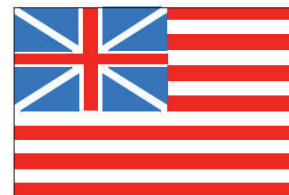




# The Rappahannock Gazette



*Newsletter of the Rappahannock Colonial Heritage Society, Inc.*

The purpose of the Rappahannock Colonial Heritage Society is to bring together persons interested in preserving and perpetuating the heritage and culture of the colonial era in and around the Rappahannock River Valley of Virginia; to conduct historical research of persons, places and events relating to the Rappahannock River Valley in Colonial times, and to organize activities related to the Colonial era in an effort to educate the public about the ways of life of our forbears in this area.

## CALENDAR OF EVENTS

**Oct. 31 & Nov. 1 - Cemetery Tours:** Fredericksburg. Sat., 10:00 a.m.-4:00 p.m. & Sun., 12:00-4:00 p.m. EC: Trip Wiggins, 540/371-3906.

**Nov. 3 - Business Meeting:** 7:30 p.m., St. George's Church, room 300. Chair: Sharon Brunacci, 540/659-2080.

**Nov. 14 - Scotchtown Fall Festival.** 10:00 a.m.-5:00 p.m. EC: Lynn Padgett, 540/841-7275.

**Dec. 5 - Scotchtown Holiday Tour.** 6:00-9:00 p.m. EC: Elaine Sturgeon, 540/785-2168.

Due to liability concerns of the corporation, **your membership must be current** in order to participate in RCHS events.

## ENGLISH COUNTRY DANCE CLASSES

**Oct. 21 - Open**  
**Oct. 29 - Open**  
**Nov. 6 - Demo**  
**Nov. 13 - Open**  
**Nov. 27 - Open**  
**Dec. 5 - Demo**

## CUTTING O' THE GREENS NOVEMBER 29

Please don't forget to mark your calendars for our annual cutting of the wreath greens. I've said it before and I'll say it again, it's still the most fun you'll have in your wellies.

We will, as always, meet at 9:00 a.m. and convoy to Caroline County. The more we have the

quicker it goes and as always, we need as many trucks as is humanly possible. This year I promise not to lock the goodies and the keys inside my truck.

To sign up, please call Catherine Bell at 540/659-5646 or online at [scot.forlife@verizon.net](mailto:scot.forlife@verizon.net).



## ANNUAL WREATH MAKING DECEMBER 3 AND 4

It's hard to imagine that almost a year has come and gone since last we clipped and bundled our way to the best year ever of our annual wreath making fundraiser. I'm constantly amazed by the quality of what we do with truck loads of randomly gathered greenery. Not mentioning days of back-breaking work and very sore hands, the camaraderie and good

nature of all involved is nothing short of inspiring. So with that said, I plead with you all to set one or both days to come on out to the Buchanan's and help us from 9:00 a.m. 'til 9:00 p.m. on the 3rd and/or 4th of December.

To sign up, please call Catherine Bell at 540/659-5646 or online at [scot.forlife@verizon.net](mailto:scot.forlife@verizon.net).

## JAMES MERCER, ESQ. PART 2

By Trip Wiggins

Previously we learned a bit of James Mercer's early life. It was pretty idyllic! Son of a wealthy Virginia plantation owner and lawyer, graduate of William & Mary, a member of the bar, elected to the House of Burgesses and finally settling down with a new wife and starting a family in Fredericksburg. But war is on the horizon and James will find himself in the middle of it as we continue.

1774 was a pivotal year for Mercer and the colonies. He was still serving as a burgess from Hampshire County, and an attorney in Fredericksburg, when the announcement that the port of Boston was to be closed by order of Parliament. The Virginia Assembly voted to make June 1<sup>st</sup> of that year a day of fasting in support of the Bostonians. As expected, Gov. Dunmore prorogued (dissolved) the Assembly.

Ignoring the governor's action, many of the burgesses assembled in the Raleigh Tavern in Williamsburg and called (with other colonies) for a general congress of the colonies. The First Continental Congress was born. Soon the 25 remaining burgesses in Williamsburg called for a "convention" in Williamsburg. This would be the acting state government for Virginia and James Mercer was a part of it.

What this did for Hampshire County is not known, but it did help Fredericksburg. How? Charles Dick and his partner Fielding Lewis were then looking at establishing a gunnery for the manufacture and repair of weapons for Virginia troops. It would be housed in

Fredericksburg. Additionally Lewis was also involved with building ships in town for the fledgling Virginia Navy. Mercer in his new role became a vocal proponent of the gunnery and shipbuilding activities and was able to secure funds for the operations.

He was also a strong voice in the work that James Hunter was involved with at Hunter's Iron Works in Stafford County. Writing to Gov. Jefferson in April 1781 about the works he said, "I am sure I need not tell you that it is from Mr. Hunter's Works that every camp kettle has been supplied [sic] for the continental and all other troops. There is not one spot in the state so generally useful in our military operations."

Aside from his convention delegate duties, Mercer was elected to the Spotsylvania committee to seek out local merchants (most of them British) to obtain their pledge of cooperation in the boycott of imports from Great Britain.

The following summer, July of 1775, the colony organized an 11-member Committee of Safety, its executive council to oversee all colony operations. James was one of the 11 elected to this august body, where he served throughout the war. His calm but determined demeanor was noticed by all.

In 1776 Mercer, working with local merchant Charles Yates, brought a group of weavers into town and housed them on one of his lots. The purpose? Make cloth for the military. They remained until the end of the conflict.

Three years later we see Mercer making a decision that would

change his life. He had been elected to represent Virginia in the Continental Congress and moved to Philadelphia to assume his duties. Shortly after arriving, though, he received word that he also had an appointment to sit on the General Court of Virginia. His love of the law won out. He left the Congress and returned to Fredericksburg to attend to his judicial duties.

It was about this time (1780) that he lost his 23-year-old wife, Nellie. Unlike many of his fellow Virginians, he would never remarry but raised the children himself while serving his new state.

With the war over he was promoted in 1789 to the first Virginia Court of Appeals (the forerunner of the state Supreme Court). Here, in Richmond, he served the remainder of his life.

Most decisions of the time were not recorded, but one interesting case was. Following the war, three prisoners were condemned to death for treason. They petitioned the House of Delegates for a pardon. The House granted them one but the Senate demurred. Under the law, both houses had to concur. But the state overruled the law this saying that either the House or the Governor could pardon the offenders and said nothing about the Senate's role. The defense lawyers asked that the law be "voided" and grant the pardon under the House resolution. The case went to the courts and the lower court said that the state constitution permitted the act of the House and Senate. It ended up in the state Supreme Court where one justice, Peter Lyon, said the court

(continued from page 2)  
could NOT determine the constitutionality of the legislation. Five others said nothing one way or the other, but two, George Wythe and James Mercer, said that the court did have the power to determine whether a statute was constitutional and, if not, to invalidate an unconstitutional statute. The court's power was affirmed. The Supreme Court had come of age. Following the decision the Senate agreed to the House's original pardon and the three were pardoned. After all, the war was over.

As a justice in Richmond, he was also assigned duties to preside over outlying courts as a circuit rider. One such place Mercer was assigned was Harrisburg Co., Virginia (now West Virginia). What was this duty like?

"The assignment of the judges of the General Court, to hold court west of the mountains, was not a very agreeable billet, and it may be imagined was not much sought after. The detail involved the long journey on horseback through an uninhabited and trackless wilderness and after reaching the place of holding the court the best quarters that could be procured were perhaps no better than a deerskin on a rough cabin floor for a bed, and wild meat and cornbread for provender. But notwithstanding the hardships and privations excellent, worthy men were willing to endure them to do their part in establishing law and order among the pioneers of the border." (Haymond)

He did one last bit of notable service to his hometown, that of helping to convert the old gunnery

into a place of higher learning, the Fredericksburg Academy. He became involved with this endeavor in 1786 and his reins as president of the institution were handed over to friend Mann Page following Mercer's death.

In his free time, he found time to associate with the Masonic Lodge, being elevated to the Worshipful Master of the Fredericksburg Lodge in 1777 and the Grand Master of the Grand Lodge of Virginia from 1784-86.

Judge James Mercer died in 1793 at age 57 and was buried in an unmarked grave in the cemetery at St. John's Episcopal Church in Richmond. His wife's final resting place is unknown—perhaps Fredericksburg, perhaps *Marlborough*.

#### As to his children:

- John Fenton (1773-1812) Nothing known.
- Mary (1774-1837). Married James Muscoe Garnett of Caroline Co. He served as a VA Delegate and U.S. Congressman.
- Lucinda (1776-?) Married Solomon Bettan and moved to GA. Nothing else known.
- Charles Fenton (1778-1858) Never married. VA Delegate, member of American Colonization Society, U.S. Congressman 1817-1839. Pushed for public education and C&O canal construction. Buried in Leesburg, VA.

#### And James' siblings:

- George (1733-1784) Served to the rank of captain in the VA Regiment during the French & Indian War. He was George Washington's aide-de-camp at Fort Necessity and was wounded there. He became a brother of Fredericksburg Lodge No. 4 and a VA burgess. In 1763, he became the London agent of the Ohio Co. His appointment as Stamp collector for VA in 1765 proved so disastrously unpopular that he spent the rest of his life in England. Married 8 Aug. 1767 to Mary Neville in Scarborough, England. She died in 1768, Richmond, England.
- John Fenton (1735-1756) Killed in action

- while serving in French & Indian War
- Mason (2 Jul. 1726–23 Jul. 1726)
- John (17 Dec. 1727–12 Sep. 1732)
- Elizabeth Mason (16 Feb. 1730/31–31 Aug. 1732)
- Thomson Mason (9 Apr. 1742–14 Apr. 1742)
- Sarah Ann Mason (21 Jun. 1738–26 Jul. 1806) married 24 Nov. 1759 Samuel Seldon. (Seldon had first married Mary Thompson Mason, a cousin of Sarah Ann!)
- Mary (23 Aug. 1740–1 Sep. 1764) married 3 Apr. 1764 Capt. Daniel McCarty
- Catesby Mason (13 Oct. 1743–15 Oct. 1758) a male

The next time you decide to visit the Mercer house (St. James' House) in Fredericksburg, you will know that this gentleman did so much more than act as "the attorney for Mary Washington." He grabbed the spirit of independence with gusto and had a large impact in the creation of our community, state and country.

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## Rappahannock Colonial Heritage Society, Inc.

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**Visit our Web site:  
[www.rchsinc.org](http://www.rchsinc.org)**

### ENGLISH COUNTRY DANCE CLASSES

English Country Dance classes are held on the second and fourth Fridays of each month in the Family Room of St. George's Episcopal Church. Classes begin at 7:00 p.m. and are open to the public (\$2 per class). Dance Mistress: Elaine Sturgeon, 540/785-2168 or [miselaineus@yahoo.com](mailto:miselaineus@yahoo.com).

#### Classes:

Oct. 21 - Open  
Oct. 29 - Open  
Nov. 6 - Demo  
Nov. 13 - Open  
Nov. 27 - Open  
Dec. 5 - Demo



### NEWSLETTER GUIDELINES

Our time period and location is 18<sup>th</sup> century Virginia with our area of concentration being Fredericksburg and the Rappahannock River Valley. The Rappahannock River Valley covers from the ford of the Rappahannock and Rapidan Rivers down to the Chesapeake Bay. Our particular interests lie in the areas of Fredericksburg, Spotsylvania, Stafford, King George and Caroline Counties.

Any member may, and is encouraged to, submit articles for publication. Committee chairpersons are especially en-

couraged to write reports of past and upcoming activities. The newsletter is distributed to and read by people with varying degrees of expertise. Articles should be accurate in detail, sources/references must be given for factual information and opinions of the writer must be clearly identified as such. This newsletter will be posted online, so be very careful about listing your sources and getting permission for reprints. The editor has the final say on content, format and deadlines. Items for the newslet-

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