

AN ACCOUNT AND HISTORY OF THE TAZEWELL FAMILY

BY

LITTLETON WALLER TAZEWELL

TAZWELL MANUSCRIPTS

<u>Bound Volume</u>	<u>Photostat</u>
page	
3. I will state	4. I can state
3. ever expected	4. anticipated
4. thereupon	5. therefore
7. Littleton W. Tazwell Aug. 22, 1823 in pencil	8. _____
10. where she moved	12. in which she moved
11. pencilled insert	_____
13. parts of the colony	14. parts of the country
25. two paragraphs	28. one paragraph
28. I cannot suppress	31. I cannot express
28. Several other examples	31. Several examples
34. seventy acres	37. seventy two acres
46. penciled insert	48. _____
46. sale of _____	49. sale of crops. (f)
46. its coast	49. the coast
46. (g),(h),&(i) missing	49. (g),(h),&(i) present
50. act	52. acts
51. number of prisoners	54. number of captives
52. (c) see Ibidem page 166	55. (c) see Ibidem page 168
53. see Ibidem 341	55. (e) see Ibidem page 34
54. (h)see Ibidem page 171	57. (h) page 161
56. stated	58. stated (a)

TAZEWELL MANUSCRIPTS
(cont.)

<u>Bound Volume</u>	<u>Photostat</u>
page	
67. unexceptionable	68. unexceptional
69. father except -----	71. father except -----died infants
69.-70. Since writing ----- father's life	71. paragraph missing
70. one paragraph	71.-72. three paragraph, mat'l expanded
-----	73. Since writing ----- father's life
74. By the permission	77. By permission
75. The Clark -----delinquent	77. paragraph missing
78. (a) footnote missing	80. (a)I now ----- May 16,1894
80.although -----them.	81. clause missing
80. four paragraphs	81. one paragraph not similar to any on page 80 of original
83. his marriage	84. their marriage
85. bottom of page torn	-----
88. twenty one years	89. twenty two years
91. this assembly	93. the assembly
101. in favor of it	103. been opposed to it
106. firmness of conduct	110. firmness of character
109. 1776, -----	113. 1776, and is -----of his life
113. name, " ----- "	117. name, see "Virginia Convention of 1776 by Hugh Blair Grigsby
133. comm(letters o-n left off)	139. common
136. with myself	142. as myself
137. I had then passed I think	143. I had then passed
147. October 1794	154. October (August) 1794
* 157. on the bonds I had so received	163. on the bonds which I had so received were dispensed with.
* This page is not numbered in original, but would be the logical page (in sequence)	

TAZEWELL MANUSCRIPTS
(cont.)

<u>Bound Volume</u>	<u>Photostat</u>
page 157. Upon my return	163. On my return
154. ends abruptly in this place	164. ends abruptly at this point, now follows a short notice by my mother, his daughter, Mrs. A.E.T. Bradford.
155. Eastern Shore of Virginia. " This paltry _____ came] into my possession." [_____ Of his course in the convention.	165. About five lines omitted from [book copy.
156. Listing of third child omitted.	166. Child listed as ninth should be eighth, etc.

Continued at the back of the book; upside down.

begins "Since writing _____"

Here ends my grandfather's manuscript.

I will now continue with the life of Lettleton-Walker Tazwell from the case
of his manuscript.

(There are photostatic copies from 172-192 which are not included in
the original book.)

An Account and History of the Fazelwell Family
by
Littleton Waller Fazelwell

My dear Children;

Many years since, in 1811, Mr. Thomas Moran, of this place, called to see me. He had recently returned from a summer's excursion to the Eastern States. During his visit, he stated to me that while at Newport in the State of Rhode Island, he had accidentally become acquainted with a gentleman who had been in India shortly before they met. This gentleman, learning from Mr. Moran that he was from Virginia, enquired if he knew any of the Fazelwell family in this State. Upon his replying that he knew me, and that I was his townsman, the gentleman thus explained the motives of his enquiry.

He said that while he was in the East Indies, he had met with an old man holding some place in the service of the East India Company, who, finding that he was from the United States, had asked if he knew any person in this Country by the name of Fazelwell. He replied that he was not personally acquainted with any such; but he knew well there was a family of that name in America, because he had seen the name subscribed to several Acts of Congress, then in his possession, as the name of the President of the Senate of the United States. The enquirer expressed much solicitude to see this; and calling upon him the next day, for that purpose, he exhibited to him a Volume of the Laws of the United States, several of which were subscribed, as he had represented, by Henry Fazelwell as President of the Senate. The old man manifested much satisfaction at this, immediately invited him to his house, and ever afterwards, while he remained in India, had shown him much attention, hospitality and kindness, for which he felt very grateful.

Mr. Moran's acquaintance added, that the name of this old man was Fazelwell, and that during their intercourse, he had communicated the following account of

himself. That he had long believed he was the only person of his name then in existence. His family, he said, had once been numerous, but it had lost all its male branches; and that as he was then an old man and a bachelor, he had supposed his name would soon become extinct. Reflection upon this circumstance, had brought to his memory a family tradition he had often heard while a boy in England, that some younger (p. 2) branch of the family had migrated to America, before he was born; and that a desire to obtain some intelligence of this branch, had induced him during many years, to seek out all the Americans he could find, with a view of making the same enquiries of them which he had addressed to him, when they first met. But until this meeting, he could never learn any thing; and that the book he had seen, gave him the first certain information he had ever received of the existence of any other person of his name.

The old man closed this account of himself, with an earnest request to his guest, that upon his return to America, he would make every necessary enquiry to ascertain whether the person whose name he had seen derived his lineage from English ancestors; who these ancestors were; and that he would communicate to him the result of these enquiries as speedily as possible.

Mr. Moran's friend stated farther, that since his return to the United States, he had been informed that Henry Taxewell, the former President of the Senate, had resided in Virginia and was dead, but whether he had left children he had not been able to learn; and that he had written to his East Indian acquaintance to that effect. He then enquired of Mr. Moran, if he could give any information upon this subject, being answer'd that I was a son of Henry Taxewell, the gentleman requested that upon his return to Virginia, Mr. Moran would communicate this narrative to me, and would beg of me to write to him, giving such an account of my family as I thought proper, to the end he might transmit it to the East-Indies, as a testimonial that he still bore in grateful recollection the numerous acts of kindness he had formerly received from

old Mr. Fasswell. To enable me to comply with this request, he sent me a card with his address.

When I first received this communication, I resolved to comply with the wish it expressed; but being much occupied at that time, I delayed doing it so long that the subject escaped my memory. Before I thought of it again, the war of 1812, between the United States and Great Britain, had taken place. Soon after the commencement of this war, all my papers were removed from my office, very hastily, at a time when I was absent from home. In (p. 3) the derangement occasion'd by this sudden and hasty removal of my papers, the address of Mr. Moran's Newport acquaintance was lost, and I have never been able to recover it since.

No circumstance has ever given me more regret than my omission to render a prompt reply to this polite request. The kind and disinterested motives of him who made it, claimed such a compliance at my hands; and every dictate of benevolence required that I should contribute the little that was asked of me to satisfy the anxious solicitude of this forlorn old man, who was certainly prompted by no idle curiosity to beg this small favor. The mere hope of obtaining some intelligence of a distant relative to him long lost, induced him to strive to obtain the good will of a perfect stranger, by acts of hospitality and kindness; and to unbesom, to this stranger, the secret yearnings of his heart and the wishes springing from its inmost recess. While I, although conscious of this, and really sympathizing very sincerely with this isolated being, could yet find some apology, satisfactory to myself, for delaying until it could not be made, a communication that would most probably have removed much of his anxiety by removing all his doubts. Not to have made it, was an act of cruelty, of which when I think, I can scarcely believe I was ever capable, and now censure and deplore more than I will state.

Before I was apprized of the loss of the address of the gentleman who

wished to have some account of my family, I had commenced making some memoranda concerning my ancestors, partly from memory, and partly from documents then in my possession. Having expended some labour in making the necessary researches to procure these, I felt no inclination to desist from further investigation, even after I knew that the object for which some of this information was collected could never be satisfied, probably. What I had learned, merely inspired an ardent wish to learn more; and accident afterwards gave me an opportunity of gratifying this wish to a much greater extent than I had ever expected.

In the year 1820, business carried me to Northampton Court-house, on the Eastern Shore of Virginia. Bad weather detained me there after my business was dispatched. While so detained, I endeavour'd to occupy the time as agreeably as I (p. 4) could, in examining the ancient records of that County, which I found in the Clerk's office, very near the Court-house. This was a practice in which I had long been in the habit of indulging myself, whenever I had an opportunity so to do; and from its indulgence, I had often derived much amusement and not a little curious information.

I found the old records of Northampton in a state of such better preservation and furnishing the history of a more early period than I had expected. While amusing myself by perusing many of the ancient documents and curious narratives there recorded, I accidentally met with names long familiar to my ear, as those of my early forefathers. Much gratified at this discovery, I made copious extracts of all such matters as I then thought useful. Upon my return home, when I compared these extracts with the memoranda I had before made, and with the Statutes and histories of Virginia, I found the most perfect concordance in every thing; and I was astonished to discover that I had then collected a mass of materials which would enable me to trace back my family history for nearly two centuries, almost to the first settlement of Virginia.

I thereupon formed the resolution of preparing this work, so soon as my

leisure would permit me to do so. This resolution itself gave me much satisfaction, by enabling me to enjoy, in anticipation, the pleasure which you, my dear Children, would probably feel in perusing this manuscript account of your family, prepared by the proper hand of your father. I soon became impatient for the leisure I required to fulfill my purpose; and reflection increased, each day, my inclination to commence the task.

If "a lively desire of knowing and of recording our ancestors, is the result of the influence of some common feeling in the minds of men," as Gibbon the eloquent historian has said, and as I believe, you too, my dear Children, will one day feel this wish. Before that time arrives, I shall be no more, most probably. A singular fatality seems to have attended our family. With a single exception, the father has always died during the minority of his children; and none of our forefathers have ever enjoyed the benefit of a parents countenance and advice, when they arrived at manhood. Should I also share this (p. 5) fate, (and but few of our ancestors have reached my present age) however strong may be your inclination to look back upon your progenitors and "to live in the persons of your forefathers," your desire could never be gratified, without this assistance. No labour, no industry, no research which you could employ, would yield to you the traditional knowledge I possess; and it would be singular indeed if any similar accident should ever disclose to you the sources of information which accident first open'd to me. But if such chance should again occur, to you it would yield little advantage, probably. Time, ere long, must mutilate and obliterate much of the ancient records I have seen. What time may spare, you would find written in a text no longer used, and which few, in this country, can now decipher. To you, however, it would seem but a collection of hieroglyphicks. Should you be able to overcome all these difficulties, yet wanting the key tradition has furnished to me, the facts you might discover would exhibit but a mere puzzle, whose parts you could never perfectly connect or

rightly arrange. Even my memoranda, should they be preserved, which is not probable, would assist you very little. These are written on separate scraps of paper, often so hastily as to be illegible by any other than myself; and they have been prepared sometimes under circumstances and for purposes I no longer remember. To separate those really useful from others apparently not so, would be a difficult task; to arrange and connect them, impossible to any other than myself. Therefore, I feel it to be a duty which I owe you, to relieve you from the labour of all such vain attempts; and to set before you, in better order, every thing which I have collected in relation to our family.

I came into life precisely at that period, when the habits, the manners and the customs of Virginia, were beginning to manifest that great change which was both the cause and the effect of the political Revolution that sever'd this Colony from its parent country and gave it a name as an independent State. The events of my early life, placed me in a situation to learn, by most lively description, much of what had before occur'd, some of which is even now buried in general oblivion; to test the accuracy of these descriptions by my own observation; and to witness the progress of the astonishing changes that have since taken place. Changes so great, in some (p. 6) instances, that posterity will scarcely be disposed to credit them. So circumstanced, I have often been disposed to regard myself as the connecting link that was to bind the past to the future; as the medium through which alone the knowledge of what had been could be communicated to what was to be, so far at least as my own family was concerned. Of my fitness to do so, and of the sources from whence has been derived much of what you will find here recorded, you will be better judges, when I tell you, that having lost my mother while I was of very tender years, I was immediately taken into the house of her father, with whom I continued to reside ever afterwards, until his decease. He was an old man, who having lost his wife, and having lived to see all his children grown up and established, then passed his

days in retirement. In this retirement I was his only companion, and upon me all his remaining affections were fixed. He loved me very tenderly, better I believe than he had ever done any of his own children; and in my little heart he held the place of the only parent it had then ever known.

Of my excellent grandfather, I shall have occasion to speak more at large hereafter. It will be sufficient now, to say that he had lived long, and by his situation had necessarily been made acquainted with most of those who resided in Virginia and with all its events worthy of notice, in his time. He had known almost all my ancestors who lived during that period; and often, very often, he would employ his idle hours in amusing me with anecdotes and descriptions of them.

After the death of my maternal grandfather, I went to live with my father, in whose house his mother then resided. She too was an old woman, a perfect chronicle of the times gone by. From her I derived more information of my family. This I was enabled to connect by the assistance of the more methodical narratives of my grandfather. It filled up many gaps in his statements, and made my stock of traditional information much more complete.

It is very probable, I think, that the gratification (p. 7) I received from listening, at so early a period of my life, to the tales and vivid descriptions of these old people, caused the disposition I have ever since felt, to delve into the ancient records of the country and to search for the histories of its earliest events. My profession too made this in some measure necessary; and by affording easy access to most of our oldest archives, it furnished the most ample opportunity for satisfying my thirst for that sort of knowledge. What tradition first gave me orally, I have often had occasion to compare with what I afterwards found recorded in written documents. Enjoying the blessing of a very retentive memory, I have thus been enabled to detect errors and inaccuracies that were not supposed to exist, and to trace and connect events by means that

have appeared to others wonderful and extraordinary.

Such, my dear children, are the causes and motives which first induced me to undertake the little work I am now about to commence, and such the means I possess to enable me to complete it faithfully. Although it has cost me some trouble to collect the materials from which it will be principally compiled, yet I have derived much gratification while engaged in collating them. It is designed, solely, for your use; and should it be finished, will not meet any other eye than my own, probably, during my life. Littleton W. Tazewell. Norfolk, Virginia. Aug. 22, 1823.

The plan I shall adopt in preparing these sketches, is induced by many reasons. It will be this. I shall begin with the first of our ancestors who came to this country, and will give you all the information I possess concerning him, as well as such as I think you may regard as probable. If in the course of this narrative, any thing either curious or useful suggests itself, I will state what I know, or have reason to believe to be true, in relation to that. By this means, I shall be enabled to give you some information which the histories of the country do not supply, and to correct some of the errors into which these histories will probably lead many of their readers.

In tracing the progress of our family, although I will give you some general account of its collateral branches, yet this account will be very brief. I have rarely been tempted to pursue any minute enquiries as to these collateral branches; therefore, my account of many of them would be very imperfect, especially when the relationship is remote. Besides, if I was to relate all I know concerning our distant relatives, it would augment my labour greatly, and probably would not interest you much. (p. 3) The course of my own direct descent, will be that to which I shall adhere steadily, pursuing in relation to every succeeding ancestor the same plan I shall adopt as to the first; and never turning aside to speak of the collateral branches of our family, unless for some special and particular reason.

By pursuing such a plan, I shall attain this end, at least. Should my death, or any other circumstance, prevent the completion of this intended work, I shall have succeeded, most probably, in relieving you from some of the greatest difficulties you would have to encounter, in tracing this subject through the dim twilight of a remote time; and shall have laid a sure foundation, upon which you may erect hereafter any superstructure you may then please. Many materials will have been placed before you which you could not acquire otherwise; and the sources will be pointed out from whence you may derive many others, should you wish to do so—

I. Nathaniel Littleton.

The first of our family who came to this country, was Nathaniel Littleton. He was an Englishman by birth—I believe that his family was of Shropshire, and resided near Ludlow in that county. I think so, because I see in the will of Mrs. Ann Littleton, his widow, a copy of which I have, that in the event of their children dying without issue, the estate is devised over "to James Littleton esquire, Shropshire, near Ludlow." From this I infer, that this devisee must have been a very near connexion of the family, which, probably, migrated from the neighbourhood in which he is said to have resided, when they first came to Virginia.

In the "Proemium" or preface prefixed by Sir Edward Coke to his "Commentaries upon Littleton," he gives a brief account of the life and family of Thomas de Littleton, the author of the treatise on Tenures," which is the text of the Commentary that forms the "First Part" of what are called Lord Coke's "Institutes." In this account, I find that Thomas de Littleton, the third and youngest son of the author above mention'd, married "Anne, daughter and heir of John Betresux esquire, whose posterity in Shropshire continue prosperously to this day"—I think it highly probable that Nathaniel Littleton was a descendant of this stock. This is mere conjecture however, derived from similitude of names, and from the fact that the family of Nathaniel Littleton was of the same county of Shropshire, in which Sir Edward Coke represents the posterity of Thomas de Littleton to live prosperously in his day. This was in 1628, shortly after which time, Nathaniel Littleton must have migrated from thence, as we shall presently see. (a)

(a) The first edition of Coke's first Institute, containing this Proemium, was published in 1628. See Charles Butlers preface to the 13th: edition dated November 4th: 1787.

According to the account given by Lord Clarendon, in his "History of the Rebellion," Doctor Edward Littleton "(who, during the reign of Charles the first, was made the Solicitor General, then the Chief Justice of the Court of Common Pleas, and who was afterwards ennobled and succeeded Finch as Lord Keeper of the great seal) "was of a very good extraction in Shropshire, and inherited a fair fortune and inheritance from his father." This gentleman, as the same historian states, was the intimate friend and companion of Selden, and a lawyer of very high and deserved (p. 19) reputation. A family tradition, induces me to believe that he was an elder branch of the same stock from which Nathaniel Littleton derived his descent, and that they were nearly connected, but how I know not. The latter came to Virginia, certainly, before the Lord Keeper could have acquired such eminence, or received any marks of distinction.

(b)

Several circumstances I collect from the will of Mrs. Ann Littleton, incline me to the opinion that Nathaniel Littleton married her in England, before they removed hither. From the name of their second and youngest son, which seems to have been preserved in the family long afterwards, I presume the maiden name of Mrs. Littleton was Southy. This too is little else than surmise, as every thing of the kind must be, in this country, after the lapse of so great a length of time. Whatever might have been her name however, her will plainly proves that she was a woman of exemplary piety and prudence. The provisions it contains relative to her minor children, shew that she possessed a strong understanding, very well cultivated for the age in which she lived; that she had amassed a large estate, by her own efforts, after the

(b) See Clarendon's History of the Rebellion. Book V. page 186.

death of her husband; and that she occupied the highest rank in the society where she moved.

Nathaniel Littleton must have come to Virginia very soon after the dissolution of the proprietary government, by the revocation of the Charter granted to the London Company and the establishment of the new Royal government which derived its authority immediately from the Sovereign. This event occur'd in the year 1624 (c); and in the ancient records of Northampton County, I find the following entry, "At a Court holden at Accawmack (d) this 5th day of September 1636, Present Capt; (p. 11) William Clayborne, Mr. Obedyence Robins, Mr. William Stone, Mr. William Burdett, Mr. William Andrews, Mr. John Wilkins—At this Court these names under written were chosen for the choyse of a Sheriffe, to be presented to the Governor and Council at the next Quarter Court—Mr. Nathaniel Littleton (e), Mr. John Neale, Mr. Edward Drawe, Mr. Alexander Mountney, Mr. William Roper, Mr. Henry Wilson." Of the persons so presented, Mr. Nathaniel Littleton appears to have been selected by the Governor and Council, and to have qualified and acted as Sheriff afterwards.

(c) See Rymer, Vol: XVII. page 618, &c. Chalmers, page 62.

(d) The whole peninsula now known as the Eastern Shore of Virginia, originally formed but a single county, called, in the ancient records of this county, Accawmack and sometimes Acchomack, but variously spelt in the old Statutes of the county, as Accowwacke, Accawwacke, Accowwack, Accowack &c. The name of this county was changed to Northampton, in 1642/3; and it was afterwards, in 1663, divided into two counties, as it now is. Upon this division of the peninsula, its southern extremity retained the name of Northampton, and the new county, comprehending the larger and northern part, was called by the old name of Accomack. The ancient records of both the present counties remain in Northampton, that being the elder county of the two. See Henings Statutes. Vol: I. pages 139. 149. 154. 224. 249, and Vol: II. pa: 97.

(e) The name is thus spelt in the earliest entries in these ancient records, but the orthograpy is afterwards changed; and the deeds and all other instruments signed by Nathaniel Littleton himself, as well as those signed by Ann Littleton his widow, and by his two sons, (of which there are many) shew that the proper mode of spelling the name is Littleton and not Littleton.

This was probably the first appointment of a Sheriff for this county. No mention is made of any such Officer, in any of our ancient records or Statutes, until 1634, when the Colony was order'd to be divided into eight Shires or counties, of which Accawmack was one. It was then directed also, that Sheriffs should be elected for each shire, "as in England, to have the same power as there." (f) The nature and importance of such an office, at that time, prove that Nathaniel Littleton must have been well known and much respected, or he could not have been so selected and appointed. Most probably, therefore, he had resided in Accawmack some time previously to the election; and if so, he must have been a very early settler there.

The first white settlement on the Eastern Shore, was made about the year 1620, when, as we are told, "a Salt work was set up at Cape Charles." (g) About the same period, as is well established by the title papers for my Old Plantation estate, the London Company having acquired a body of about 1200 Acres of land, situated on Chesapeake Bay, at the mouth of what is now called Old Plantation Creek, on its north side, retained this tract of land for itself; and establishing (p. 12) many persons upon it as tenants, so formed there a Settlement, or Plantation as it was then called. This land being acquired by the voluntary concession of the tribe of Indians called Accowmacks, to whom it belonged, was at first called Accowmack. When other Settlements or Plantations were afterwards established, to distinguish this from the other lands acquired, in like manner, from the same Indian tribe, it was called The Old Plantation of Accowmack, and then The Old Plantation simply, which latter name it still bears, as you well know.

(f) See Henings Statutes. Vol: I. page 224.
(g) Beverley's History of Virginia. page 37.

In 1621, another body of 500 acres of land, situated at the confluence of Cherrystones and the Kings Creek, was acquired by the London Company, and then set apart for the use of the Secretary. This tract was settled by Master John Pory, the Secretary, in the same year, as appears by his "Observations". In these, he states that he went "to plant the Secretary's land, on the Eastern Shore, neere Accomack, and Captain Wilcocks plantation, the better to secure and assist each other." (h)

These two primitive settlements, although very near, did not join each other. The Secretary's land was bounded, on the south, by the Kings-Creek, and the Company's plantation of Accomack was bounded, on the north, by the Great Pond, then called the Persimon Ponds. So that a large part of what is now my Kings Creek estate intervened to separate them. Upon this, according to the ancient tradition in that part of the country, the king of the Accomacks then dwelt.

Notwithstanding the feebleness of these remote, detached and infant settlements, neither of them was disturbed during the general massacre of the whites, which was effected by the Indians in March 1622 (i). It is mention'd by our early historians, as a singular fact, of the Eastern Shore Indians, "that they never gave the English any trouble, but courted and befriended them from first to last." It was owing to this cause, probably, not less than to the peninsular situation of this region, that after the great massacre mention'd above, when the distressed condition of the colony was consider'd, "many persons were urgent to abandon James river, and to retire to the Eastern shore." (j)

(h) See Smith's History of Virginia. Vol: II, page 61.

(i) See Smith's History of Virginia. Vol: II, page 75. 76.

(j) See Stith's History of Virginia. page 235.

So long as the proprietary government continued, it does not appear that any land ^(p.13) on the Eastern Shore was granted in fee simple to any individuals, except for very special reasons, and then in small parcels. I have met with but one such grant. This bears date in 1623, and is for 150 acres only, situated at the mouth of Old Plantation Creek, within the limits of the Company's Plantation at Accomack. All the other lands within this region, at that time, were held by the tenants of the London Company or of the Secretary, under short leases. But after the dissolution of the Charter of the London Company and the assumption of the government by the Crown, a different policy seems to have been adopted. Lands on the Eastern shore were then granted in fee to individuals, precisely as in other parts of the colony.

This new regulation seems to have been introduced by Sir George ~~Seardley~~, the Royal Governor, in 1626. Under it, the tenants of the former Plantation of the Company at Accomack, soon converted their lease hold estates into estates of inheritance; the body of land intervening between this Old Plantation and the Secretary's land was quickly granted to various private persons in fee simple; new plantations were established to the eastward of these, extending to the sea shore; and a cordon of white inhabitants was formed quite across the peninsula, in this quarter, stretching from the Bay to the Sea. As the white settlements gradually spread contiguously to each other, the name of Accomack, applied at first to the Company's old Plantation only, was then given to the whole of this compact body, including even the Secretary's land; and this name was retained, as applicable to this particular district, long after the whole peninsula had received it as that of the shire. Nay, after the name of the shire had been changed to Northampton, and after the division of that county, when the new county had been called Accomack, the same name was still used to distinguish the narrow district situated on both sides of the Kings Creek; and it was still employed to denote also the whole territory called the Eastern shore.

After the protrusion of the white settlements, in the manner stated, the Indian tribe of Accowzacks finding itself divided, by the new settlements, into two parts, one of which was surrounded by the whites, and both such circumscribed in their intercourse and hunting grounds, seem to have voluntarily abandon'd all their original possessions, and to have removed further up the peninsula, uniting themselves to the Ginecastee and other Indian tribes who dwelt to the northward of the white settlements. The territory situated to the south of the Old Plantation Creek being then deserted by the aboriginal occupants of it, was quickly granted to new (p. 14) white settlers. Of these, Nathaniel Littleton must have been among the first.

The earliest mention I have found made of him, is in a patent for land on the Eastern shore granted to Charles Hamer on the 4th of June 1635. This grant is of a tract of land, part of which is that now called Arlington. The original patent is not now to be found, but it is refer'd to in another grant in which the land granted is thus described, "beginning at the south side of a branch of the Old Plantation Creek, thence running easterly up the said branch unto marked trees, being at the easternmost angle of this land; bounded on the west by the mayne bay; on the south by Magotty bay pond; on the east by the land of Mr. Nathaniel Littleton, esq^r."—(k) This document renders it certain that Nathaniel Littleton was a proprietor of land on the Eastern shore before he was elected Sheriff, as has been stated; and from the situation of the land which he then held and upon which he resided, as will hereafter appear, it is very probable that he was one among the first of the settlers in the region

(k) See the grant to Elizabeth Hamer, the daughter and sole heir of Charles Hamer, recorded in the Register's Office, in the Volume label'd "Patents from 1643 to 1651."

then deserted by the tribe of Accowascke, as I have before said. This was about the year 1634, during the administration of Sir John Harvey. The extent of the tract then acquired by Nathaniel Littleton, as well as the designation of Esquire given to him in the grant to Hamer, a designation then never applied to any but persons of some distinction, seem to show that he was one of those "Gentlemen of condition", several of whom, according to the accounts of our early historians, came to Virginia, about this time, with their whole families. (1)

In the ancient records of Northampton County, I find the name of Nathaniel Littleton again mention'd in the following entry. "A GRANT; holden at Accowasck this first day of May 1637. Present, Mr. John Howe Comd^r; Mr. Nathaniel Littleton, Mr. W^m. Stone, Mr. W^m. Burdett, Mr. W^m. Andrews, Mr. W^m. Reper." From this it would appear, not only that Nathaniel Littleton was then one of the Commissioners of the County of Accowasck, but that according to the custom of the country, at that day, the Sheriff of the County retained his place on the bench and actually sat in Court as one of the Commissioners, notwithstanding he had been appointed and was then acting as Sheriff. Oldmixon, therefore, is probably right and Beverley mistaken, in this respect. (2)

(p. 15) Nathaniel Littleton's name occurs very frequently after this, in these old Records, as that of one of the Commissioners of the County, in which office he seems to have acted as long as he lived. The office of a Commissioner of a County at that time, corresponded very nearly with that of our present Justices of the Peace. But in those days, when the number of these officers was much less, their duties more important, and their powers greater than they

(1) See Beverley's History of Virginia, page 46

(2) Id; Preface, pa; VI.

are at present, the Government was much more select in filling such offices than it is now. The form of the Commission granted to Commissioners of Counties, and the oath prescribed for them, is given in Henning's Statutes. From these, the nature and character of the office may be easily understood. (n)

It is shown, by many entries in the ancient records before mention'd, that Nathaniel Littleton had been appointed Commander of the County of Accomack so early as 1638; and that he presided in the County Court for many years, in that capacity, being at first distinguished by the military rank of Captain and afterwards by that of Colonel. I find there, that "at a monthly Court held at Accomack the 7th day of Nov^r. anno Domⁱ. 1638, Present, Mr. Nathaniel Littleton Commander, Mr. W^m. Burdett, Capt. W^m. Hoyer, Mr. John Wilkins." Again, "at a County Court holden for Northampton County (o) the 25th day of April 1646, present, Capt. Nathaniel Littleton Commander," and others; and some Courts afterwards he is styled "Colonel Nathaniel Littleton esquire Commander." Many of his orders, given as Commander, relative to the Indians and other subjects, are still extant in these ancient records.

The form of the Commission granted to the Commanders of Counties, is given in Henings Statutes, and their powers and duties are stated in several of the Acts refer'd to in the index to the first Volume of these Statutes, under the head of "Commanders of Plantations." It would seem, from thence, that this office confer'd both civil and military authority upon the incumbent. He presided in the County Court, as one of the Justices of the "Quorum", and

(n) See Henings Statutes, Vol: I. pages 132. and 169.

(o) The name of the County of Accomack was changed to that of Northampton in 1642/3; and during the same session of the Assembly, County Courts were first established, by that name. See Henings Statutes. Vol: I. page 249 and 273.

fulfilled all the duties of a County Lieutenant in England, with even larger military authority. In short, the Commander of a Plantation, or (p. 16) of a County, was the highest officer in it, either civil or military. (p)

In 1647, in consequence of "the great defaults and defects in receiving and collecting the publique levies" by the sheriffs, the Assembly appointed certain persons, in each county, "Collectors for receiving and gathering in of all levyes by that Grand Assembly assessed." Under this Act, "Mr. Nathaniel Littleton Esquire and Mr. Edmond Scarbrough" were appointed Collectors for Northampton County. This appointment was to continue but one year, when new Collectors were to be appointed. But such was the confidence reposed in these gentlemen, that the next year, 1648, when the act passed authorizing the appointment of new Collectors, it contained an express proviso, that it should not extend to them, to whom "the power of collecting the Leavye of Northampton County was again given, "notwithstanding anything in that act to the contrary."

(q)

Such was the situation and standing of Colonel Littleton in 1649, when the dissensions took place that were occasion'd by the decapitation of Charles the First and the assumption of the government of England by the Parliament. Occupying the highest station in his county, both civil and military, as he then did, it would have been difficult, if not impossible, for such a man to have remained neutral, at such a season. Colonel Littleton did not do so, but seems to have taken a very early and decided stand in favor of the country of his residence. It was in consequence of this, probably, that after the Convention for the surrender of this colony to the government of the Commonwealth of

(p) See Henings Statutes. Vol: I. page 131. and Index page XXXII.

(q) See Henings Statutes. Vol: I. pages 342. 343. 356

England was concluded, on the 12th. of March 1651/2, when the first Assembly met, on the 30th. of April 1652, to settle a provisional government of Virginia, "untill the further pleasures of the states be knowne, Call: Nathaniel Littleton" was one of the thirteen persons then elected by the Grand Assembly to compose "the Councill of State." (r)

The authors who have written the history of Virginia, differ so much in the accounts they give of the sentiments prevalent in this colony and of its conduct, during the interesting period intervening between the death of Charles the First and the restoration of his son, that it is now very difficult to ascertain the truth. By some of these it is said, that after monarchy was abolished in England, after one king had been beheaded and another driven into exile, "the authority of the crown continued to (p. 17) be acknowledged and revered in Virginia." Irritated at this, the Parliament dispatched a powerful squadron, with a considerable body of land forces, to reduce the Virginians to obedience. Berkeley, the Governor, with more courage than prudence, took arms to oppose this formidable armament; but he could not long maintain the unequal contest. "He was ultimately forced to yield," when he was suffer'd to go into retirement, and continued to reside in Virginia as a private man, beloved and respected by all over whom he had formerly presided. "Under Governors appointed by the Commonwealth, or by Cromwell" when he usurped the supreme power, Virginia remained almost nine years, in perfect tranquillity. During that period, many adherents to the Royal party resorted thither. They, by their intercourse with the colonists, confirmed them in principles of loyalty; and working upon their impatience and indignation "under the restraints imposed upon their commerce,

(r) See Henning's Statutes. Vol: I. page 371.

by their new masters," on the death of Mathews, the last Governor named by Cromwell, "the People" forced Sir William Berkley to quit his retirement, and unanimously "elected him Governor" of the colony. As he refused to act under an usurped authority, they boldly erected the Royal standard, and acknowledging Charles the Second to be their lawful sovereign, proclaimed him with all his titles. Wherefore, the Virginians long boasted that as they were the last of the Kings subjects who renounced their allegiance, so they were the first to return to their duty.

This is the account given by Doctor Robertson, which Judge Marshall has followed and Mr. Jefferson seems to consider correct. Doctor Robertson refers in support of it to Chalmer and Beverley, who, although they do not confirm this representation, in all its parts, yet concur in most of its statements, substantially at least. (s)

Burk, the latest historian of Virginia, denies the correctness of this account. He admits the apparent existence of the loyal attachment of the colonists to the Royal cause, even after this had fallen into disrepute and contempt in the mother country; and he ascribes the Ordinance of 1650 to the irritation felt by the Parliament of England at this supposed attachment. But he asserts that this apparent loyalty must be ascribed to "religious zeal alone." For he contends, that as the cause of the colonists was palpably the same with that of the Parliament, nothing but the infatuation or phrenzy of superstition could have made them separate. (p. 18) In proof of this opinion that the loyal attachment of Virginia existed more in appearance than in fact, he says, "that it does

(s) See Robertson's History of America. Vol: III. Book IX. See also Marshall's Life of Washington. Vol: I. pages 75.6.7 & 8. Jefferson's Notes. Quare XIII. p. 201. Chalmer's annals. page 124. Beverley's History of Virginia. page 55.

not appear she took any step to open an intercourse with the Royal party, or that she extended any consolation or succour to the distresses of the exiled family. She forbore indeed to acknowledge the present government; but this might have been the effect of caution and reserve." (t)

He concurs with all the other historians, in doing justice to the gallantry of Berkeley in opposing the formidable force he had to encounter, "a gallantry, he says, worthy a better cause"; but he regards the surrender of the colony, rather as the effect "of the spirit of reform so prevalent throughout the empire," and of the "division of sentiment then certainly existing here," than of the necessity produced by the presence of a superior force. Finding the most conclusive evidence that Sir William Berkeley was reinstated in his government, after this, and before his master was restored to his throne, he contends that "Berkeley received his authority from a tumultuous assemblage of cavaliers and aristocrats, without the agency of the Assembly;" and "that his appointment never did receive their sanction, until Charles the Second was firmly seated on the throne."

If an opinion of the correctness of these two conflicting statements, was to be formed only by comparing their authors, but little doubt ought to exist as to which should be most relied upon. Beverley, from whom most of the first account was extracted by the subsequent writers, had long resided in Virginia. He was the Secretary; and therefore, had the freest access to all the public archives and documents existing in his day. His work was written not fifty years after the period the events of which he records, when many who must have been actors and eye-witnesses of what he described were still living, most

(t) See Burk's History of Virginia. Vol: II. Chap: II. from 75 to 120.

probably. Burk, on the contrary, had none of these advantages. I knew him well. He was an Irishman, who being compelled to leave his own country, by reason of the part he had taken in some insurrection there, had come to this, about the year 1797. Here he studied the law; and settling himself in the town of Petersburg, began his practice there. Meeting with little success, however, and accident having placed in his possession some ancient records, which, some years before our revolution, had been copied from documents remaining in the (p. 19) public offices in England, for the use of Colonel Byrd of Westover, Burk thereupon formed the resolution of writing the history of Virginia; a country, of which, or of its inhabitants, he knew as little as any man in it, save only what he could extract from these records, or from other histories. The work was hastily written; and its author was killed in a duel before he had completed it. So far as it pursues the ancient manuscript volumes in his possession, this history is no doubt entitled to the fullest credit; but it is replete with errors and inaccuracies of many kinds, whenever the author lost sight of these his only sure guides. Hening has noticed some of these errors, with others; and any man who has taken the trouble to collect information of the events of past time, in reference to this country, will be able to point out many more.

Hening, in his compilation of the ancient Statutes of Virginia, has furnished much evidence to enlighten the obscurity that had been supposed to envelope this period of our history. The nature of this work, allowed but little opportunity to the author, of commenting upon the facts the proof of which was before him; and he has not availed himself, sufficiently, even of the occasions that were presented. Both in the preface and in some of the notes to the first Volume, he has undertaken to contradict a part of the account given by Doctor Robertson; and while exhibiting the evidence upon which he relies to support his opinion in this respect, he has found himself compelled to differ also from that offered by Burk, with whom, however, he seems, upon the whole, most disposed to concur.

According to Hening, "from the death of Charles the first, to the restoration of Charles the second, not a governor of Virginia had been appointed either by the Commonwealth or by Cromwell:" but Sir William Berkeley himself, and each of his predecessors, during this interval, "was elected by a full Assembly," not of cavaliers and aristocrats, or of the people themselves, but "of the representatives of the people." All these governors, he says, "were the mere creatures of the House of Burgesses, dependent upon their breath for their political existence, and annihilated at their pleasure." He contradicts Doctor Robertson too, and concurs with Burk, in stating "that neither the Ordinance of 1650, nor the Acts of 1651, for imposing restraints upon the commerce of the colonies, took effect in Virginia," notwithstanding the existence (p. 20) of these Acts as assigned by Doctor Robertson, "as one of the causes which confirmed the Virginians in principles of loyalty to the king, and render'd them impatient under the yoke of Cromwell." (u)

I have taken some trouble to investigate this interesting period of our history. In the course of this investigation, having found much curious evidence, and collected some amusing anecdotes, I will now state the result of all my researches, and the sources from which it has been derived. This result, has induced me to concur in the account given by Doctor Robertson, as above, in all its parts.

The fact of the apparent continuance of the loyal attachment of Virginia to the crown of England, even after the deposition and violent death of Charles the first, is established not only by the concurring testimony of all the historians to whom I have refer'd above, but by many other authentic documents and records I have seen, which, most certainly, could never have been seen or read by those

(u) See Henings Statutes. Vol: I. pages XIII. 358. 429. 513. 526.

who question or deny its sincerity. Whether this attachment was the effect of "religious zeal," which regarded the king as the head of the episcopal church, and apprehended danger to that church from the success of the Puritans of the Parliament, as Burk supposes was the case—Whether it resulted from a grateful sense of the favors that had recently been confer'd upon the colony by the unfortunate king, as Doctor Robertson thinks—Whether it was the consequence of the affection with which Sir William Berkeley, the Royal governor, had been always regarded in the colony, at this time—Or whether it was produced by the combination of all these causes, is a matter of little moment. The existence of this apparent loyalty is no where denied; and the only doubt is whether it was real or feigned; a sincere attachment, or the mere artifice of "caution and reserve." The same documents which prove its apparent existence, establish its truth and sincerity, beyond all doubt, as I think.

Charles the first was beheaded January 30th, 1648/9, (v) and the first Assembly of Virginia which convened after this event, met on the 10th, day of October following. The first Act passed at this session, after reciting the treasonable principles and practices of the republicans, in aspersing the memory of "the late most excellent, and now undoubtedly (p. 21) sainted king," enacts; that to defend "the late traiterous proceedings against the king, by reasoning discourse or argument," makes the person guilty "as an accessory post factum—That "by irreverent or scandalous words or language, to blast the memory and honour of the late most pious king, (deserving ever alters and monuments in the hearts of all good men) should be punishable at the discretion of the governor and council"—And that to insinuate "any doubt, of and concerning the undoubted

(v) Ib: Vol: I. page 358. note.

and inherent right of his majesty that now is (Charles the second) to the colony of Virginia, and all other his dominions, as king and supreme governor, should be high treason." (w)

Such declarations, utter'd at such a time too, place beyond all question, not only the apparent loyal attachment of Virginia to the royal cause, even at this period, but also the truth and sincerity of that attachment. Caution and reserve might well have prevented the utterance of such sentiments, although warily and sincerely felt but could hardly have dictated the expression of them, if the attachment they breathe had been but assumed and feigned. And that they were believed to be sincere, by the Parliament of England, by the exiled prince, and by the sister colonies of Virginia, is shewn as positively by other documents, as their apparent and real existence is proved by this.

All authors concur, in ascribing the harsh provisions of the Ordinance of 1650, and the restraints upon commerce imposed by the two Acts of 1651, to the irritation felt by the Parliament, at the loyalty of some of the colonies, among which Virginia was one. By the first of these laws, the colonists of Barbadoes, Virginia, Bermudas and Antego, were denounced as "notorious traitors and rebels;" and all vessels, whether belonging to natives of England or foreigners, were prohibited from entering their ports, or carrying on commerce with them. By the latter of these Acts, all mercantile intercourse is expressly prohibited, between any of the colonies and foreign states; and all importations into the colonies from foreign states, is confined to vessels belonging to English subjects, navigated by crews of which the greater part must be Englishmen. (x)

(w) See Henings Statutes. Vol: I. pages 358,9.60.

(x) See Ordinance of October 3, 1650. Seebell's Acts page 1,027. See also Act of October 9, 1651. Seebell's Acts page 1,449.

Voluntarily to incur the pains and privations of such laws, may perhaps sufficiently establish a devotion to the royal cause, by which devotion they were called down (p.22) upon the heads of the colonists; but is utterly inconsistent with the notion of a feigned loyalty, exhibited by caution and reserve merely. It is certain, therefore, that the Parliament of England must have believed the Virginians to have been sincere in their professions of loyalty.

That the exiled prince concurred in this opinion, is manifest from the fact of the new commission sent to Sir William Berkeley, as governor of Virginia, transmitted by Charles the second from Breda, where he went to meet the Commissioners from Scotland. This commission bears date in 1650, and may be found in Chalmers. (y)

And that the neighbouring and sister colony of Massachusetts united in the same opinion, will clearly appear from the Act passed by the Assembly of that colony, in 1651, whereby trade with the other colonies mention'd in the Ordinance forbidden, until "their compliance with the Commonwealth of
of the Parliament of 1650, is England," or the further order of that General Court. (z)

With such evidence before them, who can doubt of the sincere loyalty and warm attachment of Virginia to the Royal cause, even after that cause was abandon'd every where else?

The suggestion made by Burk, that Virginia merely forbore to acknowledge the new government, but took no step to open any intercourse with the Royal party, does not seem to be warranted by the fact. The commission mentioned above, as granted at Breda in 1650, goes far to prove that Charles the Second must have

(y) See Chalmers's Annals. Vol: I. page 122. Holmes's American Annals. Vol: I. page 291.

(z) See Hazard's Collection of State papers. Vol: I. page 553—Chalmers's Annals. Vol: I. pages 122.3—Holmes's American Annals. Vol: I. pa: 291.

been then informed of the Act of Assembly passed in 1649, which recognized his "undoubted and inherent right to the colony of Virginia." And one of the Articles of the Convention for surrendering the colony, in 1651/2, provides expressly, "that there be one sent home at the present governors choice, to give an account to his majesty of the surrender of his country, the present governor bearing his charges, that is Sir William Berkley." (a) From whence it very plainly appears, that intercourse was kept up between Virginia and the Royal party, from the death of Charles the first, (p. 23) until the subjugation of this colony in 1652. Nay, Lord Clarendon states expressly, and he must have been personally acquainted with the fact, that Sir William Berkeley had "industriously invited many gentlemen and others hither, as to a place of security; and that he writ to the king, almost inviting him hither, as to a place that wanted nothing."

(b)

Whether the spirit of loyalty thus shown to exist in Virginia, was at last constrained to yield, and submitted only to the necessity imposed by the superior force dispatched by the Parliament to subdue this colony; or whether other causes contributed to induce the surrender of the country to the Commissioners sent out from England, is a question which cannot be settled at this day. The force sent, was unquestionably sufficient to produce this effect, although both Marshall and Burk are mistaken, when they represent the whole force sent from England under the command of Sir George Ayscue, to have been that to which the surrender was made. Beverley states more correctly, that the squadron which entered the Chesapeake, was commanded by Captain Dennis. Ayscue sailed from England early in September 1651, arrived at Barbadoes October 15th, 1651; and

(a) See Henings Statutes. Vol. I. pages 365,6.

(b) See Clarendon's History of the Rebellion. Book XIII. page 637.

after bringing that island to capitulate, he dispatched Captain Dennis to Virginia, with only a part of his force, in pursuance of his instructions to that effect. (c)

The presence of this force, supported by the reinforcement it might soon expect, must have produced such effect in Virginia, no doubt. But Beverley insinuates very broadly, that the treachery of two members of the council contributed not a little to the capitulation. (d) This tradition continued even to an early day; and I have often heard the names of Broccas and Sudlow mention'd, as those of the traitors. To this was added, that the indignation of the colonists, afterwards compelled these men to fly from the country they had betrayed; and that to which they never returned. This treachery, however, had not its origin in any "spirit of reform;" but is represented to have proceeded from a very different cause; and to have (p. 24) sprung from motives exclusively personal and selfish. Nor has Burk any warrant for the assertion he hazards, that there was any division of sentiment existing here, at that time, arising from any such general cause.

It is true, that a diversity did exist among the colonists, at that time, the curious evidence of which I will presently state; but this difference of sentiment, so far from showing any abatement of the loyalty of the Virginians, is a proof of its continuance undiminished, even after the capitulation and surrender of the colony had been completed.

In the ancient records of Northampton County, to which I have before refer'd,

(c) See Marshall's Life of Washington. Vol: I. page 76—Burk's History of Virginia. Vol: II. page 51—Beverley's History of Virginia page 52—Edward's West-Indies. Vol: I. page 336—Holmes's Am; Annals. Vol: I. 296. Hazard's Collection of State papers. Vol: I. page 556.

(d) Beverley's History of Virginia. page 52.

I found a singular document spread upon the record in the year 1652. Its substance is, that by the death of Charles the first, effected as that was, the government of this country was dissolved; and all the powers and authorities of the Assembly were extinguished—That the capitulation of March 1651/2, having been concluded by an Assembly chosen before the death of the late king, this body had no legal authority after that event; and of course none to make that surrender—Therefore, that the people of the County of Northampton were not bound by that act, or by any other of the acts of this Assembly; the more especially, as they had not been represented therein. But as the good of the colony indispensably required that there should be some government provided for the direction and management of its affairs, the people of the County of Northampton would willingly co-operate with the other colonists, in providing such a government. For themselves, they had no objection that Mr. Richard Bennet should be made governor by the next Assembly; they protested, however, against the exercise of power by him, if it was derived from any other source than an election by the Assembly.

It would seem from this document, which I think was intended for instructions to the burgesses of Northampton County chosen for the next Assembly, that doubts were entertained as to the legitimacy of the authority of those who made the capitulation, to agree upon such an act. Notwithstanding this, such was the situation of the colony at the time, that it was thought better to adhere to the capitulation than to reject it. But that if adhered to, the governor, under it, must derive his powers from the Assembly, and from no (p. 25) other source—And that the authority of Mr. Bennet as governor, not being so derived, was not then generally recognized. This last circumstance, goes far to justify the conclusion, that the surrender of the colony to the Parliament, was the result of the necessity imposed by superior force, acting upon the disorder'd and unsettled state of things then existing.