

[Fairfax 1782 11 20, Record Group 78, Library of Virginia]

To the Honourable the Speaker & Gentlemen of the House of Delegates;

The memorial of the Subscribers, Justices of the Peace for the County of Fairfax, Humbly sheweth;

That your Memorialists have received a Copy of a Petition, offered & read in your Honb^{le} House last Session, highly reflecting on the Justices of Fairfax County (but more particularly & pointedly on those residing in Alexandria) for their proceedings at the January Court 1781.---

We are sorry to be laid under the disagreeable necessity of taking up so much of your important time & attention to this memorial; but the many unjust and Illiberal charges exhibited against us in the Petition, will, we hope, plead our cause. And obtain your indulgence to our making some observations thereon.

1st. That the Justices of the County Courts are not representatives of the People at Large, nor amenable to them we admit; but does it thence follow they are amenable No where? We think they are, & presume your Honours will be of the same opinion.

Neither are they a self-continued Body, because the Governor has a negative on the Recommendation, may order a new Commission, & leave out whom he pleases.--

The Petitioners arguments would operate more forcibly against some Vestries, who fill up their vacancies, & are not disolveable [sic] but by Act of Assembly: therefore it would Appear they forgot themselves, & betrayed their ignorance of the Constitution, in saying The power of the Justices (which only extends to recommendation) is unknown in any other part of the Constitution.-- To their complaints & strictures on the faulty part of our Constitution, it is not our duty to reply. Your Honb^{le} House will no doubt Digest the force & attend to the propriety of these, & proceed to such remedy as it shall Deem proper: but we trust that such efforts will never so far prevail, as to [illeg]ict [illeg.] new model our Constitution.

2nd. The Petition seems to be pregnant with fears, suspicions, & jealousies of the Town Justices, & insinuates their being linked together in party interest of sinister views; That their interest & that of the people is so contrasted, that every means will be used to distress the People & compel them to sell their commodities at an under rate, which It is insinuated the Town Justices are enabled to do, by appointing for Land Commissioners, men who have romantick & exorbitant notions of the value of Land. These are illiberal And ungenerous reflections; & convey to us an idea of meanness of Soul that can only originate in Breasts familiarised to the last degrees of baseness. May it please your Hounourable House to hear our reply to these unmanly & unjust suggestions, & pardon our warmth, the natural result of conscious integrity.-- We disclaim & disavow all Such narrow & selfish views, it always was, & is, our wish & endeavour to stand on Good terms with our fellow Citizens whither of Town or country; & we consider this as The true interest of every Man in Trade, & are astonished that suggestions to the Contrary should be harbour'd in the Breast of any man, or set of men, & be given To the Publick as true, which your Memorialists avow to be false. In what instance Have we compeled the People to sell their Produce at an under rate? Point out the Culprits, prove the fact, & let him bear the stigma: but why presumably

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charge the Town Justices & Traders? Does not this include the innocent with the guilty. (If any such there are? Can this be candid? Is it just?--But it is also said and Represented to be the interest of the Corporation etc to reduce the price of commodities As low as possible. We esteem the contrary opinion much more liberal & generous: for our Interests & the Publicks are so consolidated that a reciprocal participation of Emoluments takes place, & it is evident that the most prosperous state of both Town & Country was in the years 1773 & 4, when our fellow Citizens received a generous price For their commodities: witness the many Thousand Bushels of Wheat & Barrels of Flour & Then exported from this place at a good price, Trade being then free from the embarrassments of War. But surely this cannot be expected in these times, but by unreasonable & selfish Men.

And it is equally ridiculous to ascribe the appointment of Land Commissioners to The Justices resident in Town; for when they were chosen, fifteen Justices out of nineteen Attended, only four of which were of the Town. How is it possible then, that these Four could appoint Commissioners, when opposed to the other eleven from the country? The case need only be stated to evince its absurdity. Why then charge us with Choosing men of romantick & exorbitant notion's of the value of Land? For it is evident We had not this in our power, much less in our Inclination.--Our full proportions of The Publick Burthens we always have borne & are still willing to bear; for the truth Of which we appeal to the last assessment: But it is suggested aginst us, that we Have little real or visible property: this if true might be our misfortune not our fault Or crime; yet surely, it is the most studied cruelty to introduce this in Publick to Our disadvantage: We never plumed ourselves with the Idea of large possessions; we Are satisfied with possessing sufficient to quallify us for being extensively usefull in our several departments.--

3rd. But we have levied Thirty Thousand weight of Tobacco from the People unjustly, Illegally, & unnecessarily. We admit the Levy, but deny the conclusion.--

Will your Honb^{le} House vouchsafe to hear the reasons which operated on the Court. At January 1781? & we doubt not they will stand justified.--

In November 1779 an addition were made to the Prison by order of court: Sheriff Payne & M^r Ramsay was appointed to see the work executed. M^r Ramsay being on The Spot the burthen fell on him: he engaged to pay the Workmen, (for they would Not trust the County;) & accordingly in Novem^r & Decem^r 1779, he paid to Workmen, And for Materials, one thousand four Hundred and forty four Pounds & Sixteen Shillings & Six pence; a considerable part of which was not repaid by the County Untill October 1780, when the depreciation was from 36 to 73. Mr. Ramsay does Not mind these things; but poor Tradesmen have suffred to such a degree, that Often when they received payment, they had not the value of their materials, & Lost all their Labour.---In January 1781 the State of the Publick Buildings was considered: The Court House was found in a ruinous condition, the Windows were Broken, there were no doors, & the roof leaked so that when it rained one could not Stand dry in the House, the Plaistering too was gone, the laths rotten, & not a Table or Bench in the Jurors Rooms: The Prison also was in very bad order, & remains so,

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No Stocks, Pillory, or Whipping Post, nor any yet; no Tradesman would credit the County, Finding the Building in this situation what was the Court to do? Was it to suffer The House to tumble into a heap of ruins, which shortly would have been the case, And thereby involve the County in the intolerable expence of a new one, or order it to Be repaired? They chose the latter mode as most eligible, if accordingly, for those and Other purposes, at the January Court 1781 levied this Tobacco; Present

Daniel McCarty	William Ramsay
George Gilpin	Josiah Watson
Martin Cockburn	Robert McCrea
	James Hendricks

James Hendricks & Rob^t T. Hooe Gent^l were appointed to agree with workmen to Repair the Goal, & erect the Stocks, Pillory & e^{tc}. At August Court 1781 William Ramsay, Robert McCrea, & James Hendricks, were appointed to make such repairs to the Court House & Prison as they should think proper, all which will appear to your Honours under the Clerks Hand. In pursuance of this order & sometime subsequent, The repairs on the Court House were begun: but some taking umbrage at the Procedure, the Gentlemen engaged in the repairs desisted, the Court House being Then but very partially repaired, and nothing done to the Prison etc etc.-- Their matters stood, & your Memorialists have only to observe, we never knew it was Illegal to levy Tobacco for the reparation of the Publick Buildings when necessary, As we contend was the case, & we know it hath been the uniform practice of The Magistrates of this County heretofore. If therefore we have err'd it is from Precedent. Your Honb^{le} House will please also note that when the Tobacco Was levied it was very low, not exceeding one Dollar to wit [symbol] in Specie; so that had All the repairs been done that were then necessary & intended, there would have Been scarcely any of the Tobacco left, perhaps not a sufficiency for the usual Contingencies of a County. To support this assertion we offer your Honb^{le} House the certificate of two reputable Tradesmen of judgment, property, & integrity, who have Viewed the Buildings, & declared what the repairs wanting & left undone would Cost now; & they would have cost more then, for materials were then higher.-- Thus have we given the Honb^{le} House a just & candid state of things, with some Of the reasons which induced the Court to levy this Tobacco; & when there is added Thereto, the cost of a sett of Books for the Clerk, then wanted & applied for, we doubt Not but we shall stand Justified. Our motives were good, & we are conscious of the Rectitude of our intentions. Our characters have received a disingenuous, unmanly attack. At a distance & in secret to us, by this Petition written with a pen dipd in Gall. The Petitioners have misrepresented; they have insinuated we are oppressors, that the Decisions of some depend more upon name or place of residence than the merits of The Cause, & thence partiality & injustice, cabals of adjournments of the Court to serve Base purposes etc; that the Court House & Prisons are in good repair etc etc all which we Positively deny, our ipso dixet being equal to theirs, & we flatter ourselves can be as Easily proved.--

Your memorialists are sorry for having taken up so much of

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your time in wading this this very elaborate but celebrated Petition. But its Tiresome prolixity, & malignancy, must be our apology; along with our desire that our Silence might not be construed into Criminality.--If the supposed Writer (notorious For his nonattendance at Court) had a personal pique, or resentment against any One of the Members, he ought not to have made his attack general; in which case your Honours should not have heard from us, & we shall be happy to find Our Justification meet with your approbation. But should your Honours be of Opinion that a farther investigation is necessary, your Memorialists request an Opportunity of confronting their accusers, & evincing the truths they have asserted; a Requisition by the Constitution granted to the greatest of criminals, & which the Honb^{le} House will never refuse for the vindication of our characters, hitherto Unsullied, dear to us as life, and which we apprehend egregiously traduced.--

And Your Memorialists as in duty bound &c^a

W^m Ramsay
George Gilpin
R Hooe
James Hendricks
Robert McCrea
Charles Little
Josiah Watson

Fairfax Justices
Memorial

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November 20th 1782
To be on the Table
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