

Calendar of Virginia state papers and other manuscripts ...

Virginia.

Richmond, 1875-93.

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CALENDAR
OF
VIRGINIA STATE PAPERS

AND
OTHER MANUSCRIPTS,

FROM
JULY 2, 1790, TO AUGUST 10, 1792,

PRESERVED IN THE CAPITOL AT RICHMOND.

ARRANGED AND EDITED

BY

WM. P. PALMER, M. D., AND SHERWIN McRAE.

VOLUME V.

RICHMOND:
RUSH U. DERR, SUPERINTENDENT OF PUBLIC PRINTING.
1885.

GOVERNOR BEVERLEY RANDOLPH, IN COUNCIL, TO JAMES INNES, ATTORNEY-GENERAL. 1791.

“The Executive request the favour of Attorney-General to inform them whether in his opinion the courts of the respective counties within this state, have authority by Law to make new elections of Commissioners of the Taxes at any stated periods, or at their Discretion, without any vacancy having happened by resignation or otherwise.” In reply the Att’y-general says: “I do not think that the county courts have a right to exercise the powers above described. The Commissioners of the Taxes appear to me under the Laws to be entitled to continue in office, *dum bene se gesserant*, or during good behavior.”

June 7th
Powers of
county
courts

HENRY BANKS TO MAJOR JOHN PRYOR, LATE ORDINANCE OFFICER OF VIRGINIA. June 8th

Making enquiries in regard to certain cannon purchased by him from the late Gov. Harrison, as Executive of the State, and intended for the use of a ship, &c. In reply, Major Pryor says: “In the year 1782, when I was Com. Mil. stores, I accompanied Mr. Jno. Banks to W. Ham. to look at some cannon that lay at the ord. Foundry, w’h had been spiked & their Trunnions broke by the Enemy. He told me that he had the permission of the Executive or Colo. Davies, to take such as he thought would answer to fit out a vessel. Said Banks concluded to take some of them, but what number or size I have forgot.”

Richmond
Cannon left
at Westham
Foundry

In regard to question as to the terms of sale, says further, “I do not well remember the terms, but he thought then that they were of very little value as they lay. They were all spiked, and most of them had one or both Trunnions broke off, & appear’d quite new & never to have been tried, and I do think that such terms were not unreasonable, and as good as then could (have) been obtained.”

JOHN STANLEY AND WM. RICHARDSON TO THE GOVERNOR. June 9th

Humbly complaining, sheweth your petitioners, Inspectors of Tobacco at Meriweather’s warehouse, New Castle, that in the year 1789, they have incurred a forfeiture of £500, for not accounting for the Tobacco exported from their warehouse during that year, & are now under the prosecution of the Solicitor general, & are remediless saving by the Interposition of the Hon’ble the Executive of this state, & think it advisable & proper thus to state simply their lease, & exhibit their

1791. Vouchers to the Board. Your petitioners aver that the above laches
 June 9th did not arise from any sort of Design to injure the Publick, but firmly
 imagined their annual salaries wou'd at any rate be allowed them,
 which would have defrayed the publick duty on Tobacco, and moreover
 wou'd have made easy every claim against them of a public nature, but
 lately conceived their error when it was too late to prevent the entering
 the Judgment against them for the s'd forfeiture, have only now this
 resource of pray a Remission of the s'd £500 at your Hands.

Annexed hereunto you will find not only the Treasurer's rec't for the
 duty, but the solicitor's also, for the Costs of the Judgments, whereby
 every claim is now discharged, except the s'd forfeiture, which we pray
 may be remitted, and your petitioners will ever pray, &c. To which is
 appended a testimonial of sundry citizens in favor of the petitioners in
 part, as follows: "In the highest estimation as we hold the Laws and
 Constitution of our Country, but in taking a survey of the Relative
 Connection existing between the *Governor & Governed*, we conceive that
 while protection is given to one, protection also ought to be given to the
 other.

Exactness
 required of
 public
 officers
 herein
 shown

For the guide of Inspectors the legislature have laid down a particu-
 lar Duty to be observed; and a forfeiture (to be applied to public uses)
 for a non-performance of that Duty. The Inspectors in this case have
 unwarily incurred the forfeiture, depending on their salaries to defray
 the public acc'ts; but being mistaken in the Law in that case made &
 provided, have thereby subjected themselves to the prosecution of the
 Attorney-Gen'l, who has actually obtained a Judgment against them for
 the s'd forfeiture, which must have been incurred from an inoffensive
 Disposition, & not thro' design or intention to injure the publick. Now,
 Sirs, if the Destruction of two respectable citizens be preferable to the
 sum of five hundred pounds in the publick Treasury, then ought we to
 acquiesce & bewail their misfortune; but if the sum be inadequate to
 the sacrifice, then do we trust that the forfeiture will be remitted.

From these considerations then, we humbly conceive that a Remission
 of that forfeiture will be granted, as it may be done, we think, without
 any sort of Inconvenience to the publick, but of manifest advantage to
 the Inspectors."

Signed: Arch'd Dick,* James & Benja. Oliver, Jas. Lyons, Rob't
 Fleming, John Syme, J'n'r, Nicholas Syme, Thos. Talley, Thos. Phillips,
 Henry Cobbett, Elisha Sheperson, David Cöchrane, Frs. Irwin, Sam'l
 Crutchfield, Constantine Riddick, Jno. Kilby, Thos. Taylor, Sam'l Rich-
 ardson, J'n'r, Francis Taylor, Christo. & Rob't Johnston, Geo. Clark,
 Wm. B. Christian & Co.

*NOTE.—Archibald Dick was a Revolutionary officer of merit. John Syme was
 half brother to Patrick Henry, and Lyons, Fleming, and Taylor and others, were
 prominent men at this date.