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VOL. IV.

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NO. 1

DEFENSE OF COL. EDWARD HILL.

[WINDER PAPERS, VIRGINIA STATE LIBRARY.]

Article 8th.

That the s^d Hill contrary to his duty and faith reposed in him by the warrant afore^{sd} converted divers of the goods (by him seized for the use of the King) to his owne use, and one hhd of tob^o marked wth the King's marke at Nevet Wheelers wth he as afore^{sd} caused to be struck out, & his owne to be put in the stead thereof, also from the widow Hunt, one hhd of tob^o, wth after divers flattering arguments and proffers of favours, to p[']suaide her from her tob^o & did not therein prevaile, he wrongfully tooke and conveyed away.

The 8th Article, all that is truth in it, I have answered in the foregoing article in the story of Wheeler's Inventory and the bribe takeing; as to these abusive wordes concerning Mrs. Hunt, I know nothing of, and wonder how men's mallice (without practice in themselves) can invent such curious ways to crafte; what is true is this, the sheriff of our county as collector of our county owes me severall thous^d pounds of tob^o and tells me he hath onely one hhd that lyes at Mrs. Hunt's, broad arrowed, and bids me receive it and speaks himself to Will Hunt to pay it me, wth he doeth wth out any manner of scruple, or denyall,

HISTORICAL NOTES AND QUERIES.

COLONEL ARCHIBALD WOODS—THE YOUNGEST MEMBER OF THE CONVENTION OF 1788, AND ITS LAST SURVIVOR.

The records of history must be made by patient gathering of facts from various sources, and each gleaner gives from his best knowledge at the time, and desires accuracy before all things. It is with full recognition of this spirit in the authors of two valuable papers, that two corrections are suggested.

Mr. R. S. Thomas, in this Magazine, Vol. III, No. 2, page 198, mentions James Johnson, captain in the Revolution, who died August 16, 1845, as the last survivor of the Virginia Convention to ratify the Constitution, 1788.

Colonel Archibald Woods, a member of that body, lived a year and a half longer, until October 26, 1846, and it is stated by his grandson, the Rev. Edgar Woods, of Charlottesville, Va., that he always believed himself to be the youngest member.

A monograph upon Judge Archibald Stuart, of Staunton, in the University of Virginia Alumni Bulletin, mentions that Judge Stuart was the youngest member. But he was born in 1757, and Colonel Woods not until November 14, 1764; the latter was therefore seven years younger, and not yet twenty-four when he took his seat.

Archibald Woods was born in Albemarle county, Va., and his parents moved to Botetourt in 1766. Andrew Woods, his father, had been educated for the ministry, but ill-health prevented his preaching. He was an elder in the Presbyterian church, and on the formation of Botetourt county, was, with certain kinsmen, made one of the first "Gentlemen Justices of the King's Peace" (*Hening, George III*), his older brother, Colonel Richard Woods, being High Sheriff. He married Martha Poage (Poague), daughter of Robert Poage, one of the first "Gentlemen Justices of the King's Peace" (*George II*), when Augusta county was formed, 1738. Martha Woods was a woman of great ability, noble piety and unusual culture for a woman of her day. Many of her letters, in clear, legible writing and actually good spelling (!), have been preserved.

Andrew Woods was the son of Michael Woods and Mary Campbell, his wife, who first crossed the Blue Ridge in 1734, and settled near Woods' Gap, named for him, where he soon after owned 2,000 acres. With their children they founded the first Presbyterian church in that region, and one of the first in Virginia, ten years before the Presbytery of Hanover began. They were exiles "for faith and freedom," first from Scotland and then from Ulster.

Archibald was only eleven years old when the war began, and his

brave Scottish blood was impatient to go, as scores of his kinsmen volunteered—Woods', Porges, McDowells, Lapsleys, Shepherds, Lamberts, Reids, Wallaces. But his good mother refused till January, 1781, when he was sixteen at last. Then in that terrible winter, when Washington declared that if all else should fail, his last hope lay in the staunch and strenuous race to which Archie Woods belonged, his mother commended her youngest born son to the God of his fathers, and let him go. He was made sergeant in the company of Captain John Cartwell, to his great delight.

They marched away, their horses floundering through snow and mire, to North Carolina, where, under Colonel Otho H. Williams, they were matched against the trained troops of Tarleton and Cornwallis, and saw hard service. Then, transferred to General Wayne's command in Virginia, under Lafayette, they were present at the curious engagement at Jamestown in July. Later they were under General William Campbell.

The same fatal illness, bred of miasma, which took away General Campbell, nearly cut off the young sergeant. Nearly dead, he was carried home to his mother, who "long despaired of his life." In this way, though suffering for his country, he missed the surrender at Yorktown, a life-long regret.

After a journey on horseback to Kentucky for his health, he removed to Ohio county, Va., and in 1787, when only twenty-two, was sent to the House of Delegates. The next year he was the youngest of the great Convention.

A magistrate from 1782, for long years he was the presiding justice of the court, until his death in 1846. December 5, 1809, he received commission as colonel of the 4th Virginia Regiment, 10th Brigade, 3d Division. In 1815 he led his regiment under orders to report at Norfolk, but after reaching Cheat River, received tidings that the danger was past, and they were discharged.

His activity in all public affairs was great. One of the founders of the Northwestern Bank of Virginia, famous in the panic of 1837 as one of the few banks in the country which did not suspend specie payment, "saved by his ability and care;" he was its President until his death.

He had a voluminous correspondence with the chief men of the day, and left hundreds of letters from them, and careful copies of his own answers; now a valuable store. By patent and purchase he acquired a large landed estate, and is said to have owned 60,000 acres. A group of gentlemen on the street in Wheeling one day were discussing the moon and whether it was inhabited. One was very positive. "I am sure it is not, or Colonel Archie here would have a quarter section!"

Like the men of his race, he was very tall and of a spare, commanding figure. One who knew him said: "His face was strong and calm, his eyes dark and bright; his hair brown, worn in quaint fashion, brushed straight back from his face, and tied with a ribbon behind. His portrait,

painted for the bank, never did him justice; the one at Woodsland, his own home, is better."

Resigning his colonelcy in 1816, he says that for nearly forty years he had been in "actual military service for his country." He married his first cousin, Anne Peage, a great beauty (described as still beautiful in extreme old age), daughter of Thomas, son of Robert before mentioned, and of Agnes McClanahan, his wife. She was daughter to Robert McClanahan, High Sheriff of Augusta till 1759 and Court Commissioner; and to Sarah Breckinridge, his wife, daughter to Alexander Brackenridge, who "came over" in 1728, and to Virginia in 1738.

Colonel Woods' grandson, the Hon. Joseph J. Woods, of Wheeling, has been Speaker of the House of Delegates and State Senator, and he had the distinction of being the only Democrat elected from his district since the civil war. Another grandson, Judge James Paull, was on the Supreme Bench of the State until his death. Several descendants are in the ministry, and three are missionaries in China.

A. E. S.

Pentost, Va., February 17, 1897.

ORDEAL OF TOUCH.

In a recent number (October, 1896) we published a long entry from the *Accomac Records*, giving an account of a coroner's inquest held in that county in 1680, in a case of infanticide, in which the "ordeal of touch," or bier test, was tried. The following notes on the general history of the "ordeal of touch" are from the pen of Mr. Barton H. Wise:

One of the most celebrated trials, at which the "ordeal of touch" was gone through with, was that of Philip Standsfield, at Edinburgh, in the year 1688, for the murder of his father, Sir Philip Standsfield. The prosecution was conducted by Sir George Mackenzie, the King's advocate, who was a celebrated prosecutor during the period of the covenanting prosecutions, and who was known as the "Bloody Mackenzie." In the course of his speech at the Standsfield trial Mackenzie thus alluded to the ordeal, to which the prisoner was subjected:

"God Almighty himself was pleased to bear a share in the testimonies which we produce. That Divine Power which makes the blood circulate during life has oftentimes, in all nations, opened a passage to it after death upon such occasions, but most in this case; for after all the wounds had been sewed up, and the body designedly shaken up and down, and, which is most wonderful, after the body had been buried for several days, which naturally occasions the blood to congeal, upon Philip's touching it the blood darted and sprung out, to the great astonishment of the surgeons themselves, who were desired to watch the event; whereupon Philip, astonished more than they, threw down the body, crying, O God! O God! and, cleansing his hand, grew so faint that they were forced to give him a cordial."

The *Encyclopædia Britannica*, Vol. XVII, under the heading of "Ordeal," states that the bier test, which widely prevailed during the Middle Ages, appears to be founded on the "imagination that a sympathetic action of the blood causes it to flow at the touch or neighborhood of the murderer." Apparently the liquefaction of the blood, which in certain cases takes place after death, may have furnished the ground for this belief. On Teutonic ground, this ordeal appears in the *Nibelungenlied*, where the murdered Siegfried is laid on his bier, and Hagen is called on to prove his innocence by going to the corpse, but at his approach the dead chief's wounds bleed afresh. The typical instance in English history is the passage of Matthew Paris, that after Henry II's death at Chinon his son, Richard came to view the body: "Quo superveniente, confestim erupit sanguis ex naribus regis mortui; ac si indignaretur spiritus in adventu ejus, qui eisdem mortis causa esse credebatur, ut videretur sanguis clamare ad Deum."

* * * At Hertford Assizes (4 Car. 1) the deposition was taken as to certain suspected murderers being required to touch the corpse, when the murdered woman thrust out the ring finger three times and it dropped blood on the grass (*Brand*, Vol. III, page 231). * * * Durham peasants, apparently remembering the old belief, still expect those who come to look at a corpse to touch it, in token that they fear no ill-will to the departed (W. Henderson, *Folklore of Northern Countries*, page 57).

My attention has been directed, by an address of R. T. Barton, Esq., of Winchester, Va., delivered before the Virginia State Bar Association, in 1893, on the "Punishment of Crime," to an interesting work entitled "Superstition and Force," by Henry Charles Lea, LL. D., of Philadelphia. In this book there is an instructive discussion of the subject, and the author states that the belief was by no means confined to Great Britain, but existed in Germany, France, Spain, Italy, and other countries during the Middle Ages. Several instances where the ordeal was applied in this country are given, the writer remarking that probably the last under judicial proceedings was that of a man named Getter, who was hung in Pennsylvania for the murder of his wife in 1833.

It will doubtless, however, be a surprise to most of your readers to learn that this same author informs us that, "In 1868, at Verdierville, Virginia, a suspected murderer was compelled to touch the body of a woman found murdered in a wood;" and another instance of a similar kind is stated to have occurred at Lebanon, Illinois, in 1869. These, last though, according to Lea, were not in conformity to judicial proceedings, but undertaken by the bystanders, with the idea of discovering the guilty person. This is the only reference I have ever seen to the Verdierville case, an account of which would be very interesting. This place is located in Orange county, Virginia, and is chiefly known as the spot where General J. E. B. Stuart came near being captured during the