa County had been made in the form prescribed by law.⁸³

In the sessions of 1744, 1745, and 1746, Charles Barret again served alone, and was joined by Abraham Venable for the next two sessions. Venable continued to serve until 1755, first with Thomas Walker, and later with Robert Anderson. William Johnson (one of the defendants in the "Parson's Cause Case") was elected in 1761, and served with Thomas Johnson until 1765, when he resigned in order to accept the office of coroner.⁸⁴ A writ of election to supply his place was awarded in May of that year, and Patrick Henry was elected.⁸⁵

William Wirt⁸⁶ says that Henry was elected "with express reference" to his opposition to the Stamp Act (over which the Colonies were then in turmoil), and it has been stated that Johnson actually resigned in Henry's favor. This latter assertion has been disputed.⁸⁷ Be that as it may, Johnson was certainly a friend of Henry's, since the latter had defended him and Tareyton Brown in the "Parson's Cause Case," and they knew that Henry stood with them against the Tidewater aristocracy.

⁸³ Ibid., 83.

⁸⁴ Ibid., 1764, 315.

⁸⁵ William Wirt, The Life of Patrick Henry, edited with notes by Henry Ketchum (New York: A. L. Durt Company, 1903), 55.

⁸⁶ Ibid., 56.

⁸⁷ Harris, op. cit., 30.

Alfred J. Mapp⁸⁸ states that at the time of his election "Henry was . . . neither a resident nor property holder of Louisa . . ." However, records at the Louisa County court-house show that he had owned the Roundabout Plantation for six years,⁸⁹ and Wirt says that he moved to Louisa County in 1764 "hoping to improve his financial situation. To a place called Roundabout."⁹⁰

Henry's election was not well received in some quarters at Williamsburg. He was no stranger there, having appeared the preceding year before the Committee of Privileges and Elections as counsel for Nathaniel West Dandridge of Louisa, who contested the election of James Littlepage.⁹¹ Also, by now the "Parson's Cause Case" had become a causa celebre. Whether or not these activities of Henry's had anything to do with it, when the Committee of Privileges and Elections reported on the returns of writs from the counties which had named Burgesses to fill vacancies, all writs were accepted or amended except one -- the certificate of election for Mr. Henry from Louisa. The House voted to summon sheriff John Jouett (old Matthew Jouett's son) "in custody to amend his said return."⁹² Henry passed this test, and took his seat.

⁸⁸ Alfred J. Mapp, Jr., The Virginia Experiment - The Old Dominion's Role in the Making of America, 1607 - 1765 (Richmond: The Deitz Press, 1957), 298; see also Dumas Mahone, ed., Dictionary of American Biography (New York: Charles Scribner's Sons, 1932), VIII, 553.

⁸⁹ Louisa County Deed Book B, 254.

⁹⁰ Wirt, op. cit., 49.

⁹¹ Charles S. Sydnor, Gentlemen Freeholders, Political Practices in Washington's Virginia (Caspel Hill: University of North Carolina Press, 1952), 102 - 103; see also Mapp, op. cit., 303; Harris, op. cit., 30, 31.

⁹² J. H. B., 1761, 359.

CHAPTER III

THE PARISH

Closely allied to the county as an area of local government was the parish. It actually antedated the county, since the first church was founded at Jamestown. Church wardens are mentioned as early as 1619, and their election at a public meeting was noted in 1631.¹

The number of parishes in a county varied. In small, compact counties there was one parish, whose area was generally co-terminous with that of the county, while larger counties might have several. The number and boundaries of parishes were usually decided by the county court,² although this was not the universal practice. In 1667³ the Assembly itself changed parish lines in an Act uniting two parishes into one.

The Act creating the County of Louisa from Hanover County in 1742 was accompanied by another Act dividing the Parish of Saint Martin, in Hanover County, and creating Fredericksville Parish to serve the new county:

The Parish of St. Martin's shall be divided by a line to be run from the mouth of Gladys Creek on the south side of the river North Anna, course South 20 degrees West till it intersects the line of Goochland County. And all that part of the said parish situated below the said line to the east thereof, to be erected into one distinct parish and retain the name of St. Martin's and all that part thereof set above this line to the west thereof to be erected into another distinct parish and called by the name of Fredericksville.⁴

¹Porter, op. cit., 37.

²Hening, Statutes, I, 49.

³Ibid., II, 252.

⁴Ibid., V, 211.

The governing body of the parish was the vestry, elected by the parishioners.⁵ The number of vestrymen varied between parishes, although a law enacted in 1660 set the number at twelve.⁶ Louisa County's Fredericksville Parish elected eighteen vestrymen at the first meeting in 1742.⁷ By the time of the Revolution, the vestry had become, like the county bench, a closed corporation, the vestrymen filling the vacancies caused by death or removal to another area.⁸ This was regularly done at Fredericksville:

At a Vestry held for Fredericksville Parish at Louisa Co House, the 16th June 1746. This day Wilm Meriwether is chosen a vestryman for this parish in the rooa of Thom. Meriwether Gent who is removed out of this parish.⁹

The executive officers of the parish were the church-wardens, elected by the vestry.¹⁰ Fredericksville Parish vestrymen elected Robert Lewis and Charles Barrett at their first meeting in 1742.¹¹ This vestry was composed of Thomas Paulett, A. I. Smith, David Cosby, Charles Barrett, Robert Lewis, John Pendleton, Thomas Ballard Smith, Abraham Venable, Roger Thompson, Ephraim Clark, John Meriwether, Nicholas Meriwether, David Mills, Robert Harris, William Johnson, John Harvie, Thomas Johnson, and Tyree Harris.¹² The close union of county and parish can be seen from this roster. Most of the vestrymen were also county justices, and some represented the county at the House of Burgesses.

⁵Ibid., I, 290.

⁶Ibid., II, 25.

⁷Vestry Book of Fredericksville Parish, 1742-1787 (Ms. at the Library of the Episcopal Theological Seminary, Alexandria, Virginia. Microfilm reel no. 268, Virginia State Library, Richmond, Virginia).

⁸Porter, op. cit., 89.

⁹Vestry Book of Fredericksville Parish, June 16, 1746.

¹⁰Hening, Statutes, I, 180.

¹¹Vestry Book of Fredericksville Parish, 1742-1787, December 14, 1742.

¹²Ibid.

The primary functions of the parish were, of course, of a religious nature. The vestrymen were responsible for hiring and paying the minister, maintaining the church, parsonage, and glebe lands, and maintaining the moral tone of the parish. A letter from Francis Jordone, dated "Louisa County in Virginia, January 20th, 1759," reads:

Mr. Jacob Howitt:

I am expowred by the vestry of the parish in which I live to send for some ornaments for the church. I now apply to you for a new pulpit cloth and cushion, which must be made of good purple velvot, with a neat silk fringe round the cloth, & silk tassils to the cushion: The shape of the pulpit is 6 squares: each of which is two foot: 3 of which the pulpit cloth must cover & must be 4 foot deep: . . . you may add thereto 6 yds pink English persian. Be pleased for the future to have all the clokes with double capes, as they are more saleable than those with single ones.¹⁶

Fredericksville Parish held services at three locations before the Revolution, as can be seen from the entries in the Vestry Book:

Ordered that divine services be held at Louisa Courthouse, at Benjamin Johnson's and at William Cosey's and in the following manner, twenty-four sermons per year at the rate of 300 pounds of tobo. per sermon to be performed and delivered to the Rev. Mr. Robert Barrett who hath this day agreed with the vestrymen for the same.

Alexander Freeman was elected clerk at Louisa Courthouse, James Lastley clerk and reader at Benjamin Johnson's, and Ben Henaley at William Cosey's.¹⁷

The civil duties of the parish were considerable. The parish was primarily responsible for the administration of public welfare, such as the relief of the poor and the care of dependent children, and the processioning of lands to renew boundary marks.¹⁸

¹⁶ William and Mary Quarterly (series 1), XVI, no. 2 (October, 1907), 132.

¹⁷ Vestry Book of Fredericksville Parish, April 12, 1743.

¹⁸ Morton, op. cit., II, 466 and note.

The latter function could occasionally give rise to controversy. In 1743, for example, vestrymen Ambrose Joshua Smith and Joseph Martin, of Frederickville, "peaceably" processioned a number of tracts, until they came to the lands of one Roberte Rowe. The record reads:

. . . Robert Rowe Beginning at Mr. Smiths line thence to Hickman & Gomeys line — where the said Rowe lives they Raised a dispute Concerning the line the sd. Durrett Shewed a line and said it was the right line but Robert Rowe Denied it and went goe no farder. There lies several other persons lands in Our precincts, Some whereof the People lives out of the County and Others knows not there lines, so that wee have not processioned them.¹⁹

Orphans and dependant children were disposed of by the parish by binding them over as indentured servants to some planter. This was, in most cases, the best possible disposition of these children, since the master was required, in return for their services, to

. . . teach or cause to be taught the said apprentices wall to read and write the Mother tongue and to that End put them to school one full year, betwixt the Age of Eight, and fourteen years & . . . to use his best endeavors to learn the said apprentices the planters' trade and to that End will Keep them to the constant employ of a planter, and will also find and provide for them good clean and wholesome food, Raiment and lodging such as shall be meet and Convenient for an Apprentice, and as Other Apprentices in like cases are usually provided for and allow'd . . .²⁰

Dependent children and orphans were bound out by the church-wardens in persuance to orders from the county court.²¹ After the disestablishment of the Church, the same function was performed by the Overseer of the Poor.²²

¹⁹ Frederickville Parish Procession Returns, September 13, 1743.

²⁰ Ibid., March 4, 1784.

²¹ Ibid., October 14, 1784.

²² LCOB, 1790 - 1793, 57.

To pay for the expenses of the parish, the vestry was empowered to lay a tax, which, in Louisa, as in most of the other counties, was collected by the sheriff along with the regular county taxes.²³ There were a number of abuses, since the vestrymen had no legal check in the matter of the amount collected, or the way in which it was spent.²⁴ Only the Assembly could remedy the situation if it became intolerable.

By the year 1762 the Assembly, in response to a petition from the Fredericksville Parish, decided to divide the same and create a new parish.²⁵ The result was that Trinity Parish was created entirely within the County of Louisa, while Fredericksville was situated almost entirely within Albemarle County. Harris²⁶ says that

There was no book of records kept of either the vestry of the new parish or any form of register as far as known, Mr. Grammar, who was rector of this parish, so states in his report drawn up about 1880.

The first tremors of the Revolution in Virginia were felt in Fredericksville Parish in 1761, when the Reverend James Maury sought to collect his back pay from the vestry, without success. This squabble erupted into the "Parson's Cause Case," which catapulted Patrick Henry into the limelight.

The colony was undergoing a period of economic distress due to failures of the tobacco crops of 1755 and 1758, and to the passage of unwise paper currency laws during the French and Indian War.²⁷ To help relieve the plight

²³Hening, Statutes, I, 115, 336; IV, 205. Also Vestry Book of Fredericksville Parish, November 27, 1747.

²⁴Hening, Statutes, VI, 253.

²⁵Ibid., VII, 428; J. H. B., 1762, xlvii.

²⁶Harris, op. cit., 167.

²⁷Oscar T. Barck and Hugh T. Lofler, Colonial America (New York: The Macmillan Company, 1958), 424, 485.

of the planters, the Assembly passed an Act in October, 1755, converting the pay of the clergy, ordinarily paid in tobacco, into currency at the rate of 2d. per pound. Reenacted over the protests of the clergy in 1758, the Act was disallowed by the Privy Council in August, 1759. The clergy then proceeded to sue for their back salary.

James Maury had become rector of Fredericksville Parish in 1751,²⁸ and was to serve in that capacity until his death in 1769. Since the income he derived from his parish was insufficient to support his wife and twelve children, Mr. Maury operated a private school near Walkers in the part of Louisa that became Albemarle County. This school was attended by, among others, Thomas Jefferson, James Monroe, and James Madison (later Bishop of Virginia).²⁹

Parson Maury had refused to oppose the first Act of 1755 (called the "Two Penny Act"), in view of the prevailing conditions, declaring that " . . . each individual must expect to share in the misfortunes of the community to which he belongs."³⁰ But, by 1761, things were going too far, even for such a self-sacrificing and sincere man: planters were taking advantage of the law to deprive the clergy and other creditors of their just payment; besides, the Act had been disallowed, and he felt justified in demanding the amounts he had lost before the action of the Privy Council. What took place when he demanded these amounts is graphically described in the Vestry Book:

At a Vestry 24th March, 1761, Ordered that Rev. Mr. Maury in consideration of the provision of the Act of 1758 for payment of all taxes to collectors at two penny for each pound of tobacco being disannulled by his Majesty be it moved that this vestry for the overplus due him for his salary should be paid him by virtue of the Act and his motion was rejected upon³¹ which the Rev. Mr. Maury lodged his account for the same.

²⁸Harris, op. cit., 165.

²⁹Ibid., also, see above, p. 1.

³⁰Ann Maury (ed.), Memoirs of a Huguenot Family (New York: The Century Company, 1907), 402.

³¹Vestry Book of Fredericksville Parish, March 24, 1761.

In view of his vestry's rejection of the demand, Mr. Henry asked for payment from the sheriff of Louisa County, Thomas Johnson, and his sub-sheriff, Tarleton Brown. He had no more success with them, so he proceeded to institute suit against them as collectors of taxes, and against their sureties, on April 1, 1762, over one year later, in Hanover County Court.³² Henry knew that he could get no justice from the Louisa Court, composed of his own recalcitrant vestrymen, but he seems to have overlooked the fact that Hanover County was a Dissenter stronghold.³³

The Hanover Court held that the 1758 Act was "no law," and there was nothing left of the case but to fix the amount of damages due to Henry. John Lewis, attorney for the defendants, dropped the case, believing it already lost. A jury was called for December of 1763 to look into the matter of the amount of damages, and the defendants were represented this time by the novice lawyer, Patrick Henry, Jr.

Johnson was not only the sheriff and a vestryman, but also a Louisa representative at the House of Burgesses. He was, besides, quite rich, "born to considerable property, and owned many slaves."³⁴ The acceptance of this case may have been instrumental in launching Henry's political career.

The trial, held on December 1st, 1763, gave Henry an opportunity to attack the crown itself. He is said to have implied that "a King, by annulling or disallowing an act of so salutary a nature, from being the father of his people, degenerated into a tyrant, and forfeits all rights to his

³²Horton, *op. cit.*, II, 809.

³³Harris, *op. cit.*, 160, 161; Horton, *loc. cit.* Also, *cf.* LOOB, 1763, with the Vestry Book of Fredericksville Parish for the same year.

subjects' obedience."³⁵ Peter Lyons, attorney for Mr. Henry, cried out that Henry had spoken treason, and that he was astonished that the justices had not reprimanded him. There were murmurs of "Treason! Treason!" from the audience.³⁶ The jury, after five minutes' deliberation, awarded Henry one penny.

³⁵ Henry, op. cit., 121, 122.

³⁶ William Wirt Henry, Patrick Henry. His Life, Correspondence and Speeches (New York: Charles Scribner's Sons, 1891), I, 39; Horton, op. cit., II, 811.

CHAPTER IV

RECAPITULATION AND CONCLUSION

The American Revolution made very little impact on the Virginia county government. Changes in the larger sphere of the Commonwealth were notable. Democratic ideas voiced by Virginians such as Jefferson, Madison and Monroe had a deep and abiding effect on the nation as a whole, but those ideas and changes seem to have stopped short at the Virginia county court-house door. On the county level, things went on much as they had for over two centuries.

That the Virginian was not dissatisfied with his form of government or its organization, but rather with its administration, is evidenced by the fact that he made only the most essential changes after the British authority had gone. Even then, these changes came grudgingly, under the pressure of the changing circumstances.

Even the political ideas of the Revolution, such as the separation of powers, although embodied in the Constitution of 1776, were not considered to apply to the county. Here, the justices continued to unite administrative, legislative, and judicial powers in the same men. The abolition of the parish was a religious and social move, rather than a political one. Witness the creation of a sort of "secular vestry" in the overseers of the poor, who inherited all the functions of the old vestrymen.

Changes were to come, but these were to proceed from the more democratic and egalitarian western counties, which had never known an aristocratic ruling class. The Constitutional Convention of 1829 - 1830 was to be the opening battle, but the struggle for a more democratic government was

not to be won until the Convention of 1850, on the eve of the Civil War with the truly revolutionary aftermath of the Reconstruction.

The last meeting of the County Court of Louisa under the royal authority was held on May 13th, 1776: "Present his majesties Justices, to wit, William Johnson, Thomas Johnson, Junr. Samuel Ragland and John Poindexter, Gentlemen."¹ Less than two months later the next meeting of the Court was held, "Present the Common Wealths Justices, to wit, Thomas Johnson, James Overton, William Phillips, Samuel Ragland, James Meriwether, Richard Anderson, John Poindexter, Thomas Johnson Jun, Wm. White & Waddy Thompson, Gentlemen."²

Very little had changed, and for almost a century, very little was to change. The colonial county government in Virginia died a very slow death.

¹LCOB, 1776, 143.

²Ibid., 144.

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