Miss Willie Weathers Speaks On Judith W. McGuire At October Meeting

Judith W. McGuire, foster daughter of Essex County, was the subject of the delightful and interesting program given by Miss Willie Weathers, also an adopted daughter of Essex from nearby King William County, for the October meeting of the Essex County Historical Society.

Excerpts from Miss Weathers' paper follow. The paper in its entirety is being published in the Virginia Historical Society Magazine.

Mrs. McGuire was widely known as author of the Diary of a Southern Refugee begun in Alexandria early in the Civil War and written for the most part in Richmond and its environs. It is less widely known that though born in Richmond and resident there and in Hanover County until she became Mrs. John Peyton McGuire, she spent forty of her eighty-four years in Essex, and sent the Diary to press from Tappahannock, where her father Judge William Brockenbrough, grew up and where she lies buried in St. John's Church Yard along with her husband, the Reverend John Peyton McGuire.

Judith White Brockenbrough's father was Judge of the General Court in Richmond and when she was 21 he was appointed to the Virginia Supreme Court of Appeals. During these years he maintained homes in Richmond and in Hanover County. Many of the leaders of the day are mentioned in her Diary: Mr. Madison, Mr. Monroe, Judge Marshall, Mr. and Mrs. Benjamin Watkins Leigh, Judge Cabell, and Lafayette as being entertained in her father's house. In Mrs. McGuire's obituary, it was stated that with "Such early associates, a degree of cultivation seldom met with, a retentive memory, with singular conversationals powers, made her a most interesting character."

Judith White Brockenbrough married the Reverend John Peyton McGuire of Essex County, November 26, 1846, and was said to have been "a most zealous helper in his great work as 'Missionary of the Rappahannock'."

Mr. McGuire's task in Essex was that of reviving the Episcopal Church after its decline in the post-Revolutionary period. He had already accomplished much before 1846, he had enlarged his congregations, restored the ruined Colonial building at Vawter's, built a church at Miller's Tavern, and helped to establish two churches outside his own parish, in Port Royal and Warsaw. In Tappahannock St. John's was built three years after he brought Judith to Essex.

Besides giving zealous aid in his parish work she had at home in "The Parsonage" near Vawter's his family of four daughters and two sons, in 1846 ranging in age from six to fifteen. The youngest son, John Peyton, founded the famous McGuire University School in Richmond after the Civil War. All six children came to love her as if she had borne them. She had no children of her own, and in the Diary she always speaks of her husband's as "our children".

Mr. McGuire's obituaries mention the influence she exerted and the affection she inspired during the nine years she played the role of wife to the head of the Episcopal High School.

Her war diary begins in Alexandria on May 4, 1861 and ends at Westwood on May 25 fours years later. It was kept without any thought of publication but, as she says in her Preface "for members of the family too young to remember these days."

During the war years, after fleeing Alexandria, leaving most of their worldly possessions, never to (Continued on Page 4)
THE FORMATION of ESSEX COUNTY

Essex County, probably named after that County of England, was created for several very practical reasons and according to an Act of the House of Burgessess . . .

"With its two courthouses and one court sitting alternately on each side of the river, the custom was to continue a case on the same side of the river on which it was opened. This so seriously deferred the execution of justice that in 1686 cases were ordered to be tried at the next succeeding court. This program, maintained for two years in turn worked such a hardship on those who had to cross the river, that on August 1, 1688 the clerk of Rappahannock County wrote in behalf of the local court representing that, as by custom, cases commenced had been tried on the same side of the river, he pleaded that the practice might be revived. (Order 2, p. 103 and 107)."

"On October 18, 1688, the General Council restored the practice in Rappahannock County, after two years trial otherwise, that cases opened on one side of the river be tried on the same side as had been their custom in former years. (Executive Papers of the Colony of Virginia, Volume 1, p. 98-99.) This delay of law enforcement was not regarded with favor by the legislators, and on April 16, 1691, it was again ruled that cases be taken across the river."

"This dual problem of hardship in travel and delay in justice was the immediate reason for the division of the county, when the General Assembly met in James City, April 16, 1691, (new calendar, 1692), and passed the act dividing it. (Hening 3, p. 104)"

Act—"Whereas sundry inconveniences attend the inhabitants of Rappahannock County and all others who have occasion to prosecute law suits there, by reason of the difficulty in passing the river, Be it therefore enacted by their Majesties' Lieutenant Governor, Council and Burgess of the present General Assembly and the authority thereof and is therefore enacted that the County of Rappahannock be divided in two distinct counties so that the Rappahannock River divide the same, and that part which is on the north side thereof be called and known by the name of Richmond County and that part which is on the southside thereof be called and known by the name of Essex County, and for the administration of justice that the records belonging to the county of Rappahannock be kept in Essex County."

"Be it enacted by the authority aforesaid, and it is hereby enacted, that the Court of the said County of Richmond be constantly held by the justices thereof on the first Wednesday of the month in such manner as by the laws of this county is provided and shall be by their commission directed."

"And the Court for the said County of Essex be constantly held by the justices thereof in such manner as by the laws of this county is provided and shall be by their commission directed."

"Be it enacted by the authority aforesaid, and it is hereby enacted: That whereas the Town land lying at Hobb's Hole on the Southside of said County was purchased by the entire County as now it is the charge thereof being equally defrayed by the whole number of tythecables of said County; that the moiety of the tobacco arising from the sales thereof to the several takersup of the aforesaid lands be paid unto the inhabitants of the North side thereof, upon the taking up of the said land at the town aforesaid, and that the records belonging to the County Courts of Rappahannock before this division be kept in Essex County, that belonging wholly to their majesties and the other to the Proprietor of the Northern Neck."

Thus was Essex County established on April 16, 1691, (New Calendar, 1692). Compensation was paid to the inhabitants on the north side of the river for the expense to Rappahannock County in the purchase of land by that County for the establishment of Tappahannock in 1682. As provided in the above act we now have the records of Rappahannock County to the year 1656. The records pertaining to this area to the year 1654 being in Lancaster Court House, as this county preceded Rappahannock County. This is why, for example, the will of Epaphroditus Lawson who patented land just south of the Hoskins patent (later Tappahannock) in 1650, is on record in Lancaster. This is the oldest will on file today in the United States and he was a very early settler here.

The first month after Essex County was established the County Court met. The day of the month is torn and illegible. This first County Court probably met in or near Tappahannock. One of the town's first settlers, Robert Coleman, was appointed on April 1, 1691 by the Rappahannock County Court to attend to the Court House. This was one of the last Acts of the Court of Rappahannock County . . ., to forthwith take care of the courthouse of this county on the southside of the river . . . and that he be paid for the same out of the next levy. The exact location of this first Court House for Essex County is however unknown. The following is taken from this first County Court meeting:

"AT A COURT HELD FOR ESSEX COUNTY MAY . . . ANO DOM 1692."

Present . . .
Mr. Henry Awbrey
Mr. Henry Williamson
Capt. John Catlett
Capt. Wm. Moseley
Mr. Tho. Edmundson
Capt. Edward Thomas
Mr. Bernard Gaines
Mr. Robert Brook
Capt. John Batalla
Capt. Anthony Smith

Thirty-one items of business were considered.

These matters were as follows: The numbers are those of the editor to indicate the order of business.

1. "A Commission of the Peace for Essex County" granted by Hon. Francis Nicholson Esq. their Mas Lt. Governor . . . dated 30th day of April 1692 was published and committed to Record."

2. An order from the Governor for the swearing in of the justices published and committed to record.


4. Mr. Henry Awbrey, Mr. Henry Williamson, Capt. John Catlett, Capt. William Moseley, Mr. Thomas Edmondson were administered the same oaths to become Justices of the Peace.

5. "Mr. Henry Awbrey was sworn Sheriff of Essex County."

6. Capt. William Moseley, Capt. Edward Thomas and Capt. John Batalla signed a bond with Mr. Henry Awbrey of one hundred thousand pounds of tobacco and cask for the said Awbrey's lawfully discharging the Sheriff's Place."

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7. Mr. George Packer was sworn in as “Sub Sheriff.”
8. Capt. Edward Thomas and Capt. Anthony Smith signed a bond with George Parker in the amount of one hundred thousand pounds of tobacco and cask for Parker’s performance of his job of sub sheriff.
9. Francis Meriwether was sworn Clerk of Essex County.
10. “The acts of assembly made at James City the Last Session of Assembly April Ano Dom 1692 were this day published.”
11. Two orders of the Council (Upper House of the Colonial government), were published and committed to record.
12. “At the request of Mr. Henry Awbrey his Commission to be Sheriff of this County is committed to Record.”
13. An order of the Court of Rappahannock County (which preceded the formation of Essex) dated April 6, 1692 “for summoning a Grand Jury and several persons are put in force” and are to be summoned before the next court of this county (Essex).
14. Thomas Taylor, servant to Thomas Saint John is adjudged eleven Years of Age and it is ordered that he be sold “according to Law”.
15. “Major Armitage is appointed constable in the upper proximity of this county”.
16. John Pinto is appointed constable . . . ,
17. Wm. Harper is appointed constable . . . ,
18. Henry Pirkett is appointed constable . . . ,
19. John Wood is appointed constable . . . ,
20. Thomas Paine is appointed constable . . . ,
21. Capt. William Moseley is requested to take the list of tithables in his area which Mr. Henry Awbrey took last year and return the same to the Clerk of the County.
22. The other gentlemen who took the tithable lists last year are again requested to take the same in their areas and return the same to the Clerk of the County.
23. Mr. Samuel Sallio is appointed surveyor of the “Highways” in the upper part of St. Mary’s Parish.
24. John Goss is made surveyor of highways for the lower part of St. Mary’s Parish.
25. Nicholas Copeland is made surveyor of highways for upper Sittingborne Parish.
26. Richard Stookey is made surveyor of highways for lower Sittingborne Parish.
27. Thomas Meador is made surveyor of highways in upper South Farnham Parish.
28. Richard Taylor is made surveyor of the roads from the head of Piscataway Creek to King and Queen County.
29. Mr. Daniel Dobkins is confirmed surveyor of the highways in the area he was formerly in.
30. Samuel Green is made surveyor of the highways in lower South Farnham Parish.
31. Mr. John Dangerfield is confirmed as surveyor of the highways where he was formerly.

“AT A COURT HELD FOR ESSEX COUNTY
JUNE THE 20th, 1692”

Present . . .
Mr. Henry Williamson Capt. Edward Thomas
Mr. Tho. Edmondson Capt. Anthony Smith

This second court handled sixty items of business, all of them in greater detail than the first session of the Essex County Court. Most of the business was concerned with surveys of highways, deeds of sale, administrations of estates, wills, lawsuits over land and stealing of cattle.

Officers of the Society

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Meetings are held quarterly in the Essex County Court House, Dues are $1.00 per year. For copies of publication send 50c to Mrs. J. M. Evans, Box 8, Tappahannock, Virginia.

Mr. Francis Taliaferro and John Taliaferro were added as Justices of the Peace.

Mr. Daniel Dobkins, Mr. Thomas Webb, Mr. John Southard, Mr. John Mitchel, Mr. John Savage, Mr. John Webster, Mr. Daniel Browne, Mr. Thomas Thorpe, Mr. Thomas Wheeler, Mr. John Pickett were made members of the first Grand Jury for Essex County.

“AT A COURT HELD FOR ESSEX COUNTY
JULY THE 11th ANO 1692”

Present . . .
Capt. John Catlett Mr. Robt. Brook
Mr. Bernard Gaines Capt. Edw. Thomas
Capt. Wm. Moseley Capt. John Battalle

The following are names of persons with cases before the County Court involving legalities over land, estates, guardian’s bonds, etc. with the business stated. A wide cross section of problems is shown as well as names.

Mary Cogwell—choice of Capt. John Battalle as guardian.

Thomas Hilliard to William Smith—deed of sale.

Thomas Griffin—granted his freedom as his master is gone away.

William Brothers—fined for not appearing as jurymen.


James Fullerton and John Pinto—trespass.

John Mills—James Baughan to be attorney.

John Williams—fine for non appearance as jurymen.

Edward Jeffrey—John Taverner to be attorney.

Elizabeth Monell and Thomas Smith—he be the father of bastard child.

James Baughan and Richard Covington—testify that bastard child should be kept and maintained by Smith.

Richard Holt—due to illness is incapable of working and is thus exempt from taxes this year.

William Catlett and Mrs. Elizabeth Blumfield, adm. of Capt. Samuel Blumfield—estate lawsuit.

Elizabeth Browne—that servant Rachall Holding is ill and can not work and petitions that she not be taxed for her.

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Formation of Essex County
(Continued from Page 3)

John Taliaferro—"Judgment brought against him by Henry Curry for planting tobacco contrary to law."

Entered as a part of the July 11, 1692 court minutes was an order passed at James City, April 2, 1692 by Governor Francis Nicholson and his Council. It is ordered that the Secretary of the Colony cannot appoint county clerks, and that county clerks can not appoint deputes. Only the county court can appoint clerks. Francis Nicholson was a liberal governor for his period and is known to have favored the local courts against policies of centralization. This act strengthened the power of the local courts over any official in James City appointing the clerk. The act also prevented the clerk from increasing his influence by appointing his choice of deputes. The act therefore strengthened the power of the county courts. This act was one of the reasons the county courts became the basis of political power and the training ground for the planter in public service.

Essex County was thus well established as a governmental unit by July 11, 1692 and on her way to play an interesting and vital part in the destiny of Virginia and the United States.

SOURCES

4. Court Records—Essex County Court House, Tappahannock, Virginia.
   Orders & C., No. I, 1692-95; Part I, pp 1-16;

Letter of Recognition

The following letter recognizing the first issue of the Essex County Historical Bulletin was sent from the Virginia Historic Landmarks Commission. This Commission is also considering the old part of Tappahannock for designation as a Virginia Historic Landmark area, embracing twelve historic buildings, including the Essex County Court House.

23 November, 1971

Dear Mr. Pettigrew:

We appreciate very much receiving the first issue of the Essex County Historical Society magazine. It is an excellent publication and will be an invaluable reference for those many people who wish to learn more about the history of the County. With a history so rich and varied, Essex County deserves this attention, and I hope that this issue will be only the first of many.

Sincerely yours,
J. H. Fishburne
Assistant Director

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