

V. MILITARY CAREER, 1775-1778

It was an exciting time, that spring. The second Virginia Convention, meeting in Richmond, heard Patrick Henry's Liberty-or-Death speech and passed his bill for organizing and arming the militia. In Williamsburg Governor Dunmore, fearing that the colonial store of arms, ammunition, and powder in the Public Magazine might be used to supply the militia, ordered its secret removal to the British man-of-war, the Fowey. Captain Henry Collins, commanding the schooner Magdalene stationed at Burwell's Ferry, about six miles away from the capital, carried out the governor's order during the night of April 20-21. (The similar action in Massachusetts had occurred a day earlier, but no one in Williamsburg knew of that.) Dunmore, formally reporting the resulting "Commotions" to Dartmouth, complained that drums were sent throughout the city announcing Collins' raid on the Magazine and that the Independent Company at once "got under arms." Then "all the People" assembled at the courthouse green and demanded the return of the powder under "continued" threats of the forcible seizure of his Lordship and all his adherents as well as the powder itself if he refused. He had opposed the uncontrollable fury of the people, he thought, with firm dignity and resolution while cooler heads among their own leaders--notably Peyton Randolph and Robert Carter Nicholas--persuaded them to disperse before he carried out his counter threat to arm his own slaves and free others who would join him in open war against their masters.¹

¹ Dunmore to Dartmouth, May 1, 1755, PRO CO5/1353/ff. 137-140, CW film M-202, also CO5/1373/ff. 64-68. M-232. Dunmore to Dartmouth, June 25-27, 1775, PRO CO5/1353/ff. 160-172, M-202.

Williamsburg citizens noticed neither dignity nor calm in his Lordship's words and manner. Dr. William Pasteur, for one, told a different story. On the morning of the 23rd, a Saturday, (the day after the "Commotions," when the Mayor and Corporation had addressed the governor and received his reply and the people had dispersed) Pasteur paid a visit to a patient at the Palace. There he met Lord Dunmore, who stopped him and requested that he deliver a message to the Speaker and gentlemen of the town. The governor ranted and raved about what he would do if he or Collins or Foy (his secretary) were molested. With great oaths he threatened to depopulate the whole country, "adding that if Innes and George Nicholas continued to go at large what he had say'd wou'd from some misconduct of theirs be certainly carry'd into execution."²

Most of the early Independent companies in Virginia had been formed in 1774 during Dunmore's War to practice the manual of arms and train for emergency service. They were following the example set by a group in Norfolk some months earlier, when Dunmore himself had reviewed the unit and commended its officers.³ While the governor was on the frontier the Williamsburg unit, at the direction of the president of the Council, had been equipped with muskets from the Powder Magazine. When the governor returned, he was greeted with the compliments of the company in the form of a military drill before

² Deposition printed 13 V 48-50 from MS in VSL; also Henry R. McIlwaine, ed., Journals of the House of Burgesses, 1773-1776, p. 231. The Journal version reads "Finnie" instead of "Innes"; this version is an indirect quotation of Pasteur's testimony included in the report of the committee of burgesses investigating the disturbances.

³ Testimony of Joseph Hutchings, Colonel of the Norfolk militia, in Journals of the House of Burgesses, 1773-1776, pp. 233-237. See also the address of the House of Burgesses to Dunmore, June 19, 1775, Ibid., p. 255.

the Palace; though His Lordship did not appear in time to review the exercise (he later explained that it had not lasted long enough for him to prepare for a formal appearance), he was pleased with the compliment.⁴

Then after the Second Virginia Convention had voted to arm and train militia units, they "recommended that volunteer Companies should be formed in each County."⁵ Dunmore certainly appreciated the difference between independent and volunteer companies; yet he seems to have confused the two when he associated Innes with the Williamsburg Independent Company of 1774 instead of the Williamsburg Volunteers organized after March, 1775-- Innes's group, recruited partly from students at the College.

George Nicholas, eldest son of the treasurer of the colony, was about the same age as Innes. He, too, was a student at the College of William and Mary in 1772⁶ and now in the late spring of 1775 may have been a member of Innes's company, or he may have formed his own. During the summer, additional groups were organized and by September there were in town "several volunteer companies" under arms.⁷

Some of these units went to Hampton early that month to patrol the lower Peninsula and protect it against British raids on property and slaves.

⁴ Testimony of John Dixon, Mayor of Williamsburg, Ibid., p. 233; see also testimony of Benjamin Waller and John Randolph, pp. 231-232.

⁵ Address to Dunmore, June 19, 1775, Ibid., pp. 255, 257, 261.

⁶ In other, later days Nicholas's activities closely resembled Innes's. During the war he became captain of the 2nd Va. Regt., then Lt.-Col. of the 11th. He, too, spoke with great effect at the Convention of 1788. Compare Grigsby's sketches of the two men.

Dunmore refers to Nicholas as the late Comptroller of the upper district of the James. Dunmore to Dartmouth, December 6, 1775, PRO C05/1373/ff. 321-334.

⁷ VG(DH) 23 S 75:31.

William Curle, chairman of the local Committee of Safety, explained the situation in resolutions published in the Virginia Gazette:

At a meeting of the committee of Elizabeth City County, and town of Hampton, September 16, 1775.

Resolved, unanimously, That the most hearty thanks of this committee, and all those whom they represent, are justly due to Major James Innes, the other Gentlemen officers, and to the several volunteer companies now under their command, for so expeditiously and cheerfully marching to our assistance and defence on the alarm occasioned by the threats and several insolent letters of a certain Matthew Squire, commander of his Majesty's ship the Otter; and that this committee, for themselves and constituents, do accordingly present their most hearty and cordial thanks to the said very worthy Gentlemen and their companies.

WILLIAM R. W. CURLE, Chairman.⁸

George Nicholas, too, must have been present as one of "the other Gentlemen officers," for in October he was in command of the "Rebel" forces at Hampton who repelled raiders from the Otter and captured seven of them without losing a man of their own.⁹ Certainly the two young men, having caught the governor's eye when they distinguished themselves in the protests against his removal of the powder, continued to enjoy his special attention whenever they were singled out by Virginians for special thanks.

In some other way Innes had already earned the enmity of Dunmore's secretary, Captain Edward Foy. Another member of the F.H.C. Society shared Foy's special disfavor: John Page in autobiographical reminiscences years later related the occasion of his own first brush with the governor and his secretary. As a member of the Board of Visitors of the College of William and Mary, he explained:

⁸ Ibid. This issue announced the arrival in Williamsburg of Patrick Henry, commander-in-chief of the Virginia forces.

⁹ Dunmore's account of the affair in his letter of December 6, 1775, to Dartmouth.

...I faithfully supported the rights and privileges of both Professors and Students; and notwithstanding I had been placed at the Council Board by Lord Dunmore, I opposed his nomination of John Randolph as a visitor, boldly declaring that as he had been rejected on a former occasion, as not possessing the disposition and character, moral and religious, which the Charter and Statutes of the College required, he ought not again to be nominated, till it could be proved that he had abandoned his former principles, and practices, which no one could venture to say he had. I then proposed Nathaniel Burwell, in the place of Lord Dunmore's nomination, and he was elected I think by every voice except Dunmore's. For this, although he never shewed any marks of resentment, I found I had incurred his displeasure, and that of his Secretary, Capt. Edward Foy, who resented my conduct so much before some of my friends, that I was obliged to call him to an account for it--and he, like a brave and candid man, made full reparation to me, and my friend James Innes, at that time Usher of the Grammar School in William and Mary College, afterwards the well-known Col. Innes. I continued to discharge the duty of a visitor till I was elected a member of Congress, when finding that I could not attend the visitations, I resigned my office of visitor.¹⁰

In the Council of State,¹¹ also, Page was a disappointment to his Lordship, who observed to Dartmouth in March:

...It has been a Matter of no small Concern to me, to find how much I have been mistaken in the Character of Mr. John Page, whose Name Your Lordship will observe upon the List of the Council, and whom I recommended from the public opinion of his good Qualities; but he has, in those unhappy Disturbances observed a Conduct, as a Member of His Majesty's Council, so undutiful, and, as a Judge of the Supreme Court of Judicature, so highly inconsistent, that I conceive I ought not to pass it over unnoticed.

Mr. Page was present in the Council which was unanimous in advising me to dissolve the late Assembly, and he was one who signed the two Addresses to me on the Occasion of requesting me to call a New one.... [In the latter address] it is declared that, "when the Council advised me to dissolve the Assembly, they were influenced by a sincere Regard for the honour of His Majesty, who, they thought, was indecently reflected on in a paper, just published by order of the House of Burgesses," and in the same Address they promise, "to exert their most strenuous Endeavour to inspire a Spirit of Moderation & Obedience to Government among the People," Notwithstanding which Mr. Page, in order to acquire a Mean Title to Popularity, remained after the Separation of the Council to attend the Burgesses in their Procession to Church, upon the fast Day appointed by the Order for

¹⁰ 3 R 148.

¹¹ Page took his seat late in 1774. The John Page who preceded him here and on the Board of Visitors and in the House of Burgesses was his uncle, John Page of North End.

which they were dissolved, and gave every Countenance in his Power to the observing of that order, which he had in Council so strongly censured, and in Violation of the Promise, which he had so solemnly given. When it was agitating in what manner the Ship should be dealt by, which had brought Tea into the Port of York (of which Affair I gave your Lordship an Account in my Letter No. 23) Mr. Page, a Judge of the Chief Court of Judicature, wrote to the Rioters, to urge them to proceed without Partiality & particularly not to shew any Indulgence. In short Mr. Page is connected only with those People who are most remarkable in promoting all the violent Proceedings against Govt. and is a strong Abetter of them. His Principles are therefore such as render him unworthy the Honor of being one of His Majesty's Council, and his Behaviour such as, I think would sufficiently justify the removing of him; but uncertain whether Your Lordship will concur in opinion with me, I have chosen to submit the whole Matter to Your Lordship's Judgment.¹²

Dunmore's opinion of his councilor did not improve. Page later recalled their association in these words:

...In the Council, I adhered to my former Whiggish principles, and of course opposed the Tory principles of the Governor, a pupil of Lord Bute; for he boasted that he was the companion of George III. during his tuition under that Earl--('Par nobile Fratrum!') At one Board, I joined with those patriotic members who advised the issuing of new writs for the election and call of an Assembly, and at a time when it was dangerous (as far as a loss of office went) to propose it, as the Governor had plainly given us to understand, that the King was determined to rule the Colonies without their check, or controul; and at another Board, I boldly advised the Governor to give up the Powder and Arms, which he had removed from the Magazine. But he flew into an outrageous passion, smiting his fist on the table, saying, "Mr. Page, I am astonished at you." I calmly replied I had discharged my duty, and had no other advice to give. As the other Councillors neither seconded or opposed me, he was greatly embarrassed. As I was never summoned to attend another Board, I might well suspect I was suspended from my office; but as I cared nothing about that, I never enquired whether I was or not. P. Henry, afterwards so famous for his military parade against Dunmore, did actually bully him, but they appeared to me to be mutually afraid of each other.¹³

When the General Assembly met the first of June, the "independent companies of Williamsburg" marched out to Ruffin's Ferry to meet Speaker

¹² Dunmore to Dartmouth, March 14, 1775, PRO CO5/1373/ff. 55-63.

¹³ Page autobiographical reminiscences, 3 R 148-149.

Peyton Randolph and gave him a military escort into town.¹⁴ Surely Major Innes was one of the company.

Dunmore was still gravely apprehensive of further violence, but the Assembly got under way quietly. Then on the night of June 3rd another incident at the Powder Magazine aroused the citizenry. As Dunmore related it, "two Men were wounded in attempting in the Night to rob the Magazine of Arms by the discharge of a Musquet loaded with large shot which had been placed by the Keeper in a Window in such a manner than any person forcing through would fire the Gun against himself. The crime in this Affair was intirely overlooked but the punishment inflicted by the hands of the Criminals on themselves irritated very much and the Cry among the People was for Vengeance."¹⁵

The Virginia version had a different emphasis. The burgesses, addressing the governor on the subject of the state of the colony, commented:

Many People, the irritation of whose Minds had but lately subsided, we understand had been again greatly alarmed at a late unfortunate Accident, which happened to some inconsiderate young Men in their unlawful Attempt to furnish themselves with Arms out of the Magazine; an Attempt, my Lord, which we condemn as highly as your Lordship can. But whether some little Apology may not be suggested, from that universal anxiety which all Mankind have to prepare for the Defence of their Lives and Property, we will not determine; the Point is delicate, and we leave the World to judge of it. But the means contrived in pursuance of your Lordship's Orders, by which an unfortunate Culprit might probably have been hurried into Eternity, without a Moment's Time for reflection, we conceive we can do no great Honour to Humanity which, we should have supposed, would have dictated the Necessity of at least giving publick Notice that spring Guns were prepared and fixed; which, it is imagined, would have answered every Purpose of Security to the Magazine.¹⁶

¹⁴ 16 W(1) 48; Dunmore to Dartmouth 25-27 June 1775, PRO CO5/1373/ff. 72-84 and 1353/ff. 160-172.

¹⁵ Dunmore to Dartmouth, June 25-27, 1775, PRO CO5/1373/ff. 72-84.

¹⁶ Journals of the House of Burgesses, 1773-1776, pp. 259-260.

One of the injured young men was Beverley Dickson. He had been a student at the college when Jefferson and Page were there,¹⁷ a charter member of the Masonic Lodge,¹⁸ and first lieutenant in Captain George Nicholas's company.¹⁹ Later he was to receive appointment by the Board of War as clothier for all the State troops.²⁰

Governor Dunmore's account to Dartmouth continued:

Among the first proceedings of the Assembly was the appointing a Committee to examine into the state of the Magazine and the day after the two Men were wounded About Noon a Number of persons from the Town and Country forced into it and in presence of several of the Burgesses took out the Remainder of about 400 Stand of Arms, part of which had been before at different times carried off by People that found means of secretly getting in through the Windows and a considerable Quantity of different stores were likewise taken away. The abovementioned Committee then made a great Merit of having, as they informed me, interposed and endeavored, though without effect, to prevail on the People to return the Arms but without applying for my orders or Consent, they seized this pretence for appointing a Military Guard to mount upon the Magazine who have been continued ever since by the same or no better Authority and the Command of Militia as well as the Custody of Magazines and public stores of Arms & Ammunition is thus intirely wrested out of the hands of the Governor.²¹

The committee to inspect the Magazine was appointed on Monday, June 5th-- twenty-one in all, headed by Mercer, Nicholas and Jefferson. The wrangling about entry was reviewed in the House on Tuesday when two messages from the governor were considered. Also there was an alarming report that marines and sailors from the Fowey were expected at the Palace on Dunmore's order;

¹⁷ 1 W(2) 32; listed again as Beverley Dixon in 1773.

¹⁸ George E. Kidd, Early Freemasonry in Williamsburg, Virginia (Richmond, 1957), p. 66. Listed as a member of the Williamsburg Lodge 1773-1783 in 1 W(1) 19.

¹⁹ Appointed by the Williamsburg District Committee. VG(DH) 16 S 75:32.

²⁰ Statement of Col. James Innes to the Governor of Virginia, August 1, 1788, in 4 C 469. He was still living in Williamsburg in 1783. 23 W(1) 135-- tax list.

²¹ Dunmore to Dartmouth, 25-27 June 1775.

when the Council had requested the governor to stop them because the people of the town would probably attack them upon arrival, his Lordship had denied all knowledge of such an order. Then, just before adjourning, the House of Burgesses ordered:

...that Captain James Innes, of the Voluntier Company of the City of Williamsburg, be desired to employ any number of Men, that he shall think sufficient, to guard the public Magazine in this City, until such time as the House shall direct the Guard to be discontinued; and that Mr. Braxton do acquaint him therewith.²²

On Wednesday while the Committee of the Whole sat on the question of replies to the governor, another message from Dunmore informed them that he had ordered the key to the Magazine delivered to their committee; thus he demonstrated his avowed desire to avoid controversy and show respect for the House.

Early the next day a new message from Dunmore announced his removal from the Palace to the Fowey because his person was threatened by the fury of a great number of people; he hoped the work of the General Assembly would not be interrupted and promised to arrange easy access to himself. The Committee of the Whole sat immediately to meet the new emergency. They decided to protest his removal, which would only add to the uneasiness; to express their concern that he did not communicate his plan and his fear, for they would have concurred in any suggestion for his safety; to beg his return for orderly conduct of government business. The Council joined the House in this address.

Dunmore's reply was received on Saturday, the 10th. He considered Williamsburg unsafe, he declared, as long as the general "commotions among the People, and their menaces and threats" went on unchecked while the House

²² Journals of the House of Burgesses, 1773-1776, p. 198.

of Burgesses condoned the activities of the independent militia companies and other lawless groups of citizens. Of special significance, he thought, was "a step fraught with the most alarming consequences, in ordering and appointing guards, without even consulting me, to mount in the city of Williamsburg, as is pretended, to protect the Magazine, but which may well be doubted, as there then remained nothing therein which required being guarded; but if otherwise, this step nevertheless shews a design to usurp the executive power, which, if it be persisted in, subverts the constitution...." He refused to return to the Palace but offered to sit with the Assembly in Yorktown.²³

On succeeding days while the Assembly was in session--through June 24th--regular business was impeded by Dunmore's absence and interrupted by messages from the governor, sometimes daily and even several times in one day. Time was taken up with consultations with the Council about the content and phrasing of joint replies to his Lordship. Through it all ran the thread of the critical condition of the colony's supply of arms and ammunition.

The committee which inspected the Magazine found the following supplies:

- 19 halberts
- 150 trading guns in pretty good order but indifferent in kind
- 51 pewter basons
- 8 camp kettles
- 108 new muskets without locks
- about 557 old muskets with rusty barrels and useless locks
- 1200 cartouch boxes
- 1500 cutlasses with scabbards
- 170 pistol holsters
- 150 old pistols or thereabouts, with and without locks
- 50 mallets
- 2 bundles of match Rope
- 200 cantines

²³ Ibid., pp. 214-215.

- 35 small swords in bad order
- 1 tent and tent poles
- 1 hogshead powder horns
- 127 bayonets
- 100 knapsacks in the Smiths Shop and Armory
- $\frac{1}{2}$ barrel dust and rotten powder
- $\frac{1}{2}$ barrel and $\frac{1}{4}$ of unsifted powder in powder room
- 5 half-barrels loose powder buried in a hole in Magazine yard, partly destroyed by recent rains and the remainder damp²⁴

All their communications to the governor on any subject included a plea for the return of the supplies he had removed to the warship and to the Palace. A long address, approved on Monday, the 19th, reviewed the state of the country since Dunmore's arrival. The customary tranquility was first disturbed, they thought, by his removal of the powder in April and his threats at that time. His explanations of his action were considered inadequate, especially his pretended belief in the threat of a slave revolt. Then the news of a similar situation at Concord, Massachusetts, arrived at the time when the burgesses had just discovered that he had removed the locks from the better guns in the Magazine. They questioned his sincerity when he pled fear for his personal safety and that of Lady Dunmore, and they protested his flight "in the dead of Night." They reviewed again the position of the independent and volunteer companies, and they denied the charge of usurpation of executive power when they arranged guards for the Magazine. Finally, they complained of the legislative difficulties caused by his residence in the river, and explained again the impracticability of the Assembly's sitting at Yorktown as well as the illegality of such an arrangement so long as Williamsburg remained the capital of the colony.²⁵

On Tuesday, the 20th, just before adjournment the burgesses

²⁴ Ibid., pp. 223-224.

²⁵ Ibid., pp. 253-262.

Ordered, that the thanks of this House be given to Captain James Innes, of the Volunter Company of Williamsburg, and the Persons employed by him to guard the public Magazine in this City, for the Alacrity, fidelity, and Activity with which they undertook and performed that Service.²⁶

With no concessions on either side of the controversy, the stalemate marked the end of royal government in Virginia. In all the major points of dispute James Innes was intimately concerned.

His active public service during the summer brought to an end also Captain Innes's employment at the college. In a faculty meeting on August 4, 1775, President Camm announced that "Mr. Innis is now absent from the College without Permission, and has been almost constantly so ever since the last Visitation on Business (as is generally believed) which respects his military Engagements." Early in the summer his neglect of college duties had been reported to the Board of Visitors for action and the problem had been discussed at the last Visitation, on June 17th. At that time, Camm informed the professors, "the Visitors were of Opinion that Mr. Innis's military Engagements were not incompatible with his Office of Head-Usher of the Grammar-School." The Chairman of the Board, Lord Dunmore, had been absent, of course, and this opinion represented the attitude of Innes's friends--Page, Thomas Nelson, Nathaniel Burwell and other patriots. Understandably, then, the President and Professors resolved "that no farther proceedings be had in relation to Mr. Innis."²⁷

With no further guidance from the Board, the faculty met late in September and passed the following resolution:

²⁶ Ibid., p. 271.

²⁷ Faculty Journal, August 4, 1775, printed 15 W(1) 134.

Whereas Mr. James Innis, head-Usher of the Grammar school has much neglected his Duty for the last three months, by repeatedly absenting himself from the College for days & weeks together, without asking permission to be absent, behaving herein as if he had no superior in the Society to whom he thought himself accountable for his conduct; & Whereas the said Mr. Innis is now absent without having obtain'd any leave to be absent, and it is not known when he designs to return; it is therefore the Opinion of the President and the Senior-Professor that the said Mr. Innis ought to be removed from the Office of head-Usher in the Grammar-school, and he is accordingly removed by the Authority of the President and the Senior Professor; there being at present no other Professor in the College, and but one more on this Side of the Atlantick.²⁸

Some of the effects of the coming Revolution, which was to close the college for a while, could already be seen. Professor Gwatkin, tutor to Lord Fincastle and chaplain to Lady Dunmore, had returned to England with the governor's family. Henley, too, had gone home. Madison was in England for ordination and would return to the college the next year. Dixon, still on this side of the Atlantic, was temporarily absent. Thus Emmanuel Jones had become senior professor.

During the fall and early winter months Innes was busy recruiting and training a company of artillery. The Virginia Council early in February, 1776, formed six battalions of ten companies each and allotted officers as directed in an Act of the Assembly the preceding October.²⁹ The sixth battalion was headed by Col. David Mason. James Innes was lieutenant colonel and Holt Richeson major. The companies were to be recruited from Princess Anne, Nansemond, King William, Richmond, Westmoreland, Northumberland, Isle of Wight, Sussex, Southampton, Surry, Brunswick, Amelia, Norfolk, and Chesterfield counties.³⁰ The recruiting was to be completed by

²⁸ Entry for September 14, 1775, *Ibid.*, 135.

²⁹ Act XI, October 1776, in 9 H 179ff. The act was amended later in the session to allow the Governor and Council to decide upon specific ranks.

³⁰ VG(P) 14 F:23.

January;³¹ each officer who had not filled his quota by that time was to be replaced. Yet, Innes was still on recruiting service in April.³²

That same month one of the committee, John Page, wrote to Richard Henry Lee, who was in Philadelphia attending the Continental Congress:

I suppose, as Mr. [Dohickey] Arundel is appointed Captain of a company of Artillery to be raised here, you either intend that there should be two Companies, or you did not know that we had already raised one. If the latter was the case, I fear there will be some confusion here, as Capt. Innes, who is captain of the Company, is a very deserving man, and was expelled the college for his activity in the cause. To prevent this, and indeed as two companies are really wanted, I wish you would raise another, and put them both on the Continental Establishment.³³

By the end of the month Innes had solved the problem and Page was able to report to Jefferson, who was in Philadelphia with Lee:

...Our Friend Innes resigned very handsomely in favour of Captn. Arundel, for which General Lee has recommended him to the Congress to be Major in the 9th Regiment. You know his Spirit, Abilities, and Deserts, I mean his active Opposition to Ld. D., and his bold attack on him, Foy, Corbin, Byrd, and Wormeley in the Papers³⁴ for which he lost his Place at College. But was it not a little extraordinary that you should appoint a Captain to the Artillery when we had actually appointed one who had raised his Company and was training it, or did you (as I suppose) intend that there should be 2 Companies of Artillery.... I must refer you to Majr. Innes for News...³⁵

³¹ Act XI stated that Virginia's quota would be 15 regiments; the nine already in service but for limited enlistments were to be reestablished and six additional ones recruited at this time. Each officer was to have his quota of enlistments completed by January, 1777, or be replaced.

³² Advertisement as Lieutenant Colonel of the 15th Regiment in VG(DH) 18 Ap 77:71.

³³ Page to Lee, April 12, 1776, in *Southern Literary Messenger*, XXVII (1858), 255.

³⁴ The issue of the *Virginia Gazette* carrying Innes's "attack" has not survived.

³⁵ Page to Jefferson, Williamsburg, April 26, 1776, in Julian P. Boyd and others, eds., *The Papers of Thomas Jefferson* (Princeton, 1950--), I, 289.

His generous action was rewarded: While he was in Philadelphia, he was appointed by General Washington to act as major in Colonel Fleming's Battalion of the 9th Regiment.³⁶ He saw Jefferson on this trip and recounted news of friends in Williamsburg. Among other items he reported that Gwatkin's library had been left with Molly Digges for sale, and Jefferson wanted Page to buy for him several titles which he remembered seeing among Gwatkin's books.³⁷

Page had interceded with the Congress on behalf of another F.H.C. brother, Dr. James McClurg, for appointment as director of the military hospital. Jefferson explained to Page that Innes would give him a full account of their disappointment and explain "in what manner we were surprised out of it."³⁸ Innes was still in Philadelphia when Jefferson wrote, but he was about to set out for Virginia.

At some time before his trip to Philadelphia Innes had been assigned to duty on the Eastern Shore, which, Jefferson explained to Thomas Nelson,

³⁶ VG(P) 26 Ap 76s22; also Charles Campbell, ed., The Orderly Book of That Portion of the American Army Stationed at or near Williamsburg, Virginia, under the Command of General Andrew Lewis, from March 18th, 1776, to August 28th, 1776 (Richmond, 1860), p. 26.

³⁷ Jefferson to Page, May 17, 1776, in Boyd, Papers, I, 294. This was not the way Gwatkin told it in 1783 when he presented his claim for £100 to the British government for property losses during the Revolution. During the early summer of 1775, he said, he had been cruelly treated so that his life was in imminent danger and his health was ruined--all because he had refused the request of Jefferson, Richard Henry Lee and others to write a memorial vindication of the proceedings of the Continental Congress. He sought the protection of Dunmore and instantly lost his professorship, his personal papers, his library, and his household furniture. He had therefore accompanied Lady Dunmore and her son Lord Fincastle when they sailed for England on the Magdalen June 29, 1775. (He had been Fincastle's private tutor.) He was paid the full claim and given a pension in addition. E. Alfred Jones, "Two Professors of William and Mary College," 26 W(1) 221ff.

Jefferson got two titles from the Gwatkin library. See note in Boyd, Papers, I, 294.

³⁸ Jefferson to Page, May 17, 1776, in Boyd, Papers, I, 294.

"was so disagreeable to him that he had determined to have resigned." In Philadelphia he expressed to Jefferson his desire to be "translated" from the Eastern Shore duty to the new battalion of riflemen Congress had just ordered to be raised in Virginia.³⁹

The Philadelphia trip extending from the end of April through the middle of May explains his absence from the celebration in Williamsburg when the Convention voted to instruct the Philadelphia delegates to propose independence. Thomas Ludwell Lee informed his brother Richard Henry that the resolves had passed the Convention "to the infinite joy of the people here" and that the "exultation" was "extreme. The British Flag was immediately struck on the Capitol, and a Continental hoisted in its room. The troops were drawn out, and we had a discharge of Artillery and small arms."⁴⁰ The artillery company on that occasion was probably commanded by Captain Arundel.

At the end of the summer Congress delivered commissions to the officers appointed earlier. Jefferson explained to Page the arrangement he had in mind for their friend Innes:

...The commissions now sent do not fix the officers to any particular battalion so that the commanding officer will dispose of them. Cannot you make use of any interest with Lee or Lewis to call Innis over to the Western shore. He pants for it, and in my opinion has a right to ask it.⁴¹

The fall brought further organization of the troops being raised in Virginia. The six new battalions were to be attached to the Continental Line, and Innes

³⁹ Jefferson to Nelson, May 16, 1776, in Boyd, Papers, I, 293.

⁴⁰ Thomas Ludwell Lee to Richard Henry Lee, May 18, 1776, in Southern Literary Messenger, XXVII (1858), 324-325.

⁴¹ Jefferson to Page, August 20, 1776, in Boyd, Papers, I, 500.

was one of the lieutenant colonels appointed in November. George Nicholas became a major.⁴²

Colonel Innes probably joined Washington's army before Christmas, in time to take part in the action at Trenton and Princeton. He was mentioned in the Virginia Gazette at the end of January as having just arrived in Fredericksburg,⁴³ where everyone anxiously awaited news of the fate of their popular fellow townsman General Hugh Mercer,⁴⁴ who was severely wounded in the fighting at Trenton on January 3rd. Mercer had been a colonel in the Third Virginia Regiment, drilling troops in Williamsburg, when Congress made him a brigadier general; presumably he was still commanding Virginia troops in New Jersey. All over Virginia, friends reading the Gazette learned that the hero had received seven bayonet wounds after his horse was shot from under him, and that his head had been severely clubbed with a musket in fierce hand-to-hand fighting on the bridge at Trenton January 3rd. He lived until the 12th. Before official notice of his death reached his family in Fredericksburg, Innes arrived in town from Philadelphia, bringing "an account of the death of the brave general Mercer, who was buried in that city with all the honours of war."⁴⁵ Innes had been with Mercer at Trenton, though probably not under his command.⁴⁶

⁴² VG(P) 15 N 76:32. See also Journal of the House of Delegates, November 15, 1776, p. 54.

⁴³ VG(P) 31 Ja 77:22.

⁴⁴ Brother-in-law of General George Weedon and only distantly related to James Mercer--if at all.

⁴⁵ Ibid. See also issues of 17 Ja 77:21, 24 Ja 77:22, 32.

⁴⁶ In the Weedon Papers at the American Philosophical Society there is a clipping of a newspaper sketch of Mercer printed in Philadelphia about 1843. It states that Innes was in the funeral procession, which he described in a letter to Mrs. Gordon, mother of Mercer's widow. M-63-1.

In May Innes was again in Fredericksburg when he wrote Tucker that he had been disappointed not to meet him on the road "on my Return from the Northward"; that he had "hasten'd down to Williamsburgh--flushed with the Expectations" of seeing him there. But Tucker was in Charleston at the time, and now, Innes continued, "while you are daily expected in Williamsburgh, the positive Mandates of Genl. Weedon--hurry me to Camp."

At this point in his career Innes was unhappy about his private business affairs and about his personal life.

Indeed, Tucker, all the moral Lessons I ever rec'd at school never so clearly taught me the instability, uncertainty & insignificancy of Life as some late Events have done--And while I call forth all my fortitude, to support myself under them as a philosopher--believe me, George, I feel them so sensibly as a man, that, I often find myself inclin'd to shrink back--from that Load of human woe--which, has ever been my portion here--& wish to plunge into some new Scene of Existence where I may call on the Justice of my Creator for a happier State of Being.

I am exceedingly happy to hear of the Successes you have met with, in yr Mercantile Department--and may heaven grant, that, you may be soon enabled to amass a happy & independent Competency--

My prospects, that way--are at present--dark & unpromising--and God only knows, when they will become more brilliant--me vente me sava [sana?] jactat fortuna! Tho' I glory in the Apellation of an American Soldier--yet there are some peculiar delicate Circumstances, which render my present Situation, exceedingly distressing--You will readily conceive to what I allude--Yes, St George, were it but in my power, to complete that happy Connexion--which I form'd early in Life--with one of the most virtuous & amiable of women--I would not ask of bounteous Providence a greater Boon--But my Inability to do it at present on the terms I could wish--wounds me to the Soul. I know my present perilous occupation destroys the quietude & tranquillity of my Eliza--yet the Sacred obligations of honor and the love of my Country forbid me to decline it.⁴⁷

In August, encamped on the banks of the Skuykill River, he grumbled about the scarcity of Virginia news in spite of the fact that he had written "a variety of Desultory Epistles...when we were marching & countermarching thro the rugged Mountains of new York." From headquarters he observed that

⁴⁷ Innes to Tucker, May 23, 1777, Tucker-Coleman MSS.

the healthy and spirited army

...bids defiance to Howe & his train of Merc[enaries.] What the Enemy intend God only knows Sometimes in the Capers and making Dispositions to come up Delaware of a Sudden they disappear and for three or four Days leave us the sport of Doubts & Conjecture--The different Classes of Militia are prepar'd to turn out on a moments warning--and if every man [you s]ee here who wears a regimental Coat will [fi]ght and is in his heart a Soldier--I have no [fea]r but we shall be able to give Mr. Howe [so] effectual a check that his future Efforts to sub[jug]ate america will be feeble & unavailing.

Privately, he wished to change his situation and inquired:

Is there not a Regiment of artillery to be despos'd [of] in virginia? I think I have some title for a [post] of that kind--In this I beg yr kind offices. You may mention my wishes on this subject to Mr Page & such other of yr & my Friends who may be in Council--Should there be any [pro]spect of Success I have the fairest opportunity [of] making myself acquainted with the Management [of] artillery during the Course of this Campaign--We [co]ver an excellent extensive & well conducted Train in our army and should you by letter [give] me hopes I will immediately pa[y] the closest attention to that Branch of the Military Department.

He closed the letter with messages to Williamsburg friends and a special request:

Remember me most affectionat[ely] & tenderly to my dearest Eliza. I would have written to her--but fear'd she would deem me indelicate to commit a Letter address'd to her to [the] common post office.⁴⁸

Later in the month he explained why he was eager to be transferred to the State artillery; he was dissatisfied with conditions in the infantry and disgusted with military politics in the Continental Line. "I leave you to Judge how grating it must be to me," he complained, "tho' I stepd forth at the earliest period of the American Contest--and have since that time been the constant Servant of my Country--to be superseded and neglected whenever the Emergencies of the times call for new Levies.... Indeed for ten thousand reasons of too delicate nature to be committed to paper I could wish to be

⁴⁸ Innes to Tucker, August 2, [1777], Ibid.

out of the present Line--where enormities & partialities are as obvious as they are shocking." Yet, he continued, "The Doctrine of Resignation I have ever thought a dangerous one in the American Army--and therefore have patiently acquiesced under injuries rather than risque the Imputation of having abandon'd the cause of my Country at so important a Crisis as the present thro Pique."⁴⁹

The next letter to Tucker was written September 7th in camp near Red Clay Creek. The day before, Virginia continentals under Muhlenberg, Weedon, and Woodford (in Greene's and Stephens's divisions) had arrived at this point of concentration near Newport, on the main road to Philadelphia. Washington, knowing that Howe was moving rapidly along this road, wanted to engage him here and everyone expected decisive action on the morrow. Innes described his emotional reactions in this crisis:

The two armies are now almost in sight of each other--preparations are making on both sides for a genl action--with the utmost Industry--one whole army consisting of about 20,000 men--are drawn up in Battalio[ns]--every disposition of Infantry Cavalry and artillery is made for action--we are determin'd to Conquer or die--and tomorrow in all probability will be the fatal Day that may determine the fate of America--I have made up my mind for Death--the next time you hear of me I expect I shall either be happy in the arms of victory--or in the world of Spirits--Our whole Army animated by a consciousness of the Sacred Cause they are engag'd in--are in high Spirits--and glow for action--

Yet, while the soldier prepared his spirit for courageous action, the man recalled his absent friends with characteristic warmth and affection:

I should really be inexpressibly happy to have a full acct both of the public--and the private affairs in Virga.--so far at least as they Interest me--do exert yrself for the Revival of the F:H:C--may every Connubial Joy await Yates--I had nearly shed a sympathetic tear for the Disappointment of my friend when I heard that McClurgh had lost his mistress pray remember me most affectionately to honest Esculapius--and by [?] that he would console himself with Yates's

⁴⁹ Innes to Tucker, August 9, 1777, Ibid. Cf. Washington's outburst to William Fitzhugh, November 25, 1754, in John C. Fitzpatrick, ed., The Writings of George Washington (Washington, 1931-34), I, 104-107.

old maxim--that there are as good fish in the Sea as ever came out of it--not a word of the letters by Colo Brent yet--

Remember me affectionately to every person both male & female-- who has not forgotten--that there ever existed such a Being as

Yr afft
Innes⁵⁰

Howe began to move on the 8th before daybreak, advancing by the light of "a remarkable Borealis," but he sent only a detachment towards Washington's position on Red Clay Creek and took his main army directly north. To prevent Howe's entry into Philadelphia Washington withdrew his forces to Chad's Ford on the Brandywine and the expected engagement took place on the 11th. Late in the afternoon, after nearly two hours of hand-to-hand fighting, the Americans retreated, protected by rear action of Weedon's brigade with Colonel Stephens's 10th Virginia bearing the brunt of the fighting.⁵¹ Other Virginians, too, distinguished themselves in the action. An anonymous general officer, writing from camp near Philadelphia on September 22nd, was quoted in the Virginia Gazette:

I have only time to inform your Excellency, that on the 11th inst. we had very nigh given the enemy a severe drubbing. The action commenced about 8 o'clock in the morning, and with several intermissions, continued till night. About 5 o'clock it resembled an earthquake, far exceeding the loudest thunder. Lieut. Col. Neaville, of the 12th, began the attack at Birmingham meeting house, and his regiment was the last that left the field; they behaved well. Col. Marshall, of the 3d regiment, attacked the enemy's left column with his single regiment, and at first repulsed them; but, overpowered by numbers, was obliged to retire, which he did in good order. In this contest, which continued violent for near three quarters of an hour, this brave regiment lost four officers on the spot, amongst them a brave Gentleman, Lieutenant Peyton, and Captain Chilton, who, brave as Wolfe, imitated his manner in death, inquiring about the success of the day as he expired. The Colonels Nelson and Innis, and Major Richeson, distinguished themselves, and I suppose many other officers, whom I had not an opportunity of observing in the action.⁵²

⁵⁰ Innes to Tucker, September 7, 1777, Ibid.

⁵¹ Christopher Ward, The War of the Revolution (N.Y., 1952), I, 339-340.

⁵² VG(DH) 3 Oc 77:31.

There is a persistent tradition that Innes was one of General Washington's aides all this time and closely associated with him as an important member of his official military family.⁵³ Washington, writing to Richard Henry Lee November 18, 1777, about a successor to Pickering as Adjutant General, explained that James Innes was one of several names suggested to him and asked for Lee's opinion because "Innes I know nothing more of, than his being a Man of spirit, good Sense and education, and recommended by General Woodford."⁵⁴ Nearly twenty years later, when President Washington was trying to fill the office of Attorney General of the United States, he requested a confidential opinion of Innes from Edward Carrington because he, himself, knew him only by reputation.⁵⁵ It seems reasonable to conclude, then, that Colonel Innes was serving in the field as an officer in the Continental Line. Later in the fall he was one of a group of field officers who signed a ten-page opinion of a plan for remodeling the army; Theodorick Bland, Jr., and Robert Lawson were the other Virginia colonels who signed the document.⁵⁶

In January, 1778, he was again in Virginia on a recruiting mission.⁵⁷

⁵³ Hugh Blair Grigsby, The History of the Virginia Federal Convention of 1788 (Richmond, 1891), II, 325 contains the statement most frequently copied. Grigsby's correspondence in the Virginia Historical Society includes statements of the tradition collected from members of the Randolph connection and others kin to Innes.

⁵⁴ Washington to Lee, November 18, 1777, in Fitzpatrick, Writings, X, 81. Cf. Washington to the President of Congress, January 1, 1778, Ibid., X, 245.

⁵⁵ Washington to Carrington, September 28, 1795, and October 9, 1795, Ibid., XXXIV, 317-318, 331-333. See pp. 157-158 below.

⁵⁶ Printed in Fitzpatrick, Writings, X, 125.

⁵⁷ Washington to Innes, January 2, 1778, Ibid., X, 254-255.

He left Valley Forge early in the month (shortly after the 3rd) carrying Washington's detailed orders respecting equipment for new enlistments and for special care in apprehending deserters. He served also as the general's special messenger to Governor Henry, reporting orally on matters relating to the Virginia Line and delivering the returns of the Virginia Regiments.⁵⁸ In Williamsburg Innes had time for old friends. On the 29th he wrote Tucker, who was again out of town on mercantile business:

Has fate determind that I shall never see you Tucker? My heavens! I begin now almost to repine at the Dispensations of Providence...Next to the delicate & tender greetings of my dear Eliza--nothing rejoic'd my heart more than the prospect of once more embracing the friend of my Bosom--from whom by the inauspicious Decrees of Providence I have been torn--for now almost three long years--I Congratulate you my Dear St George on yr Successes in the Mercantile world--Heaven send you prosperity in the Court of Love--Yet do not let either Mamon or Venus estrange you from

Yr Friend
who most sincerely loves you

A post script from Andrews reads:

Innes desired me to add to what you see scrawled on the opposite Page that he does not leave the City before this Day Sennight. He thinks you may, if you please, make him a Visit in the Interim, & imprecates ten thousand Curses on your Head if you do not. Farewell.⁵⁹

Innes over-stayed his leave; at the end of May Washington wrote brusquely:

I am a little surprised, that you have not yet returned to Camp, as your stay has now considerably exceeded the greatest extent, you requested permission for; The season is far advanced and you must be sensible your presence with your Regiment is essentially necessary. I shall expect you will immediately on receipt of this repair to camp.⁶⁰

Whether he requested another extension is not known, but he stayed

⁵⁸ Washington to Henry, January 3, 1778, Ibid., X, 261.

⁵⁹ Innes to Tucker, January 29, 1778, Tucker-Coleman MSS.

⁶⁰ Washington to Lt. Col. James Innes, Headquarters, Valley Forge, May 29, 1778, in Fitzpatrick, Writings, XI, 481.

on in Williamsburg, attending to personal affairs. On June 12th he resigned his commission. His official reasons for taking this step are not known, for his letter of resignation has not been found. Washington's letter of July 3rd reads:

I have received your favour of the 12th. Ulto. which is the only letter of yours that has come to my hand.

You ought to be a judge of the weight of the arguments that should induce an officer of your rank to quit the service. I do not wish to detain you in a situation you may think disagreeable, or disappoint you in your expectation of being useful to your country in another capacity where your interest will not suffer, I therefore accept of your resignation from the date of your first letter, of which you will be pleased to inform me.⁶¹

His private reasons for resigning are unknown. His personal letters this summer reflected civilian interests exclusively. He seemed to want to settle down into the practice of law and wed Betsy Cocke, whose sister Patsy had been married to Beverley Randolph in January of 1775,⁶² and now his friend Tucker was about to marry the widow Frances (Bland) Randolph. Innes had been Betsy's accepted suitor for many years,⁶³ and it will be recalled that one of his principal objections to army life in Pennsylvania was the necessity for postponing his marriage. On the same day that he sent in his resignation from the Continental forces he wrote Tucker from Williamsburg:

I really meant to have given you a long lecture by the Return of Syphax for yr unpardonable neglect of yr Williamsburgh Friends--but

⁶¹ Washington to Innes, Headquarters near Brunswick, July 3, 1778, Ibid., XII, 152. The draft used by Fitzpatrick is in the hand of James McHenry, who became Washington's secretary in May.

⁶² VG(D) 21 Ja 75:23. The bride is identified here as the eldest daughter of James Cocke, Esq., of Williamsburg. Randolph, who referred to Fanny as his "pretty Cousin" was also her deceased husband's first cousin once removed, for Beverley's grandfather William was an elder brother of John's father, Richard of Curles.

⁶³ See Innes to Tucker, May 23, 1777, Tucker-Coleman MSS.

fortunately for you--a train of Busyness which past Days has thrown on my Hands--prevents my saying ten thousand ill natur'd Things which in my opinion you justly deserve--to tell you that your Friends in this quarter would be happy to see you would not I fear be sufficient Inducement to prevail on you to undertake the tedious Journey of fifty miles for such trivial purposes--However let me flatter myself--that when you are inform'd--our once darling F H C is at present in such a Situation as to require the exertion of every aid & effort its Friends can possibly bestow--that you will not fail to give yr attendance at this place as soon as may be [be?] after the Rect of this Letter--I wish you every Success & Bliss

Adieu!⁶⁴

Gossip about his plans had already spread among his friends. Beverley

Randolph wrote to Tucker on June 20th:

We hear by Report that Innes is shortly to be married if you know any Thing of the matter, write us per Post as we cannot help being anxious about the affairs of our Friends & I believe we shall never be informed by them. Betsey had I think better decline the Business this Summer, her Rider is rather too heavy for this very hot Weather. Patsy desires her Love to you & thanks you for the Combs. she also begs to be remembered to your Dulcinea, if you will strike up a match we shan't wait for an Invitation to the Marriage.⁶⁵

⁶⁴ See Innes to Tucker, June 12, 1778, Tucker-Coleman MSS.

⁶⁵ Beverley Randolph to Tucker, June 20, 1778, *Ibid.*

VI. PUBLIC OFFICE, 1779-1780

In the fall the General Assembly by unanimous decision chose James Innes commissioner of the navy.¹ He was still in Williamsburg early in 1779 when Washington's birthday celebration was planned by students of his friend Robert Andrews, now professor of moral philosophy at the College of William and Mary. One of the students, David Meade Randolph,² recorded the following incident in his journal:

WASHINGTON'S BIRTH NIGHT.

On the 22d February, 1779, the students of William & Mary College, and most of the respectable inhabitants of Williamsburg, prepared a subscription paper for celebrating Washington's birth night; and the pleasure of presenting it was confided to certain students immediately under the patronage of Professor Andrews.

Governor Henry was first waited on, and offered the paper; he refused his signature! "He could not think of any kind of rejoicing at a time when our country was engaged in war, with such gloomy prospects." Dudley Digges and Bolling Starke, members of the Council, were both waited on by the same persons, and received less courteous denials, and similar excuses.

The ball, nevertheless, was given at the Raleigh. Colonel Innis, more prominent than any other member of the association, directed its proceedings. It was thought proper to enliven the occasion by discharge of cannon. There were two pieces at the shop of Mr. Moody that had lately been mounted. There was a Captain commanding a company of soldiers, under the orders of Governor Henry; but the cannon were under no other care or authority at the time, than that of Mr. Moody the mechanic. Colonel Innis, with a party seconded by Colonel Finnie, brought the two pieces before the door of the Raleigh. On the way from the shop to the Raleigh, not two hundred yards, Colonel Innis saw Captain Digges passing up the street. Whilst the party concerned were collecting

¹ Journal of the House of Delegates of Virginia, May 5th, Anno Domini 1778 (Williamsburg, 1778), p. 22.

² The Provisional List of students records his attendance in 1779; in the Catalogue of Alumni, History of the College of William and Mary (Baltimore, 1807), p. 85, he is listed as one of the students who left college during the Revolution to join the army. For a description of Chastellux's visit to his home, Maycocks, in 1782 see his Travels in North America... (London, 1787), II, 166-168.

powder, and preparing for firing, Lieutenant Vaughan appeared before the Raleigh with a platoon, demanding possession of the cannon. He was carried in; took some punch; and said that he was ordered by Captain Digges to take away the pieces, by force, if they were not surrendered peaceably. This was refused. Vaughan repeated his orders: He was prevailed upon to return to his quarters, and report to Capt. Digges. Captain Digges waited on the Governor, and reported the state of things; and soliciting instructions how to proceed. The Governor referred Captain Digges to his own judgment. Captain Digges went immediately to the Arena, where in the pride of his power, with sixty men, he drew up in form; and demanded the cannon at the point of his bayonet! Innis stepped up to Captain Digges, and shaking his cane at him, swore that he would cane him, if he did not depart instantly with his men! This enraging Digges--he said that if the pieces were not surrendered he would fire upon the party. Innis repeating his threat, ordered Finnie to charge the cannon with brick bats: the mob in the street, and the gentlemen of the ball, re-echoing the order. The pieces were soon charged with brick bats: Innis all the while firmly standing by the Captain at the head of his men, daring him to fire! After some delay, the Captain retreated with his men; and the evening closed with great joy.

Next day, Innis was arraigned before Hustings Court, for Riot! confronted by the valiant Captain Digges. During the proceedings, when Innis replied to the charge, Digges in the body of the court, and Innis in the Bar--among other particulars characteristic of the Colonel's temper and genius, he swore "It made no odds whether Captain Digges wore a red coat, or a black coat, he would cane him!" The case was attended with no farther particulars. Innis facing the Court, and repeating his threats; till at length he was dismissed, and triumphantly walked out of Court, attended by most of his friends, who had shared the honors of the preceding night.³

The next month Innes wrote Tucker news of the death of their F.H.C. brother Lewis Burwell:

The Gazettes have doubtless ere this given you the melancholy Intelligence of our friend Burwells Death. I was with him the Day before he died--just time enough to have the happiness of performing the last friendly act for him--which it was in my power to bestow. He retained his Senses most perfectly to his last moment--and met Death gradually approaching with all its horrors--with the utmost serenity Confidence and Composure. His Exit has given me a much better opinion of that Religion--to which you know he was most enthusiastically attached--than I have for some time past entertained. His Resignation and fortitude in his last pangs often reminded me of the great Addison's address in his last moments to his Nephew--"attend! and behold a Christian die." I very sincerely wish you would exercise yr poetic talents on this occasion--You were once famous for Eulogiams--and so fond of exhibiting

³ 21 W(1) 134-136.

in that way that you would scarce give yrself time to be convinced that yr friend was really dead before you had installed him among the Hosts of the Saints. I think if I know you St George (and I once boasted of that knowledge) I may venture to say that there has not an Event happened at least, on this Continent, which either can or will interest yr Heart more feelingly than the mournful one I at present allude to, will do--There is something if I may speak from my own Sensations in posthumous tributes of Respect and applause to the memory of a friend--exceedingly solacing to a friendly & wounded Heart--Under this persuasion, then, do not deem me impertinent if I request you to withdraw one moment from that brilliant Circle in which you move--to dedicate a few Lines in the elegiac Style to the Manes of our departed friend.

Debita spargens lacrima favillam chari amici.⁴

This was the son of President Lewis Burwell of Fairfield (1710-1752). He was born in 1737⁵ and attending William and Mary College in 1760.⁶ He left college in 1763 in the group Jefferson described as rustivating after the incident in town.⁷ According to family records he later went to school in England at Eton or Balliol and the Inns of Court.⁸ If so, his stay was short, for he was back in Virginia in 1768, when his horse Remus won the Williamsburg purse of £100 in the October races.⁹ He married Judith Page, John's sister. His own sister Rebecca (born 1746)¹⁰ lived with her uncle

⁴ Innes to Tucker, Williamsburg, March 20, 1779, Tucker-Coleman MSS.

⁵ Stella Pickett Hardy, Colonial Families of the Southern States of America (Baltimore, 1958), p. 98.

⁶ Bursar's books, printed in 1 W(2) 30.

⁷ Julian P. Boyd and others, eds., The Papers of Thomas Jefferson (Princeton, 1950--), I, 12.

⁸ 13 V 210; 2 W(1) 23. His record is confused with that of his cousin, Lewis Burwell of King's Mill, burgess for James City County in 1769. The man who matriculated at Balliol in 1765 seems to have given his age at that time as 18.

⁹ VG(PD) 27 Oc 68:21.

¹⁰ Abingdon Parish Register, cited in 14 W(1) 259.

William Nelson in Yorktown--probably because her mother had died at her birth.¹¹ (This was Jefferson's Belinda, who married Jacquelin Ambler in 1764.) Lewis Burwell was burgess for Gloucester from 1769 until the Revolution and a member of the Virginia conventions of 1775 and 1776. He signed the Non-Importation Resolutions of June 1770 and the Association of May 1774.¹² In 1778 he volunteered for service, along with Hugh and Robert Nelson, in the light dragoons being raised by their kinsman General Thomas Nelson.¹³

Tucker probably wrote the requested memorial, which was printed in the Virginia Gazette in April.

ELEGY ON THE DEATH OF LEWIS BURWELL, ESQ.,
OF GLOUCESTER, WRITTEN IN APRIL, 1779.
Why, thus, with boding sadness swells my breast,
Why, thus, unbidden bursts the frequent sigh?
What gloomy vision haunt my troubled rest,
Portending ill and dire misfortune nigh!
Does Heaven thus warn me of Columbia's fall,
And from her cause withdraw its hallow'd shield?
Deaf are her sons to freedom's sacred call?
Or bleeds great Washington upon the field.
Such ill as these, propitious heaven avert!
Still shall its guardian power Columbia shield:
Fair freedom's cause her sons shall ne'er desert,
Her Hero still shall triumph on the field.
Yet conscious fate foretels some sad event,
And thus with sympathy informs my mind,
E'en now the fatal shafts of death are spent,
And, to his power, some valued friend's resign'd.
Behold the ghastly Monarch aim the dart;
See from his hand the beared javelin sped:
What sudden anguish now prevades my heart,
For Burwell's number'd with the virtuous dead!
Serene he met the ruthless tyrant's frown,
And look'd exulting to that blest abode,

¹¹ Louise du Bellet, Some Prominent Virginia Families (Lynchburg, 1907), I, 30.

¹² Henry R. McIlwaine, ed., Journals of the House of Burgesses, 1770-1776, passim; Boyd, Papers, I, 47, 109, 110.

¹³ VG(P) 1 My 78:22.

Where virtue finds an everlasting crown;
"The bosom of his father and his God."
Tho' lost to splendour and unknown to fame,
To deck his urn no future laurels rise;
Yet friendship by her tribute shall proclaim,¹⁴
How the true Hero and the Christian dies.

After reporting the death of Burwell, Innes turned his attention to "the more agreeable prospects" of living friends. "And first," he wrote, "if Report speaks the language of truth permit me very cordially to Congratulate you on your speedy obedience to the first great Command given by the Almighty to our first parents--Yr Scriptural reading will no doubt render a repetition of it unnecessary." Tucker had married Fanny (Bland) Randolph on September 23, 1778, and the child to whom Innes referred was born the following September-- a daughter, Anne Frances. Continuing in the same strain Innes remarked, "I very heartily wish to hear of the same spirit of obedience and of a similar fertility having prevailed among your Friends at Battersea," the home of Col. John Banister, who had recently married Anne Blair.¹⁵ Yates, too, was married and Innes inquired about him, saying "I would write to him but I know not where to direct him--having heard that he has lately moved to one of his own plantations." For himself, he hinted that he and Eliza were married and well; she joined him in wishing the Tuckers "a long Enjoyment of the most perfect human Bliss."¹⁶ They were probably living at his home on Prince George Street, west of the Wythe House "near the church, adjoining

¹⁴ ¹⁵ W(1) 162-163, quoted from a copy of the Gazette no longer extant. The MS copy has not been located in the Tucker-Coleman MSS, but the style is very like Tucker's, and by this time his habit of writing testimonial epitaphs was already well established, as Innes suggested.

¹⁵ Colonel Banister's first wife had been a sister of Frances (Bland) Randolph; she died just before August 1, 1777, the date of a letter of her brother Theodorick Bland to Fanny, Tucker-Coleman MSS.

¹⁶ Innes to Tucker, March 20, 1779, Tucker-Coleman MSS.

the Hon. John Blair"¹⁷ and in the neighborhood of her father, James Cocke.¹⁸

Though he failed to mention business, political or military activity in this letter, he was probably as active as usual in public affairs in the town and in official duties as naval commissioner. When he resigned the latter post some time in April, he gave no reason for the action; the formal note to Governor Henry reads:

I take the liberty of resigning to yr Excellency the seat at the navy Board--which you were pleased in Concert with the Honble Council to honor me with--I remain yr Excellency's most obt

Jas: Innes¹⁹

Perhaps he knew that the Navy Board was about to be absorbed into the War Office and resigned the executive post in order to become eligible for election to the House of Delegates. However that may have been, he was present in the House early in May. The story of his service in the General Assembly of 1779 is complicated by the presence of another James Innes from Yoghania County, whose attendance was irregular. The official journal sometimes distinguished between them when both were present by reference to "Innes of York" and "Innes of Yoghania," but more often the record reads simply "Mr. Innes."

The house organized on May 7th, the first day they had a quorum. After the Speaker had been chosen, the house accepted the resignation of General Thomas Nelson, who was attending the Continental Congress, and ordered a writ for a new election in York County. The next day Innes of York was appointed to the following committees: Propositions and Grievances,

¹⁷ Ad for sale of the property in VG(CD) 3 J1 79:23.

¹⁸ Mary Stephenson, House History: Green Hill, Lots 319-328. CW Research Department.

¹⁹ James Innes to Patrick Henry, April, 1779, in Executive Papers, VSL MSS.

Courts of Justice, and a special committee to examine claims for war damages to property in Hampton. (It was customary to assign membership on standing committees to delegates who were present; late comers had their names added later in the session. Innes, therefore, was present and properly qualified to represent York County.)²⁰

He remained active throughout the session, with committee appointments regulating the militia, raising cavalry, regulating Continentals recruited or stationed in Virginia, adjusting private property losses by enemy depredateions, detecting and preventing counterfeiting. On May 11th he was chairman for a group chosen to consider St. George Tucker's memorial requesting provisions for Bermuda sympathizers, and on the same day he was appointed to Jefferson's committee to bring in a bill to establish a Board of War. When the house appointed membership to the board on June 17th, his name was first on the list. Since Senate approval was not made until June 25th and the Assembly adjourned the next day, Innes was able to keep his seat throughout the session.²¹

In midsummer a town meeting was reported in the Virginia Gazette. Innes's friend the Rev. Robert Andrews presided, and the group appointed a committee to prepare an address to the people of the Commonwealth suggesting

²⁰ He was eligible to represent York County because his Williamsburg property on Prince George Street (and later on Waller) lay in that county. He seems to have replaced Nelson; there is no recorded irregularity about the attendance of William Reynolds, the other York representative. Yet, on June 24th both General Nelson and Innes of York were put on a committee to examine ballot glasses for the commissioners to run the Virginia-Pennsylvania boundary line. Nelson may have returned from Philadelphia, where he was replaced on June 18th. Edmund C. Burnett, ed., Letters of Members of the Continental Congress (Washington, 1921-1936), IV, lxvi.

²¹ Journal of the House of Delegates...May 1779 (Richmond, 1827), passim.

practical remedies for the rapid depreciation of money and the high cost and scarcity of many of the necessities of life. Colonel Innes was chairman of the committee whose report was couched in language characteristic of the chairman's style. After a long preamble praising the patriotic and virtuous behavior of Americans these four years of privations, the resolution took up the problem of the depreciated currency and recommended strict monthly regulation of the selling rates of all imported goods, country produce and manufactures. The committee presented a suggested table of rates for the ensuing month and requested the appointment of a committee of fifteen citizens to enforce the rates.²²

By this time Colonel Innes was at work in his new post in the War Office. The board consisted of five members--Innes, both clerk and president, with William Nelson, Robert Lawson, Samuel Griffin, and James Barron the other members. They were supposed to continue in office for a year, until the next Assembly reappointed or replaced them, but only Innes stayed on through the life of the board.²³

Three members constituted a quorum. All five were required to take an oath of fidelity as well as an oath of office, and the clerk had to subscribe to an oath of secrecy. The duties of the board were to superintend and manage, under the direction of the Governor and Council of State, everything in the War Department and all persons holding office or performing duties within the department. They might appoint a commissioner of the navy and their own clerk, but all orders and resolutions had to be countersigned by

²² VG(DN) 24 J1 79:11.

²³ Resignations of the other members are filed in the Executive Papers, VSL MSS.

the governor, who appointed their meetings.²⁴

In the War Office Innes worked closely with brothers of the F.H.C. Society. Jefferson had been chosen governor on June 1st. The candidate in second place, John Page, became the first member of Jefferson's Council of State and therefore acted as lieutenant-governor. Another councilor was John Walker of Albemarle, still a close personal friend of the governor--the one who had played chess with him in Williamsburg during a meeting of the society in 1769.

Though these friends worked well together, the executive machinery for the administration of military affairs proved cumbersome. Almost immediately there was a squabble between the governor and the Board of War which he had himself helped to create while he was still in the legislature. The issue in dispute was at first one of personnel--whether the board needed a second clerk. Innes presided at board meetings and attended to the business of the War Office when the board was not sitting. As sole clerk he did all the paper work and soon found that he needed help. His colleagues on the board agreed with him.²⁵ Accordingly, as clerk he signed the request for clerical assistance, explaining that because of the multiplicity of business, one clerk could not attend to all the duties the office required, including keeping a journal. The request was approved by the Council of State on the same day, July 30th, and the official approval was formerly noted by John Page, Lieutenant-Governor.²⁶

²⁴ Journal of the House of Delegates..., May 1779, pp. 6-8, 10, 55-56; 10 H 17-18; Board of War to Jefferson, July 30, 1779, in Boyd, Papers, III, 58. Innes's oath of fidelity was made before Benjamin Powell, who returned the certificate to the York County Court. YCR, Order Book IV, 1774-1784, p. 220.

²⁵ Board of War to Jefferson, November 2, 1779, in Boyd, Papers, III, 150-151.

²⁶ Board of War to Jefferson, July 30, 1779, in Boyd, Papers, III, 58, from a transcription in the Board of War Letter Book in the Clements Library. See also Board of War to Jefferson, November 2, 1779, in III, 150-151.

Jefferson had left town a week earlier²⁷ and Page was acting governor during his absence.

A young man in the Auditor's Office was duly made assistant clerk of the Board of War. After two months, the duration of his appointment was questioned by Governor Jefferson, who had recently returned to Williamsburg and resumed his executive duties. He explained later to Speaker Harrison that he had not received a copy of the Council's action and on being "informed of it from memory alone in general terms" concluded that the appointment was for a short period, since the constitutional "Power of establishing a permanent Officer" was in the hands of "the legislature alone." Without consulting the Board of War about procedure, he and his Council presented to the Assembly a statement of the time the incumbent had served, "not presuming to give an Opinion, that a permanent officer of that kind was necessary, of which indeed we are not qualified to determine, and still less presuming to say we had made such permanent establishment ourselves."²⁸

Now the simple matter of employing an additional clerk had become a constitutional question because both Page and Innes had neglected to record the appointment properly. To Jefferson's surprise his Board of War bristled and protested his constitutional position. Doubtless they chafed under the time-consuming restrictions on their activities that made it impossible to conduct business with any dispatch, and they certainly resented his referring the matter to the Assembly without consulting them. Innes expressed his

²⁷ Ibid., 67n.

²⁸ Jefferson to Benjamin Harrison, November 20, 1779, in Boyd, Papers, III, 195-196. This is one of the few surviving letters exchanged between Jefferson, Harrison, and the Board of War. See Boyd's notes, III, 58, 123, 151, 196.

feelings freely to a mutual friend, Delegate Mann Page:

I have meditated very deliberately on the Subject of our last nights Conversation, and the more I think, the more I wish that an accommodation produced by the force of rational Conviction, might banish the official Dispute, at present subsisting, between the Governor, and the Board of War. The reference of this matter for Settlement to the General assembly might perhaps produce Consequences, exceedingly disagreeable to the feelings of one party, or the other. But believe me, Sir, I am not influenced to wish, that the principles of our Dispute may not appear before the legislature, because I am supposed the principal agent in the illegal proceedings of the Board of War. Conscious that every measure I have officially adopted was dictated by the most zealous and disinterested Love for my Country, I am ready to stand the Test of Inquiry before any earthly tribunal--or even the tribunal of Heaven.

It is the wish of my Colleagues, and with them I agree very cordially, that we should rather be induced to yield a willing obedience to the Regulations of the Executive from the persuasive powers of Reason, than from the arbitrary mandates of the legislature. But if to reason with us on this Subject is deemed too great a Condescension, we are necessarily obliged to abide by other modes of Decision. You must think, that it would be exceedingly improper, and indelicate for me to mention any of the Contents of the Gove[rnor's] Letter, which he has been pleased (and I thank him for h[is] polite Candor) thro you, to give me a Sight of. The reasons which induced us to adopt our present mode of Conduct, were stated in our letter to the Governor. These have never been officially answered. Consequently we remain not convinc'd, and to renounce an opinion which we think right from any motives of fear or Interest would manif[est] a pliability of Soul totally incompatible with that Stubborn virtue which should characterize the Citizens of republic[an] governments.

I assure you my Dear Sir, that the feelings of my heart are sensibly affected by this official altercation, which I fear from a number of Circumstan[ces] may become a personal one. I think the Spirit of personal[ity] breathes strongly in his Excellency's letter to the Assembly. I have ever loved and revered Mr. Jefferson as a virtuou[s] and wise Citizen, and beheld him with pleasure exalt[ed] to the high seat of Chief Magistracy, in this Commonw[ealth.] I too have been honor'd with an official Capacity, the Dignity of [which] I would not willingly tarnish by any subservient relinquishment [of] opinion. Yet I ever mean to keep open the Door of Conviction. Having long [...] to grow poor in the service of my Country, I should be unhappy to leave in [...] the last public office I ever mean to hold in it.²⁹

The rift was quietly closed when the House of Delegates on November 20th authorized the Board of War to appoint an assistant clerk and

²⁹ Innes to Page, October 27, 1779, in Boyd, Papers, III, 121-123.

set his annual salary at 800 pounds.³⁰ The board was satisfied with a permanent place under their control, and the governor's position as a strict constitutionalist was justified.

The dispute illustrated the unwieldiness of the executive machinery and should have pointed up the hazards of trying to make it work efficiently in the sort of emergency an invasion would create. Governor Henry had already encountered such an emergency in May, when a raiding party under General Edward Mathew and Admiral Sir George Collier had seized Portsmouth without opposition and plundered the neighboring counties. Eastern Virginia had escaped devastation only because the British raiders retired to New York immediately after completing the mission assigned them by General Clinton, who did not plan a Virginia campaign at that time. Among the private citizens who recognized the critical nature of Virginia's unpreparedness was another F.H.C. brother, St. George Tucker, who had just learned of Jefferson's election to the governorship when he wrote to Theodorick Bland, Jr.:

...Sub rosa, I wish his excellency's activity may be equal to the abilities he possesses in so eminent a degree. In that case we may boast of having the greatest man on the continent at the helm. But if he should tread in the steps of his predecessor, there is not much to be expected from the brightest talents. Did the enemy know how very defenceless we are at present, a very small addition to their late force would be sufficient to commit the greatest ravages throughout the country. It is a melancholy fact, that there were not arms enough to put in the hands of the few militia who were called down on the late occasion; of those which were to be had, a great number were not fit for use. Nor was there by any means a sufficiency of ammunition or camp utensils of any kind. In short, never was a country in a more shabby situation; for our fortifications and marine, on which more than a million have been thrown away, are in no capacity to render any service to us; nor have we any standing force to give the smallest check to an approaching enemy. In two days after the departure of the fleet, they might have returned and found no body to oppose them. Such wisdom, energy and foresight do our leaders display on every occasion!³¹

³⁰ Journal of the House of Delegates, May 1779, p: 65.

³¹ Charles Campbell, ed., The Bland Papers (Richmond, 1840), II, 11.

Tucker was saying what everybody knew. In the summer of 1779 Virginia's principal military problems were those of raising money, supplies and men--soldiers for active service outside the state in the Continental Line and reserves of militia to protect her borders from possible invasion. Financial difficulties were acute, for the inflated currency brought in by taxation and the sale of confiscated Tory property was rapidly depreciating in purchasing power. The normal source of sound money--tobacco sold abroad--was no longer open because British privateers controlled the Atlantic coasts and neither the Congress nor the new French ally had sent a naval force into Chesapeake waters. Arms and ammunition had always been sent from England; now the British blockade had cut off these supplies and local manufactures had to be arranged. Even food supplies were inadequate. Farm produce, especially grain, was below normal that year, and owing to the chronic scarcity of salt, meat was spoiling. Clothing materials, too, which were normally imported in large part, had to be made in Virginia.³²

All these administrative problems were the original and final responsibility of the state legislature, which made all policy decisions and controlled the machinery that put them into practice. When the Assembly created the Board of War, a coordinate Board of Trade was set up, and both boards assisted the chief executive in the procuring and assembling of military supplies.

Differences of opinion among all these agents about what men and supplies were most urgently needed and where they should be used multiplied delays and confusion. Virginia's quotas for the Continental service, which

³² For a convenient summary of the situation see Dumas Malone, Jefferson the Virginian (Boston, 1948), pp. 310ff.

were set by the Congress, had to be met; at the same time militia units for home defense had to be recruited and equipped, though for shorter periods. Individual soldiers, of course, preferred militia duty to regular service in the Continental Line and the localist sentiment which was always strong in Virginia wished to enlarge the militia at the expense of the regulars. Governor Jefferson, however, was never deaf to the needs and demands of General Washington and consistently tried to defend Virginia first outside her borders by strengthening the Continental armies whenever and however he could do so. Innes, we recall, was a strong localist in 1778 when he resigned from the Continental Army. Again, in the summer of 1780, when he was a member of the House of Delegates, he spoke out against the policy of neglecting the defenses of the eastern counties in order to strengthen reinforcements to the Carolinas.³³ Yet, during the year that he served in the executive branch of the State government, he seems to have had no disagreement with the governor on matters of policy.

As president of the Board of War Innes was principally concerned with practical details of recruiting and training troops for both kinds of service and then getting them equipped and fed by the Board of Trade. To encourage enlistments the Assembly usually offered bounties to soldiers and premiums to recruiting officers who filled their quotas. The Board of War assigned places and times of rendezvous for each new enlistment authorized by act of Assembly and arranged to have supplies and field officers present to prepare the troops for service. Innes, in the name of the board, made the necessary announcements in newspapers and elsewhere.³⁴ He seems to have

³³ Innes to Jefferson, June 10, 1789, in Boyd, Papers, III, 430-431.

³⁴ VG(DN) 14 Ag 79:31, 21 Ag 79:31, 12 F 80:33; (C) 28 Ag 79:31, 11 D 79:13.

attended to most of his duties in his Williamsburg office, but from time to time left town to consult with officers at rendezvous and training points.³⁵ And the paper work continued, for he was clerk as well as president of the board.

By the time the Assembly met in May of 1780 it was generally understood that the unwieldy war machine was extravagantly expensive to operate. Both boards, therefore, were discontinued in the interest of economy and efficiency and replaced by a commissioner of the War Office, a commissioner of the navy, and a commercial agent.³⁶ The seat of government had been moved to Richmond in March, after which time the boards had almost ceased to function.³⁷

In the spring, evidently without resigning from the board which was about to be discontinued, Colonel Innes stood for election to the House of Delegates and was chosen to represent James City County. In this capacity he could continue to live in Williamsburg though the new Assembly would meet in Richmond. Perhaps he had already begun the practice of law there. No record of his training for the profession or of his admission to the bar has been found. His first mention of the subject occurs in a personal letter to Tucker in 1782; at that time he implied that he had been engaged in legal

³⁵ For an example, see Jefferson to Innes, December 28, 1779, in Boyd, Papers, III, 246-247. The story of the activities of the Board of War has not been written, partly because many of the records of the War Office for the year of the board's existence were lost when Arnold invaded Richmond. There is enough material available for a study, however, in the letter book in the Clements Library (microfilm copy at VSL), one badly burned letter book, a few letters in the Executive Papers, and the records of the Public Store in VSL.

³⁶ 10 H 291-292.

³⁷ Innes continued to sign letters for the Board of War until early in April, but George Muter was already acting as Commissioner of the War Office before his formal appointment was authorized.