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THE VIRGINIA CONVENTIONS OF THE REVOLUTION.*

By W. F. DUNAWAY, JR.

The history of the Virginia conventions of the revolution is the narrative of the causes, ordinances, and attendant circumstances of those legislative assemblies held in Virginia in that transition period when the Old Dominion passed from a British colony into an independent American commonwealth. Research reveals the fact that there were five of these conventions, beginning with that of August 1, 1774, and closing with that of May 6, 1776. The object of this treatise, therefore, will be to set forth in logical order the events which led up to, and found their chief expression in, these revolutionary gatherings.

Let us note the stepping stones to revolution in Virginia during these stirring times. Beginning as far back as 1763, we find the first intimation of the approaching conflict in the trial of the "Parsons' Cause" at Hanover Court House, in that year. This now celebrated case shows the undercurrent of the public opinion of the time, and is further interesting as bringing into popular notice that prophet of revolution and man of the people—Patrick Henry. Without going into the merits of the case, it is sufficient to note that Patrick Henry in a burst of eloquence in a large assemblage

*BIBLIOGRAPHY.—Sources: Virginia Gazette of the years 1773, 1774, 1775, 1776; Journal of the Convention of March 20, 1775; Journal of the Convention of July 17, 1775; Journal of the Convention of Dec. 1, 1775; Journal of the Convention of May 26, 1776; Journal of the House of Burgesses for 1765, sq.; Southern Literary Messenger 1858, et al.; Letters of Patrick Henry, Thomas Jefferson, et al.

References: Hugh Blair Grigsby "Discourse on the Virginia Convention of 1776;" Campbell, "History of the Colony and Ancient Dominion of Virginia;" Burk, "History of Virginia;" Cooke, "History of Virginia;" Bancroft, "History of the United States;" Woodrow Wilson, "A History of the American People;" Paul Leicester Ford, "The Writings of Thomas Jefferson;" Morse, "Life of Jefferson;" William Wirt Henry, "Life of Patrick Henry;" Washington Irving, "Life of Washington;" Lodge, "Life of George Washington."

stigmatized George III as a tyrant, and, asserting that the authority of the Burgesses of Virginia should take precedence of that of the king of England, was enthusiastically cheered by the people.

Two years later came the Stamp Act, and it remained for Virginia to submit to the obnoxious law or to resist it as an invasion of her natural and chartered rights. When the Burgesses convened at the old capitol in Williamsburg, there was much doubt as to the best course to pursue. In the midst of the general hesitation and uncertainty rose Patrick Henry, delegate from Louisa, and offered his celebrated resolutions against the Stamp Act.¹ Of these there were five and they passed only by small majorities, the last by a majority of only one.² They occasioned an exciting debate, but the eloquence of Henry swept everything before it, and he became from this time forth the recognized leader of the party for resistance in Virginia. What these resolutions meant was that Virginia would not submit to the Stamp Act or to any other act which threatened her liberties. Governor Fauquier immediately dissolved the Assembly, but the mischief was done. Virginia had led the way in opposing this obnoxious infringement of American liberty. Governor Gage wrote, "Virginia gave the signal to the Continent."

Though the Stamp Act was repealed the following year, Parliament claimed the right "to bind the colonies and people of America in all cases whatsoever," which step, of course, left the issue still undecided. The new duties on glass, paper, tea, and painters' colors, passed in 1767, fed afresh the flame of resistance, which had smothered for awhile upon the repeal of the Stamp Act, and the Burgesses remonstrated loudly against the new oppression. In February, 1769, Parliament had advised the King to transport persons guilty of treason to England for trial; whereupon the Assembly passed resolutions declaring the transportation of Americans an act of tyranny, reiterated its assertion that the colonies alone had the right to tax themselves, and ordered that the resolutions be transmitted to the other colonies for their approval.

Governor Botetourt dissolved the Assembly; but the Burgesses

¹May 30, 1765. See Journal House of Burgesses for 1765.

²This fifth resolution reads: "Resolved, Therefore, that the General Assembly of this colony has the sole right and power to lay taxes and impositions upon the inhabitants of this colony." It does not appear on the Journal of the House because some of the more timid Burgesses becoming alarmed, carried a motion the following day to have it expunged, and that after some of the Burgesses had left Williamsburg. But the other four appear and the moral effect of the fifth was undiminished.

repaired in a body to the Raleigh Tavern, and unanimously adopted a non-importation agreement³ and reaffirmed their resolution against the transportation of Americans for trial. The repeal of the Act of 1767, except as to tea, then followed,⁴ but did little to allay the prevalent discontent.

In the spring of 1773, new excitement was caused by Parliament's re-assertion in yet stronger terms of the right to transport accused persons to England for trial. The Burgesses were in session when the news of this act arrived, and immediately renewed the protest of 1769, and passed resolutions for appointing an "Inter-Colonial Committee of Correspondence."⁵ This was an act of profound significance and far-reaching consequences, and "struck a greater panic into the Ministers,"⁶ than all that had taken place since the Stamp Act. The object of the committee was to obtain "the most early and authentic intelligence" of affairs in England, and "to maintain a correspondence and communication with our sister colonies." Virginia was the first colony to adopt such a measure,⁷ and from the moment of its passage the revolution may be said to have been organized. Governor Dunmore⁸ promptly dissolved the Assembly.

When the Burgesses convened again in May, 1774, news arrived from Boston that on June 4th the harbor was to be closed as a punishment for the destruction of the tea. Great indignation being felt on every hand, the Assembly⁹ set apart June 1 as a day of fasting, humiliation, and prayer.¹⁰ Dunmore, upon receiving intelligence of this action, lost no time in dissolving the Assembly. The Burgesses repaired immediately to the Raleigh Tavern, adopted

³Drawn by George Mason, and presented by George Washington. It was a resolve not to import or purchase any English commodities, or any slaves, until their grievances were redressed.

⁴March, 1770. Lord North, then Premier, said, "a total repeal cannot be thought of until America is prostrate at our feet."

⁵This plan was conceived by Richard Henry Lee. The resolutions relating thereto were offered in the House by Dabney Carr, March 12, 1773, and promptly passed. The committee appointed consisted of Peyton Randolph, Robert Carter Nicholas, Richard Bland, Richard Henry Lee, Benjamin Harrison, Edmund Pendleton, Patrick Henry, Dudley Digges, Dabney Carr, Archibald Cary and Thomas Jefferson.

⁶MS. letter of William Lee, dated at London, Jan. 1, 1774.

⁷Massachusetts had devised a similar plan for the communication between the counties of that colony. The scope of the Virginia plan was larger, as is readily seen.

⁸Made governor of Virginia in 1772, being transferred from the government of New York. The last Colonial Governor of Virginia.

⁹On May 24, 1774.

¹⁰See Virginia Gazette of May 26, 1774.

resolutions against the use of tea, declared that an attack on one colony was an attack on all, and directed the Committee of Correspondence to propose a General Congress of the Colonies. Further news arriving from Boston, another meeting was held, at which Peyton Randolph presided, and a circular was issued recommending a meeting of deputies in a convention to assemble at Williamsburg on the first of August. Accordingly, town and county meetings were held all over the colony for the purpose of nominating delegates to this body.¹¹ Meanwhile, massmeetings were being held in the various counties, which passed resolutions protesting against the tyrannical acts of the English Ministry, and expressing sympathy with Boston.¹² The course of our narrative now brings us to the first revolutionary assemblage.

THE CONVENTION OF AUGUST 1, 1774.¹³

Agreeably to appointment, the delegates elected to meet at Williamsburg August 1, convened and proceeded to give expression to a detailed view of their rights and grievances. This convention was without warrant from royal authority, and was frankly revolutionary, but revolution was now the only resource, and Virginians had decided to take their affairs into their own hands, and to proceed to act. The immediate object in view was to consult upon the critical condition of public affairs and to appoint delegates to Congress. The convention consisted of the foremost men of Virginia. The most prominent members¹⁴ were Peyton Randolph, of Williamsburg; Richard Henry Lee, of Westmoreland; George Washington, of Fairfax; Robt Carter Nicholas, of James City county; Richard Bland,¹⁵ of Prince George; Patrick Henry, of Hanover; Edmund Pendleton, of Caroline; Benjamin Harrison, of Charles City; Carter Braxton, of King William; Archibald Cary, of Chesterfield, and Dudley Digges, of York. Fifty-six counties and four

¹¹See Virginia Gazette of May 26, 1774.

¹²The Gazette mentions in this connection the resolves of Hanover, Caroline, Northumberland, Henrico, Nansemond, Prince William, and town of Dumfries, Westmoreland, Prince George, James City, Richmond, Spottsylvania, County and Borough of Norfolk, Surry, Middlesex, Essex, Dinwiddie, Chesterfield, York, New Kent, Fairfax, Mecklenburg, Prince Edward, Brunswick, Lancaster, Sussex, Accomac, Charles City, Gloucester, Elizabeth City.

¹³The proceedings of this convention may be found in the Virginia Gazette of Aug. 11, 1774.

¹⁴Thomas Jefferson was elected a delegate from Albemarle, but was prevented by ill health from attending. His pamphlet, "A Summary View of the Rights of British America," appeared about this time.

¹⁵Author of "An Inquiry Into the Rights of the British Colonies," published at Williamsburg in 1766.

boroughs were represented; the counties by two delegates each, the boroughs by one each.¹⁶ Most of the delegates had been members of the House of Burgesses, just dissolved, and some of them had seen larger legislative experience. Peyton Randolph, the late speaker of the House of Burgesses, was chosen President of the Convention. Its proceedings consisted of the adoption of an "Association," and the appointing of delegates to Congress, together with formal instructions for their guidance. The "Association" embodied eleven resolutions, wherein it was "resolved upon and agreed to" by the members that they would not import from Great Britain "any goods, wares, or merchandise whatever, medicines excepted," after the first day of November following; that they would "neither import nor purchase any slave or slaves imported by any person after the first day of November next;"¹⁷ that they would neither import nor use any tea in any of their families; that they would not purchase any East India commodity whatever, if the inhabitants of Boston should be compelled to pay the East India Company for destroying any tea; that unless American grievances should be redressed before the tenth day of August, 1775, they would not after that day export any article to Great Britain; that they would endeavor to improve their breed of sheep; that merchants should not take advantage of the scarcity of goods that might be occasioned by the "Association" to sell at higher rates, and that they would not deal with any merchants so selling, and recommending further that the deputies should see to the appointment of committees in their several counties by which these resolves might be effectually observed; that they "will not deal with any merchant who will not sign this association;" that should anyone after August 10, 1775, export any commodity to Great Britain, he shall be considered "as inimical to the community and an approver of American grievances;" that they would strictly observe all such alterations or additions made by Congress and assented to by the delegates from Virginia; that they would extend speedy relief to the distressed inhabitants of Boston and recommend liberal contributions by Virginians to this object; "that the moderator of

¹⁶The boroughs represented were Williamsburg, Jamestown and Norfolk. William & Mary College also had a delegate, Jno. Randolph, attorney general.

¹⁷Adapted from the Fairfax resolves. The British government had, for selfish reasons, constantly checked the attempts of Virginia to put a stop to the slave trade.

this meeting be empowered to convene the several delegates of this colony at such time and place as he may deem proper.”

Peyton Randolph, Richard Henry Lee, George Washington, Patrick Henry, Richard Bland, Benj. Harrison, and Edmund Pendleton¹⁸ were appointed delegates to the Continental Congress, which was to meet at Philadelphia Sept. 5, 1774. They were instructed to express the true allegiance of Virginians to George III, as lawful and rightful sovereign, and their approval of a constitutional connection with Great Britain; to insist upon the same rights for the colonists as Englishmen possess in Britain; to denounce the late acts of Parliament regarding America as unconstitutional; to protest against the transportation of Americans to England for trial, against the Boston Port Bill, and against the hasty dissolution of the colonial assemblies; and to co-operate with their fellow colonists in measures proposed for the preservation of their common liberties and welfare.

The convention, having completed its work, adjourned Saturday, August 6th, having lasted six days. One month afterwards the Continental Congress met at Philadelphia, continued in session fifty-one days, passed a declaration of rights, denied the right of Parliament to tax the colonies, and adopted non-importation and non-exportation agreements.

Events now moved rapidly in Virginia, revolution was in the air, every moment announced the approach of an eventful crisis. With every passing day the public mind had become more and more aroused. The affection of the people for England grew colder and colder, but their resentment grew hotter and hotter. There is no idea of separation as yet, but they ask, nay demand, that their rights as British subjects shall not be denied them, that Parliament shall not tax them without their consent, and *that the integrity of their charter shall remain unimpaired*. In this feverish condition of public opinion was held the second revolutionary assembly.

THE CONVENTION OF MARCH 20, 1775.¹⁹

Repeated prorogations of the House of Burgesses by Dunmore when the country was in the greatest distress had rendered this convention absolutely necessary.²⁰ The delegates came together

¹⁸See *Virginia Gazette*, Aug. 4, 1774.

¹⁹See *Journal of the Convention*; also, *Virginia Gazette* of April 1, 1775.

²⁰See *Journal of the Convention* of July 17, 1775, "A Declaration of the Delegates."

upon the call of Peyton Randolph as provided for by the convention of 1774,²¹ meeting this time, however, in "Old St. John's Church," Richmond, March 20, 1775. The representation, as before, consisted of two delegates from each county and one from each borough.²² Peyton Randolph was elected President and Jno. Tazewell Clerk. The proceedings were at first very cautious and conservative. There were two parties into which the members were divided: one, the party led by Peyton Randolph, Richard Bland, Edmund Pendleton, Robert Carter Nicholas, and George Wythe, and in general adhered to by the older, more conservative members; the other, the party led by Patrick Henry, Richard Henry Lee, Thomas Jefferson, and Francis Lightfoot Lee, and adhered to by the younger, more aggressive members.²³ The former was the conciliatory party; the latter the party for action. Both parties were agreed as to the tyranny of the acts of Parliament regarding America, both sought redress of grievances, and both conscientiously labored for the public welfare; but they differed radically as to their methods and plans for accomplishing the desired ends. The party of Randolph was for reconciliation with Great Britain if it could be honorably effected, and deprecated radical measures as rash, thinking that pacific means had not yet been exhausted. The party of Henry, on the contrary, saw no ground for hope that the mother country would be just, had begun to grow weary of unavailing protests, and, while not as yet openly advocating a declaration of independence, advised military preparations as an emergency measure. Much doubt was felt on every hand as to the best course to pursue. Washington, while generally to be found on the side of the party for action, was greatly perplexed as to the proper measures to adopt in the premises.

The President laid before the convention the proceedings of the Continental Congress, which being considered in detail, were on the third day heartily approved, and the thanks of the convention voted

²¹"That the moderator . . . be empowered to convene the several delegates of this colony at such time and place as he may deem proper."

²²This convention had 117 deputies present, from 64 counties and boroughs. The boroughs represented were Jamestown, Williamsburg and Norfolk.

²³This same line of cleavage is traceable in the succeeding conventions as well, and every act strongly revolutionary, was not passed without strenuous opposition and often passionate debate. But the rising tide of revolution in each instance favored the party for action. We must bear in mind that it was throughout a novel and dangerous crisis, and experienced statesmen might well count the cost of precipitate action.

the Virginia delegates "for their cheerful undertaking and faithful discharge of the very important trust reposed in them." On the fourth day resolutions were adopted thanking the Assembly of Jamaica for their memorial to the King in behalf of the colonies, and expressing an ardent desire for peace, "a speedy return of those halcyon days when we lived a free and happy people." These resolutions were couched in such terms as to savor of servility in the eyes of Henry and his party, whose patriotism was aroused. Henry thereupon offered his famous resolutions for putting the colony in a posture of defence: "that a well regulated militia, composed of gentlemen and yeomen, is the natural strength and security of a free government;" "that the establishment of such a militia is at this time peculiarly necessary for the protection and defence of the country;" "that this colony be immediately put into a posture of defence, and that Patrick Henry, Richard Henry Lee, Robert Carter Nicholas, Benj. Harrison, Lemuel Riddick, George Washington, Adam Stevens, Andrew Lewis, William Christian, Edmund Pendleton, Thomas Jefferson, and Isaac Zane, esquires, be appointed a committee to prepare a plan for the embodying, arming and disciplining, such a number of men as may be sufficient for that purpose." This meant resistance, and the resolutions alarmed the conservatives, who opposed them vigorously as rash and impolitic. Many of the members were startled, almost horrified, at their tenor and significance. Bland, Harrison, Pendleton, Nicholas, and Wythe opposed them strenuously on the ground that such a step was premature and would involve the colony in disastrous perils. They urged that Virginia was unmilitary, weak, defenceless, unprepared for war—in short, that it was a desperate measure, not to be resorted to until all hope of a pacific reconciliation had fled. But the party of Henry rallied to the support of the resolutions with a vigor, enthusiasm, and eloquence that will ever be memorable in the annals of history. Henry, Jefferson, Mason, the Lees, and the Pages, made the old church ring with their eloquence. They spoke of the resources of the colonies, their means of resistance, and the righteousness of their cause. Patrick Henry, in particular, now thoroughly aroused, on fire with patriotism, made the supreme effort of his life, electrified his hearers, and the resolutions were carried amid great enthusiasm.²⁴ Henry again, as in 1765, the leader

²⁴It would be a mistake, however, to suppose that it was owing purely to the *eloquence* of Henry, Lee and others, that the resolutions carried. They appealed

of the leaders, carried the day for action, and became to an even greater degree than before the idol of the people. The committee appointed for carrying the resolutions into effect, reported a plan on the following day, which was on the sixth day of the convention duly adopted. It was unanimously resolved, "That it be recommended to the inhabitants of the several counties of this colony that they form one or more volunteer companies of infantry and troops of horse in each county, and to be in constant training and readiness to act on any emergency;" and further, "that in order to make a farther and more ample provision of ammunition, it be recommended to the committees of the several counties that they collect . . . so much money as will be sufficient to purchase half a pound of powder, one pound of lead, and necessary flints and cartridge paper, for every tithable person in the county." The passage of Henry's resolutions, and the adoption of the military measures necessary for the defence and protection of the colony was the chief work of the convention. A resolution was passed recommending that the counties and boroughs should exert themselves in raising contributions for the relief of the inhabitants of Boston, then in great distress, "suffering in the common cause of American freedom." A committee appointed "to prepare a plan for the encouragement of arts and manufactures in this colony," brought in a report, and the convention adopted measures to promote the raising of wool, flax, cotton, hemp, and to encourage the domestic manufacture of gunpowder, salt, iron, and steel.

The delegates agreed to make use of home-made fabrics, and recommended the practice to the people. The former delegates to Congress were re-elected, with Thomas Jefferson substituted as alternate for Peyton Randolph²⁵ in case the latter could not attend. Previous to adjournment the convention "recommended to the people of this colony to choose delegates to represent them in convention for one year, as soon as they conveniently can." Thus ended the second revolutionary Virginia convention, March 27, 1775, having been in session eight days.

to reason, though their appeal was couched in such splendid terms. An analysis of Henry's speech will show that every point he made was either in reply to the arguments of his opponents, or a rational expression of the necessity for fighting and the grounds of hope for a successful issue of war.

²⁵Randolph, though elected President of the second Continental Congress, returned to Virginia to perform the duties of speaker of the Assembly, and Jefferson accordingly took his place. John Hancock was elected President of Congress upon Randolph's relinquishing the office.

Shortly afterwards occurred the battle of Lexington.²⁶ On May 10, the second Continental Congress convened at Philadelphia. The battle of Bunker Hill was fought June 17. Everywhere the public mind was at fever heat. In Virginia great excitement was caused by Governor Dunmore's secret seizure of the stores of gunpowder belonging to the colony, and its removal²⁷ to the Magdalen man-of-war, lying in the James river. When the fact was discovered the people of Williamsburg became wildly excited, and the whole colony was in a state of commotion. Patrick Henry, at the head of a company of minute men, marched on Williamsburg to recover the powder. Dunmore averted an armed collision only on payment of 330 pounds to Henry for the powder.

Not long after this incident came Lord North's conciliatory proposition known as the "Olive Branch."²⁸ Dunmore at once issued writs for an Assembly on the first of June,²⁹ and upon its convening presented the "conciliatory plan," which was rejected by the Burgesses.³⁰ Meanwhile Dunmore and his family had escaped from Williamsburg, upon the discovery of several barrels of powder, which he had caused to be hidden under the floor of the magazine, and which it was suspected he intended to use as a mine should occasion offer. He took refuge on board the Fowey, lying at Yorktown, and never afterwards returned to Williamsburg. Messages passed to and fro between him and the Assembly, but he refused to trust himself in the capital, and the Burgesses declined to dance attendance upon him on board the Fowey and it was now clearly seen that there could be no reconciliation between them. The Assembly therefore called a meeting of the convention for July, and adjourned.

It was felt on every hand that armed resistance was the only resource. Dunmore, now thoroughly incensed at the opposition to his authority, determined to make no terms with the refractory Burgesses; but issuing a proclamation commanding all subjects on

²⁶April 19, 1775.

²⁷April 20, 1775, in the night. The fact was discovered the following morning.

²⁸This was to the effect that if the colonies would themselves make due appropriation for their part of the expenses of the Kingdom then it would be expedient that Great Britain should cease to tax. This, of course, did not waive the right to tax them.

²⁹This was the last House of Burgesses that was to meet by royal authority on the soil of Virginia.

³⁰The reply to the "plan" was written by Thomas Jefferson in behalf of the committee appointed to report on the same.

their allegiance to repair to his standard, made war on the people. From his refuge at Norfolk he took every possible means of annoying the colonists; his armed vessels ravaged the coasts, burning and pillaging. Under such conditions as these the third Revolutionary Assembly was held at Richmond, it being

THE CONVENTION OF JULY 17, 1775.

One hundred and fifteen deputies were present, representing 61 counties and boroughs.³¹ Peyton Randolph was again elected President.³² The convention, proceeding at once to adopt vigorous measures, took up the reins of government, and placed the colony in a more thorough state of defence. Their acts were no longer in the form of resolutions, as heretofore, but assumed the shape of ordinances, and were discussed and passed with all the formalities of Acts of Assembly. The convention passed seven ordinances, and a "declaration" setting forth to the public the causes for their meeting and acting. The most important measures adopted were the "ordinance for raising and embodying a sufficient force for the defence and protection of this colony,"³³ and "an ordinance appointing a committee of safety for the more effectual carrying into execution the several rules and regulations established by this colony."³⁴ The colony being left without an executive by the flight of Dunmore, the "Committee of Safety" was organized to take his place in this regard. It consisted of Edmund Pendleton, George Mason, Jno. Page, Richard Bland, Thos. Ludwell Lee, Paul Carrington, Dudley Digges, Wm. Cabell, Carter Braxton, James Mercer, and John Tabb. The powers conferred upon this committee, of which Edmund Pendleton was President, were very great. It was given authority to grant commissions to officers, to appoint commissioners, paymasters, and commissaries, and to issue warrants for their payment; to call into service and direct the movement of the militia; and to call in outside assistance or to give the same. It was, in short, entrusted with the supreme executive powers of government.

The military measures adopted were most judicious. Two regi-

³¹The boroughs, as before, were Jamestown, Williamsburg and Norfolk. George Mason was a delegate to this convention from Fairfax in the place of George Washington, who had assumed command of the Continental army.

³²Being in poor health, Randolph retired from the chair Aug. 16, and Robt. Carter Nicholas was made President for the remainder of session.

³³Ordinance I.

³⁴Passed Aug. 24.

ments of regulars were ordered to be raised; Patrick Henry was appointed to the command of the first, and William Woodford to the command of the second.³⁵ An ordinance was passed "for providing arms and amunition for the use of this colony,"³⁶ and 2500 pounds was appropriated for erecting a manufactory at Fredericksburg for this purpose. The Committee of Safety was authorized to purchase arms and ammunition. An ordinance was passed "for the election of delegates and ascertaining their allowances, and also for regulating the election of committee men in the several counties and corporations within this colony, and for other purposes therein mentioned."³⁷ This ordinance provided for an annual meeting of the Assembly the first Monday in May, the representation to be two members from each county, and one from each corporation. It also provided for the payment of delegates and forbade the election of clergymen to the Assembly.

Deputies were appointed to Congress as follows: Peyton Randolph, Richard Henry Lee, Thomas Jefferson, Benj. Harrison, Thomas Nelson, Richard Bland, Francis Lightfoot Lee,³⁸ and George Wythe.³⁹

After deciding to hold the next convention at Richmond, the convention adjourned Aug. 26, 1775.⁴⁰

Dunmore meanwhile was busy in making trouble for the colony. Having gathered a band of Tories, runaway negroes, and British soldiers, and collected a naval force, he carried on a petty warfare. On Nov. 7 he issued a proclamation declaring martial law to be enforced throughout the colony, and summoning every person capable of bearing arms to resort to his majesty's standard, which had been erected by him in the town of Norfolk, or be considered traitors to his majesty's crown and government, and farther declaring all negroes and indented servants, capable of bearing arms and appertaining to rebels, free. He had now the ascendancy in Norfolk and the surrounding country, which abounded in Tories. Here he

³⁵The first consisted of 544 men, the second 476.

³⁶Ordinance VI.

³⁷Ordinance IV.

³⁸Richard Bland was appointed, but declined, and Francis Lightfoot Lee was appointed in his stead.

³⁹Elected in the place of Washington, now commander-in-chief.

⁴⁰Richmond received 25 votes, Williamsburg 22, Fredericksburg 8.

mounted cannon and awaited a force from England which would enable him to return in triumph to his capital. As far as circumstances allowed, he made open war upon the inhabitants; and, having command of the water courses through his fleet, ravaged the shores of the Chesapeake and its tributaries. At this crisis the Deputies again came together at Richmond, Dec. 1, 1775.⁴¹

THE CONVENTION OF DEC. 1, 1775.

The convention proceeded to organize by electing Edmund Pendleton President,⁴² and John Tazewell Clerk. Seven ordinances constituted the result of its work. The first of these was "an ordinance for raising an additional number of forces for the defence and protection of this colony, and for other purposes therein mentioned." This was the convention's reply to Dunmore's proclamation, and provided for the augmenting of the two regiments already levied, by 385 men each, and for the raising of six additional regiments for the protection of the country west of the Chesapeake. Still another regiment, composed of seven companies only, was ordered to be raised for the defence of Accomack and Northampton. The ordinance further provided for the appointment of one major-general, two brigadier generals, one quartermaster general, one adjutant general, and one deputy adjutant general. These measures brought the forces up to nine regiments, properly officered. The next ordinance provided for the appointing of sheriffs; the next "for providing arms and ammunition for the use of the colony," being an amendment of ordinance VI of the July convention; the next "an ordinance for revising and amending an ordinance appointing a Committee of Safety," in which it was provided that this committee "shall have full and ample powers during the recess of the convention to direct all such measures and military operations as in their judgments shall be necessary for the public security." The committee appointed consisted of Dudley Digges, Thos. Ludwell Lee, John Page, William Cabell, Paul Carrington, Richard Bland, Edmund Pendleton, Joseph Jones, James Mercer, John Tabb, and Thomas Walker. This committee constituted the execu-

⁴¹Ordinance IV, sec. 6, of July convention provided, "If it shall appear to the President that a meeting of the Convention is necessary, he shall have full power to summon the said delegates to meet and set in said convention at such time as he shall appoint." Presumably, the convention of Dec. 1, 1775, was summoned agreeably to this ordinance. On Monday, Dec. 11, the Convention adjourned to Williamsburg for the remainder of the session.

⁴²Peyton Randolph had died in the interim.

tive department of the government when the convention was not in session, and was held subordinate to the convention. It was required to keep a record of its transactions to be laid before the next convention, it being provided that its members "shall be accountable for their conduct touching the premises in all cases whatsoever." In the unsettled conditions of the time, the conventions not only performed the ordinary duties of the legislative department, but, while in session, those of the executive also. The next ordinance passed by the convention related to domestic policy, and provided "for establishing tobacco payments, during the discontinuance of the inspection law, etc." In the sixth ordinance provision was made "for regulating the election of delegates, and ascertaining their allowances and also for regulating the election of committeemen in the several counties and corporations within this colony," being an amended form of ordinance IV of the July convention. The seventh ordinance provided "for a mode of punishment for the enemies to America in this colony." This declared all those who sided with the King against the colony liable to imprisonment, and confiscation of their estates. It also declared the merchants who violated the non-exportation and non-importation agreement public enemies and the cargoes of their vessels subject to confiscation. Provision was made, however, for the pardon and restoration of those who returned to their allegiance to the patriot cause. Noteworthy for its bold and manly tone was the "Declaration" passed by the convention in answer to Dunmore's proclamation, asserting that they would quit themselves like men, repel force by force, and maintain their just rights and privileges. It was an outspoken defiance of his Lordship, and strengthened the hands of the patriot party throughout the colony.⁴³

While the convention of Dec. 1 was in session, important events were happening outside the capital. The soldiers under Col. Woodford had moved towards Norfolk to dislodge Dunmore, and a battle was fought at Great Bridge, Dec. 9, 1775, in which the governor was disastrously defeated. Dunmore now hurried on board ship, and sent on shore a party of marines, who burned Norfolk, Jan. 1, 1776. His subsequent career in Virginia may be briefly noted. He could make no headway against the colony's troops on land, but through his fleet commanded the water courses, and continued to

⁴³The Convention adjourned Jan. 20, 1776, after a seven weeks' session.

ravage the coasts until the summer of 1776, when he entrenched himself on Gwynn's Island to await the course of events. Here he was attacked July 9, 1776, by a force under General Andrew Lewis, and compelled to evacuate the place. Spreading all sail he made his escape and disappeared forever from Virginia. Sending the negroes who had joined him to the West Indies, he proceeded to New York and thence to England.

THE CONVENTION OF MAY 6, 1776.

The rapid movement of events had now brought Virginia to the time when she should formally define her position. War was an actual fact and yet the character of the struggle was still in doubt. Even the most ardent patriots had until now hesitated to cast off all allegiance to England. The conventions of 1774 and those of 1775 had met and adjourned without formally expressing a single resolution in favor of independence. Neither had Congress so declared. Hitherto Virginia had only sought to win from the mother country a guarantee of her rights, and to secure the peace of the colony. Owing to the course of Dunmore the people in self-defence had taken the government into their own hands, not with the view to separating from England, but to secure their own protection and defence. But upon the withdrawal of Dunmore from Williamsburg, followed by his tyrannical actions, the subject of independence had been discussed in private circles and in letters and there was a rapidly crystallizing sentiment in its favor. At length the leading statesmen began to feel that Great Britain intended to subdue the colonies by force of arms, and nothing remained for them but to repel force by force. They further recognized that a struggle would be hazardous in the extreme unless supported by outside aid, and that there could be no hope of such aid so long as the colonies were connected with the mother country. It was therefore thought to be essential to dissolve this connection, and to boldly declare for independence, so that the nature of the struggle would be made clear. Though the delegates generally had not been instructed to declare for independence, they came together knowing that the question would be broached, and the issue decided. A large crowd of people had collected at the capital and their excitement was aroused to a high pitch. Under such auspices as these the conven-

tion met at the old capitol at Williamsburg May 6, 1776,⁴⁴ and entered upon a session which will ever be one of the most memorable in the annals of history. Most of the old and tried leaders were in their seats, but many new members appeared, notably James Madison and Edmund Randolph. The convention organized by electing Edmund Pendleton President and John Tazewell Clerk. Sixty-six counties and corporations⁴⁵ were represented by 131 delegates, a larger number than had composed any of the previous assemblies.

After spending some days on current business the convention resolved itself into a committee of the whole on the state of the colony. On May 15 Archibald Cary reported a preamble and resolutions, written by Edmund Randolph, presented by Thomas Nelson, and enforced by the potent eloquence of Henry. After much debate upon the same, it was "Resolved, unanimously, that the delegates appointed to represent this colony in General Congress, be instructed to propose to that respectable body to declare the united colonies free and independent states, absolved from all allegiance to or dependence upon the crown or Parliament of Great Britain; and that they give the assent of this colony to such declaration, and to whatever measures may be thought proper and necessary by the Congress for forming foreign alliances, and a confederation of the colonies, at such time and in the manner as to them shall seem best: Provided, that the power of forming government for, and the regulation of the internal concerns of, each colony be left to the respective colonial legislatures."⁴⁶ It was further, "Resolved, unanimously, that a committee be appointed to prepare a 'Declaration of Rights,' and such a plan of government as will be most likely to maintain peace and order in this colony and secure substantial and equal liberty to the people." The

⁴⁴Ordinance IV of the July Convention, and in its amended form Ordinance VI of the December Convention provided for an annual meeting on the first Monday in May, which in 1776 was the sixth day of the month. On the same day "45 members of the House of Burgesses met at the capitol in Williamsburg pursuant to their adjournment, but as they were of the opinion that the ancient constitution had been subverted by the King and Parliament of Great Britain, they dissolved themselves unanimously, and thus the last vestige of the King's authority passed away."

⁴⁵The corporations represented were Williamsburg, Jamestown, Norfolk and William & Mary College.

⁴⁶On June 7, 1776, Richard Henry Lee, pursuant to these instructions, moved in Congress, "That these United Colonies are and of right ought to be free and independent states; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and of right ought to be, totally dissolved: That it is expedient forthwith to take the most effective measures for forming foreign alliances. That a plan of confederation be prepared and transmitted to the respective colonies for their consideration."

passage of these resolutions was hailed with the greatest delight by the soldiery and by the people. The British flag was immediately struck on the capitol and a continental flag hoisted in its stead. The troops were drawn out, and a discharge of artillery and small arms was had. At night the town was illuminated and everywhere the people were jubilant that the rule of Great Britain was now at an end.⁴⁷ Thus, whatever might be the outcome, Virginia had spoken, and her decision was final separation from Great Britain.

Agreeably to the adoption of the resolution thereto, a committee was appointed to prepare a "Declaration of Rights" and a "plan of government." On May 27, Archibald Cary, chairman of the committee, presented to the convention the "Declaration of Rights," drawn by George Mason. For two weeks this was debated, and after being amended, was adopted June 12, and became ordinance I of the convention. It contains sixteen sections. The first declares the equal right of all men to freedom and independence; the second declares all power to be vested in and derived from the people; the third, that government should be for the common weal, and asserts majority rule; the fourth explodes the idea of inheritance in office, and places the right to fill it upon the true basis—merit; the fifth separates the legislative and executive departments from the judicial;⁴⁸ the sixth guarantees freedom of elections; the seventh declares that the power of suspending laws should be exercised by that body to which is entrusted the power of making laws; the eighth guarantees trial by jury in criminal cases; the ninth prohibits excessive bail, and cruel punishments; the tenth prohibits general warrants; the eleventh recommends jury trial as the best mode of settling civil suits; the twelfth secures the freedom of the press;⁴⁹ the thirteenth declares a trained militia to be the proper defence of a free state, and that the military should be subordinate to the civil power; the fourteenth prohibits the erection of a separate government within the bounds of Virginia; the fifteenth recommends an adherence and frequent recurrence to fundamental principles; the sixteenth declares that "all men are equally entitled to the free exercise of religion, according to the dictates of conscience."⁵⁰ The Bill of Rights thus framed has formed an integral

⁴⁷See Virginia Gazette of May 17, 1776.

⁴⁸A radical change from previous conditions.

⁴⁹Inserted upon the motion of Thos. Ludwell Lee.

⁵⁰Proposed by Patrick Henry. The first provision of the kind ever incorporated in a state constitution.

part of every constitution of Virginia since that day. It is the *Magna Charta* of Virginia, and, in a sense, of America. It first announced the great principles for which the colonies were to contend in the approaching struggle, and remains to this time the bed-rock of republican government.

The convention having adopted the "Declaration of Rights," now proceeded to the consideration of the constitution or form of government⁵¹ as reported by the committee, which was, after discussion and amendment, duly adopted by unanimous vote, June 29, 1776. The preamble⁵² to the constitution, after reciting the abuses suffered at the hands of George III, concludes, "By which several acts of misrule the government of this country, as formerly exercised under the crown of Great Britain, is totally dissolved." The constitution, "ordained and declared," provided that the government of Virginia should consist of a House of Delegates and a Senate, the members of which were to be freeholders, and elected by the freeholders, who were to be persons having a freehold estate in one hundred acres of unimproved land, or twenty-five acres of improved, or a house and lot in town. The House of Delegates was to be composed of two members from each county, and one from every city and borough; and the Senate was to be composed of twenty-four members representing twenty-four senatorial districts. The executive was to be a governor elected annually by the House and Senate on joint ballot, and was not to be eligible after three years in succession; nor, after his term expired, for four years afterwards. He could not prorogue nor adjourn the Assembly during their setting, nor dissolve them at any time, but could by the advice of the council or of a majority of the delegates, summon them before the stated time. He was to be assisted by a privy council, consisting of eight members, chosen by the Assembly. The president of the council, chosen by themselves, was to act as lieutenant governor in case of the governor's death or absence. A treasurer was to be appointed annually by a joint ballot of both houses. The legislative, executive and judicial departments were made distinct, except that justices of the county courts could be "eligible to either House of the Assembly." The governor with the advice of the privy council could appoint justices of the peace for the coun-

⁵¹This also was drafted in large part by George Mason.

⁵²Written by Thomas Jefferson.

ties. The two Houses of Assembly by joint ballot were to elect judges of the Supreme Court of Appeals, and general court, judges of admiralty, secretary and the attorney general, to be commissioned by the governor and continued in office during good behavior. All laws were to originate in the House of Delegates, but were, except money bills, amendable by the Senate.

The constitution being adopted, the convention immediately proceeded to elect a governor and the choice fell upon Patrick Henry.⁵³ Edmund Randolph was elected attorney general. The new government went at once into operation.

The convention in some additional ordinances made vigorous preparation for the prosecution of the war. The ninth regiment of regular forces was increased, six additional troops of horse were ordered raised, and the entire militia of the state were made liable to be called into active service upon an invasion or insurrection. A naval board was established with powers to build and superintend a navy. Taxes were levied and an issue of treasury notes ordered. Provision was made for the administration of justice and for the more effectual punishment of the enemies of America within the colony.

The convention upon the completion of its work adjourned on July 5, 1776, having continued in session for two months.

Thus Virginia emerged from the chaos of British misrule, through the wise and courageous counsels of her statesmen, into an independent commonwealth. With the convention of May 6, 1776, she entered upon a new and glorious era. Declaring her own independence, she led the way in proposing the independence of the United Colonies in Congress; and in urging it upon the country at large, it was peculiarly fitting that she should furnish the chief instruments of that declaration of which Patrick Henry was the voice, Jefferson the pen, and Washington the sword.

Reviewing the preceding narrative of Virginia's revolutionary conventions, it is seen that their causes began with the Stamp Act crisis and the oppressive acts of Parliament successively passed thereafter to maintain the principle of the right to tax the colonies; though unrepresented. These tyrannical acts could not but arouse resistance, but every attempt to resist them on the part of the Burgesses was invariably followed by the dissolution of the As-

⁵³ Patrick Henry received 60 votes, Thos. Nelson 45, John Page 1.

sembly by the royal governor. Public opinion at length became aroused to such an extent that revolutionary measures inevitably followed. Since the deputies could not meet upon royal authority, they met upon authority of the people. All the conventions of this period, not assembling upon royal summons, were revolutionary. The delegates met to consult upon the state of the colony, and to take such measures as the exigencies of the moment required. At first the possibility of war with England was not seriously thought of, but the rapid march of events forced the conviction of its necessity upon the people, and when once decisive action was taken there was no retreat. Caught in the tide of revolution they were borne along by the force of compelling circumstances. The rashness of the most radical proved wiser than the wisdom of the most conservative; the counsels of youth more farsighted than the advice of age and experience. At every crisis the party of action triumphed over the party of peaceful proposals, until even the most conservative caught the contagious enthusiasm generated by the call to arms, and with patriotic unanimity voted Virginia an independent commonwealth. When reconciliation with Dunmore became impossible he was defied and driven out of the colony; when reconciliation with England was seen to be hopeless, the connection between her and the Ancient Dominion was declared dissolved, and a halo of glory will forever cluster around the names of the brave men who in those times that tried men's souls stood boldly for their rights and bequeathed a legacy of liberty to posterity.