



ESSEX COUNTY 1692

NUMBER 2

TAPPAHANNOCK, VIRGINIA

MAY 1972

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

Dr. Booker, Historian, Speaks On Booker Family of Essex

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 conversational 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 Tappahannock'."

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 ruinous 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

Dr. J. Motley Booker, a prominent doctor of Northumberland County and Historian of the Northern Neck Historical Society, addressed the January 19, 1972 meeting of the Essex County Historical Society. Dr. Booker was presented by Mr. Gordon Lewis. His topic was "The Bookers and Allied Families of Essex." He told of Captain Lewis Booker (1754-1814) who lived at Laurel Grove, his immediate family, and their descendants. Captain Booker had a most interesting Revolutionary War record, and his life in Essex following the Revolutionary War was enlightening and inspiring to all members of the Society.

A short business meeting followed Dr. Booker's address. The president told of the many favorable comments on the first issue in November of the Bulletin. Mr. Charles Warner recommended that we contribute to the Essex County Improvement Council and that we have a Bicentennial Committee to work on plans for the part that our county played in the American Revolution.

The Nominating Committee presented a slate of officers: Mrs. Henrietta Waring Wolfe was nominated for president with officers of the Society to be voted on during the regular quarterly meeting of April 19.

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 four 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 Burgesses . . .

"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 hath 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 here 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 tythables of said County; that the moyety

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 1651 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	Capt. Edward Thomas
Mr. Henry Williamson	Mr. Bernard Gaines
Capt. John Catlett	Mr. Robert Brook
Capt. Wm. Moseley	Capt. John Battaile
Mr. Tho. Edmundson	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.
3. Capt. Edward Thomas, Mr. Bernard Gaines, Mr. Robert Brook, Capt. John Battaile, Capt. Anthony Smith by virtue of Power from the Rt. Honble Francis Nicholson Esq. their Mas Lt. Governor of Virginia (were administered) oaths enjoined by Act of Parliament . . . oaths of Allegiance and Supremacy and the oath of Justice of the Peace of Essex County.
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 Mosley, Capt. Edward Thomas and Capt. John Battaile 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".

(Continued on Page 3)

(Continued from Page 2)

7. Mr. George Parker 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 sumoning a Grand Jury and Severall 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 Pitto 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 "Highwaies" in the upper part of St. Mary's Parish.
24. John Gossis 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 Stoakey 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 Piscattaway Creek to King and Queen County.
29. Mr. Daniel Dobbins 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

President _____ Mr. Robert L. Pettigrew
 Vice-President _____ Mr. Arnold Motley
 Treasurer _____ Mrs. Richard Parker
 Secretary _____ Mrs. Henrietta W. Wolfe

PUBLICATIONS COMMITTEE

Chairman, Mr. Charles W. H. Warner; Members, Mrs. William A. Wright, Mrs. J. M. Evans, Mr. Joseph Ewing

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

Mr. Daniel Dobbins, Mr. Thomas Webb, Mr. John Southard, Mr. John Mitchell, 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 Battaile

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 Battaile as guardian.

Thomas Hilliard to William Smith—deed of sale.

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

William Brothors—fined for not appearing as jurymen.

Wm. Loake, Phill Pendleton, Richard Fryar, Benjamin Goodrich, Thomas Shephard, Richard King, Richard Covington, Thomas Watkins, Richard Hutchins, Leonard Hill, Henry Wood and Ralph Whitton—lawsuits over land.

James Fullerton and John Prito—trespass.

John Mills—James Baughan to be attorney.

John Williams—fine for non appearance as jurymen.

Edward Jeffreys—John Taverner to be attorney.

Elizabeth Moadd 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.

(Continued on Page 4)

Formation of Essex County

(Continued from Page 3)

John Watson—James Baughan to be his attorney.

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 can not appoint county clerks, and that county clerks can not appoint deputies. Only the county court can appoint clerks. Francis Nicholson was a liberal governor for his period and is known to have favored the local county 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 deputies. 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

1. Warner, Thomas Hoskins; *History of Old Rappahannock County, Virginia, 1656-1692*; Copyright, 1965 by Pauline Pearce Warner, Tappahannock, Virginia, Publisher, pp 25-26, 122, 176.
2. Garnett, William C.; *Tidewater Tales*; Tidewater Publishing Company, Dunnsville, Virginia, 1927, pp 25-26.
3. Journals of the House of Burgesses of Virginia, 1659/60-1693—taken from Winder Transcripts II., p 228 and following—Rappahannock County Grievances. Virginia State Library.
4. Court Records—Essex County Court House, Tappahannock, Virginia.
Orders & C., No. I, 1692-95; Part I, pp 1-16.
Orders & C., No. I, 1692-95, Part II, pp 23-30.

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. R. FISHBURNE
Assistant Director

Miss Willie Weathers Speaks

(Continued from Page 1)

see them again, they were forced to live mainly with relatives in Hanover and environs wherever they could find a haven.

The place the McGuires found in which to build up a home for their declining years was Tappahannock and they began their new life in the Brockenbrough House, a few months after the last diary entry, where the McGuires successfully engaged in the conduct of a female school.

After his death it was continued by his widow for some years—until 1880. Most of the pupils were no doubt from nearby, five of the eight students in a class in 1865-66 have names well known to Essex: Croxton, Garnett, Gordon, Lewis and Temple.

Mrs. McGuire is said to have conducted the school in other Tappahannock houses after the Brockenbroughs moved to their town property, and in one of these, the old Customs House, part of the manuscript of her diary was found in after years. It was in the Brockenbrough House that the manuscript was originally prepared for the press, and was published two years after coming to Tappahannock as the "*Diary of a Southern Refugee During the War, by a Lady of Virginia.*" It immediately became a best seller throughout the South. The first edition—published in New York in 1867, was followed by a second in 1868 and a third in 1889 was published in Richmond. The author's second publication in 1873 is a small volume of 198 pages entitled *General Robert E. Lee, the Christian Soldier.*

During her last years, Mrs. McGuire apparently spent much time with her step children, until her death in 1897 in Richmond. A brief funeral service was held at her son's home, after which "the remains" were conveyed to Tappahannock for interment. Mr. John Petyon McGuire and his son accompanied them. The journey was by train to Fredericksburg and then down the Rappahannock by steamboat. Neither grave has a stone, in St. John's churchyard, but the spot is enclosed by iron palings with a gate that bears his name. There is nothing to tell the passerby that in a second grave lies the author of what William G. Standard, former Secretary of the Virginia Historical Society, has called "the most valuable contribution to the history of life in Virginia during the Civil War which has ever been written," a record that was prepared for publication in the ancestral town where the diarist lived out its sequel.

NOTE—It is suggested by the Publication's Committee that the society initiate a drive to raise money to place a tablet over the McGuire graves in the Saint John's cemetery, Tappahannock.

FOR COPIES

of

PUBLICATION

SEND 50c

to

MRS. J. M. EVANS

P. O. BOX 8

TAPPAHANNOCK, VIRGINIA 22560