COLONEL WILLIAM FLEMING of Botetourt 1728-1795

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PROLOGUE

As one reads about the activities of Colonel William Fleming of Botetourt, it becomes apparent they are in reality synonymous with the history of Virginia during the last half of the eighteenth century. This story has even greater significance for those who live in the Roanoke Valley because his beloved Belmont Plantation was located there.

This period was truly an important one in our history. The French, who considered vast areas of North America to be theirs, were defeated and forced to cede their claims to England. The Indians were beaten at the Battle of Point Pleasant and as a result were compelled to materially reduce their activity east of the Ohio River. The thirteen colonies won their independence from Great Britain. The end of the Revolution provided the opportunity for thousands upon thousands of men, women and children to move westward into the District of Kentucky, which would culminate in that part of Virginia becoming the fifteenth State. The Articles of Confederation were superseded by the Constitution of the United States in 1788. As time goes by, it will become evident that Fleming was closely associated with all of these events as well as many more.

BACKGROUND

William Fleming's father, Leonard Fleming, married Dorothea Saterthwaite, of Hawkshead, on the opposite shore of Lake Windermere. They lived in his paternal home called Reston, a quaint stone house standing on the road from Kendal to Ambleside. While living there, they had four children, John, Leonard, Mary and Catharine, whose births are registered in the records of nearby Hugil Parish from April 1721 to August 1725.

Most historians have presented two theories concerning William Fleming's ancestry. The most glamorous one is that, if he had returned to England after the American Revolution, the title of the Earl of Wigton would have been his. The other is that he was descended from John (actually William) Fleming who was granted an estate by Queen Elizabeth in recognition of his being the first to sight the Spanish Armada. Unfortunately, the old saying, "pay your money and take your choice," is not applicable because both are wrong. The Fleming family had not been identified with that Earldom since 1372 and it had become extinct in 1747. William of Armada fame died without issue.

It is highly probable the first of these theories stems from a letter Fleming's daughter Anne, wrote to Lyman C. Draper, in which is found, "I distinctly remember hearing my father state his family was a branch of the Fleming Family, the founder of which came to Scotland with William the Conqueror and which has for many ages and still enjoys titles and estates in that country."
Reston, stone home of Leonard and Dorothea Fleming, before the birth of William, on the road from Kendal to Ambleside in England’s Lake Country.

This letter, dated some fifty years after her father’s death, contains a number of provable errors as to detail; however, it could be correct as to the basic facts. Soon after the Revolution, Fleming wrote, “I am the 3rd son of Leonard H. Fleming, a gentleman whose ancestors have long been settled in Westmoreland.” This statement directs one’s attention to locate a Fleming family in that county and there is a perfect fit.

A few miles north of Reston is Rydal Castle which has been owned for hundreds of years by the descendants of Michael Le Fleming. Reputedly, he was a kinsman of Boudouin V, Earl of Flanders, whose daughter Matilda was the wife of William the Conqueror. Another interesting fact in this connection is that William of Armada fame was a member of that family. Unfortunately, up to now there is no proof whatsoever that William of Botetourt was of the Rydal Fleming’s lineage.

Leonard’s father was John Fleming of Hugil and William Saterthwaite was the father of Dorothea. The archives in Kendal are incomplete or, to say the least, very confusing to the Goodwins while poring over them. However, they do contain two indentures, one to a William Fleming in 1681, the other from a Leonard Fleming in 1686. In both instances they were referred to as “of the Longhouses in Kentmere” which is a place equidistant from Reston and Rydal Castle. It is possible they were related to John, as he was born in 1670.
There are only three flimsy shreds of evidence connecting the family of William of Botetourt and the Rydal Flemings. The first is the proximity of their homes. The second is the fact that the names of William and John appear more frequently than any others in each family and the third, as stated before, is Anne’s letter to Dr. Draper.

Soon after the Revolution, William wrote, “My Father being strained in his circumstances was forced to sell his Paternal Estate — moved to Scotland and had a place in the Excise.”

The early years of the Flemings’ married life was a turbulent period in the financial history of England: first there was that nefarious and ill fated scheme, later known as the South Sea Bubble, then Wood’s Brass Half-Pennies, in Ireland. In view of the important part the Duchess of Kendal played in both, one wonders if Leonard’s personal financial troubles could have been caused by these get rich quick affairs.

EARLY LIFE

This story really begins in Jedburgh, Scotland. Near the ruins of the old red stone abbey, William was born on February 7, 1727. Eight days later, his father registered the birth in the Parochial records, now in Edinburgh some fifty miles to the northwest. John Haswell, late provost, and Mr. Antony Houson, general supervisor, both of Jedburgh, were the witnesses.

It must be remembered a 1751 act of Parliament changed the English calendar so that the year would begin on January 1 rather than on March 25. Historians must be eternally vigilant to advance by one year any event which occurred between those dates, if it took place prior to the time this law became effective. Apparently, not one but two historians were aware of this and each added a year to the date of Fleming’s birth so now it is generally stated as 1729, whereas 1728 is correct.

As the years passed, William completed his classical education under the tutelage of Mr. Trotter, a well known educator, whose school was in Dumfries. The time had come for him to make up his mind as to the future course of his life. The decision was made, but the reason was so unusual it is better to merely record the words he wrote nearly two hundred years ago. “My inclination leading me to the study of medicine Phisick (sic) rather to enable (me) to satisfy my curiosity in traveling than as a business on which I was to depend at a future day for my support.”

In order to accomplish this goal, he served for three years as an apprentice under a surgeon, Dr. McKee, first in Dumfries and later in Kircudbright. Then, instead of going immediately to college to study for a short period, which was the custom of youths pursuing the medical profession in Scotland at that time, he decided on a different plan, In order to become more proficient in materia medica
and pharmacy, he went to Kendal and worked with Christopher Brown, an eminent apothecary.\textsuperscript{10}

During his stay there, he had his first but far from his last experience with war. The pretender to the throne of England, Charles Edward Louis Philip Casamir, better known in legend and ballads as Bonnie Prince Charley, landed in Scotland and many Highlanders rallied to his standard. Encouraged by their defeat of the English troops guarding Edinburgh, he led five thousand poorly clad and poorly armed Scots across the border hoping the English people opposed to the government would join his forces.

By the time they reached Derby, intelligence was received that Cumberland, with his troops battletrained in the Flemish war, was moving toward him. An order to withdraw was given. This ragtag army passed through Kendal on the way back to Scotland, but to no avail, as it was disastrously defeated at the battle of Cullendan.\textsuperscript{11} It has been said Fleming was involved in this or another uprising but there is no evidence to support this theory. Nevertheless he was a casualty, having caught the measles as the Scots passed through Kendal.

In 1746, Fleming felt he was now ready to complete his formal medical education so he applied and was accepted at the University of Edinburgh. How long he stayed there is unknown. The keeper of the manuscripts at the university advises the records for that period are very incomplete and he found the name of William Fleming only once and that on a list prepared by Alexander Monro, primus professor of anatomy.

The next few years of Fleming’s life are practically undocumented and the major source of information is contained in letters from his children written many years after their father’s death. They state unequivocally that he served as a surgeon or a surgeon’s mate in the British Navy, was captured, befriended by a Spanish lady and, upon release, served in the ground forces. Although time dims the memory, two of his daughters, independently, remember their father reading to them “a beautiful piece” and, when through, saying, “My children, I have seen all these places and passed through all the scenes described.”

One thought it was a hymn by Joseph Addison, the other was of the opinion it had appeared in the Spectator. It is highly possible they were both right, which tends to verify their memories.\textsuperscript{12} Addison wrote only six hymns and they all appeared in that publication. A review of them shows only one that fits their description. The pertinent parts of “How are thy Servants Blest” follow.

\begin{quote}
In foreign realms and lands remote,
Supported by Thy care,
Through burning climes I pass’d unhurt,
And breath’d tainted air.
\end{quote}
Thy mercy sweeten'd every soil,
Made every region please,
The hoary Alpine hills it warm'd,
And smooth'd the Tyrrhene seas.

Confusion dwelt in ev'ry face,
And fear in ev'ry heart,
When waves on waves, and gulfs in gulfs
O'ercame the pilot's art.

For though in dreadful whirls we hung,
High on the broken wave,
I knew Thou wert not slow to hear,
Nor impotent to save.\textsuperscript{13}

So far as known, there is only one reference in Fleming's handwriting which tends to corroborate his daughters' memories of this period of his life. Just before Christmas in 1756, he returned a book written by Blake Morris which he had borrowed from William Preston. The covering letter gave as his reason for rereading the "low and ill conducted thing" was because the author was "laying one of his scenes in the Island of Fernando Po where I myself was in more real than he in imaginary danger."\textsuperscript{14}

Based on this circumstantial evidence, it seemed worthwhile to search the records of the British Admiralty. A duty of the Navy Board was to issue commissions to medical personnel, but its register fails to show the name of William Fleming; in fact, there is no record of his having been approved by the Barbers and Surgeons Hall, which was a requirement for such an appointment. Another attempt was made by checking the rosters of all British naval ships operating in African and American waters from 1747 to 1755, but again his name did not appear.\textsuperscript{15} One should remember the reason he gave for studying medicine and assume his travels were on a merchant ship. Because of Fleming's reference to Fernando Po, a contact was made with the Royal Commonwealth Society of London, but the librarian merely advised "as far as I am aware there was no recognized sovereignty of the island at the time you mention."

ARRIVAL IN VIRGINIA

The date Fleming came to Virginia has been stated repeatedly as July 1755, but unfortunately the source of that information has never been given. If that date is correct, it is highly probable he was returning to the Colony at that time. In a 1760 letter written to his father from "Suffolk Nansemond County" is found, "You will perceive I date this from the place I formerly lived at."\textsuperscript{16} His life for the preceding five years is fairly well documented and there is nothing to indicate he lived there during that period.

Again in 1780, while in Williamsburg, he wrote to his wife "a party of the enemy marched to Suffolk and burned the town —
Many of my old friends and acquaintances have suffered greatly.”

In another letter addressed to Governor Fauquier in 1763 is found “A desire to serve my country, this was my motive when I first entered the services of the Colony and made me give up a lucrative business.”

The first two letters mentioned direct attention to the records of Nansemond County, but unfortunately most of them of that period have been destroyed. However, the Vestry Book of Upper Parish is still extant. It shows payments were made for medical services and supplies to a Doctor William Fleming from 1751 to 1754. It is known Governor Dinwiddie issued him a commission on August 25, 1755. As to the other letter, it would have been difficult, if not impossible, for Fleming to have landed at Norfolk in July and developed a lucrative business by August. It is true this does not absolutely prove he was in Virginia as early as 1751 but it throws much doubt on the unverified date of 1755 which has been generally accepted.

**FRENCH AND INDIAN WAR**

Although the Treaty of Aix-la-Chapelle was still in effect, the King of England realized it was necessary to send troops in order to secure the just rights of English colonists in America from France. The British 44th and 48th Regiments, under command of General Edward Braddock, were sent to Virginia. His mission was to capture and destroy the French Fort Duquesne, strategically located at the fork where the Allegheny and the Monongahela Rivers join to form the Ohio. It was generally understood by all that the nation controlling the Ohio would have available for its use the two hundred thousand square miles of its fertile watershed.

The French along the Ohio were primarily fur traders, whereas the English were basically settlers ever pushing the Indians further west. The French recognized this fact and attempted to stop the westward movement by encouraging the Indians to attack the English. The situation on the frontier was fraught with danger, as evidenced by a July 8th, 1755, letter from the Governor to Colonel James Patton, the County Lieutenant of Augusta. He wrote, “The cruel Murders and barbarous Usages of the Ind’s to the Settlers of the Frontiers of Augusta Co’ty gives me a sensible Concern.”

Little did he know conditions would rapidly grow worse. The following day, within a few miles of the Fort, the French and their Indian allies ambushed the British, killing Braddock and disastrously defeating his army. The elimination of this force designed to quiet conditions on the frontier actually encouraged the Indians to increase their atrocities.

The Governor first received notice of the defeat on July 14, but was so shocked he did not believe it to be accurate. Eleven days
later the disaster was confirmed. Immediately, he issued a call for the General Assembly to meet in Special Session on August 5. It voted to approve the sum of 40,000 pounds in order to augment the Regiment to a strength of twelve hundred men. George Washington was given command.

Patriotism was running high; it was the time for all good men to come to the defense of the Colony. Dr. William Fleming recognized this and accepted a commission as an Ensign. His first assignment was in Captain McKenzie’s Company stationed in Williamsburg, but, on September 3, he was transferred to Captain Bell’s Company for the purpose of recruiting. The uniform he wore at first is unknown, but, on the 16th, the newly formed Regimental Headquarters issued the following General Order:

Every Officer of the Virginia Regiment, to provide himself — with a Suit of Regimentals of good blue cloath (sic); the Coat to be faced and cuffed with Scarlet, and trimmed with Silver; a Scarlet waistcoat, with Silver Lace; blue Breeches and a Silver-laced Hat — for Camp or Garrison Duty. Besides this each Officer is to provide himself with a common Soldier’s Dress for Detachments, and Duty in the Woods.

The new Ensign had only a short time to obtain “a suit of Regimentals,” but that was of little importance because many months would pass before he would have any need for such a uniform. On October 28, new orders were cut, assigning him to Captain Hog’s Company stationed at Fort Dinwiddie guarding the pass near present-day Warm Springs. The unit was without the services of a doctor and was too far away to be served by the Regimental Surgeon. The order continued “if you will do that duty, an allowance will be made you for it.”

He was to meet “Sgt. Wilper and his party at Augusta Court House (Staunton)” for the purpose of guarding the supplies and ammunition being sent to the Fort. Upon reaching Dinwiddie on November 24, it immediately became obvious this would be a rugged assignment, not only because of the winter weather, but for other reasons. There is no doubt the material was badly needed as shown by an inspection report made by Washington two months earlier, which stated tents, tools, arms, ammunition and salt were below minimum requirements. The troops had been forced to answer so many calls resulting from Indian raids in the surrounding country, only the stockades had been built, but the bastions were still missing.

Before leaving, Washington gave orders the fort should be completed and all timber and underbrush removed from it for the distance a rifle ball would carry. In late December, he wrote Hog it is “advisable to detain negroes and mulattoes in your Co. and employ them as Pioneers and hatchet men.” This was an odd
suggestion because at that time in all of Augusta County there were not more than eighty blacks over sixteen years of age."

Prior to being sent to Fort Dinwiddie, Fleming had been assigned to recruiting duty. It was the custom in those days to pay so much for each recruit, as well as subsistence. Some of the men he had secured deserted before reaching the induction officer. In due course, he applied for reimbursement, but the claim was denied by Washington. This may appear to be a minor item but not to Fleming. Off and on, he made requests for the "bounty and subsistence" he considered due him, but it was not until November 1762 that he was awarded 20 pounds, 8 shillings by Council.

Washington was having a difficult time building the Regiment up to the authorized strength of twelve hundred. This fact, and the decision to construct a number of forts along the frontier, made it militarily unsound to take offensive action. The Governor was not satisfied with this decision and conceived the idea of an expedition, later to become known as the Sandy Creek Voyage. The basis for the operation was the fact the Shawnee Indians had attacked the Cherokee Nation, which was friendly to the English at that time. Also, to a large extent the Shawnees had caused the settlers the most trouble. The mission of the expedition was to destroy their villages on the east bank of the Ohio.

Washington was violently opposed to the plan, not only because of the time of the year, but he had been reliably informed the Indians had already crossed the river for the winter. The Governor ordered Washington to designate either Lieutenant Colonel Adam Stephen or Major Andrew Lewis to command the expedition. Lewis, being immediately available, was selected and dispatched to Dunkard's Bottom (Claytor Lake) on the New River. Dinwiddie continued to act in his capacity as commander in chief by even naming the Captains and number of men that would participate. Hog was to take one half of his unit and the Governor directed Fleming to act as Surgeon with the temporary rank of Lieutenant and advised, "You must be p'd for y't extra Trouble."

On February 11, 1756, Hog and his men reached the rendezvous and saluted the Indians by firing their guns, which, in turn, was answered joyously by the Indians, who then started a war dance. The task force consisted of four hundred and eighteen, including the Indians. Two of their number, Yellow Bird and Round O, were breveted Captains prior to the 13th when Major Lewis reviewed his troops.

Lieutenant and Surgeon Fleming, along with his comrades in arms, broke camp four days later. Their line of march was westward until they reached the vicinity of present-day Wytheville, then turned northward, crossing the mountains into Bear Garden, and finally reached Burkes Garden after seven days of hard marching. In that beautiful valley, the troops were rested. Fortunately,
they found a plentiful supply of potatoes which had been planted by the settlers the preceding summer before they were forced to flee as a result of continuous attacks by the Shawnees. In these days of high speed, it is hard to imagine the difficulty Fleming and the others were having while trudging over mountains and through streams in midwinter. The paths they followed were mere traces made primarily by Indians and animals.

They pushed on, passing the headwaters of the Clinch (vicinity of Tazewell), and reached the streams that form the Big Sandy near the end of the month. Because the river was swollen by heavy rains and melting snow, its banks were so precipitous the men were forced to move away from the valley and climb up and down ridges. This extra exertion, as well as the scarcity of food and the terrible weather, added to their fatigue and decreased morale. By the 10th of March, individuals, even entire companies, would no longer obey orders and desertions were rampant. Lewis called a Council of War of his remaining officers and the decision was reached to end this ill-timed and poorly supplied expedition conceived by that armchair strategist, the Governor, as he sat in the splendor of the Palace in Williamsburg.

The return journey was equally as difficult. On April 4 from Fort Dinwiddie, Hog wrote his report to Washington stating, “I arrived here this evening with the greatest part of the men I carried out, greatly fatigued and reduced by famine and flux. Mr. Fleming thinks Rest and Regular Diet will recover Most of them.” It is easy to imagine Fleming’s “curiosity in travelling” was satisfied by the type that had occurred during the past nine weeks.

Spring was approaching, the season when Indian activity always increased. The Company was busy answering calls for protection and ranging the mountains looking for marauding bands of Indians. On one occasion, the records show, Fleming, a sergeant and twelve men attempted to locate a group of Indians who had scalped a settler while stealing his horses and cattle. This was a typical day at this rugged frontier outpost and many thought headquarters had forgotten them. On at least one occasion, Captain Hog asked for assistance because his men were poorly clad and their clothes in tatters. The only use for money at this lonesome spot would be for the married soldiers to send it to their families or for all of them to gamble; nevertheless, when their pay was far in arrears mutiny started brewing.

As bad as the conditions were at Dinwiddie, they were far worse at Fort Vaux which was located near present-day Shawsville.

A large unit consisting of French and Indians arrived there in June. They destroyed the fort, killing or capturing the garrison, as well as many settlers who had fled there hoping for protection. The Roanoke Valley was defenseless. A Council of War was called hastily and a decision was made to rebuild the fort in the same general
location, but at a more strategic spot. Hog, with all but thirty of his company, was ordered to proceed with the construction immediately. By deduction, it can be assumed Fleming was among those who remained at Dinwiddie. This is based on a September letter from the Governor stating he would favor Fleming’s request for a leave to attend to some personal business in Williamsburg, subject to the Colonel’s approval. That the answer was unequivocally, “No,” is shown by this statement, “Ensign Fleming, in Captain Hogg’s absence, will be wanted at his post.”

Fleming acted as Surgeon for the company and, as shown earlier, Washington had promised him extra compensation if he performed that duty. A similar statement was made by Governor Dinwiddie when he appointed Fleming as Surgeon of the Sandy Creek Voyage. Nearly a year had gone by and nothing extra had been received. The time had come for Fleming to complain and this he did. As early as August, Washington had written the Committee in Williamsburg, requesting adequate compensation be made, but no action was taken.

In November, the Colonel sent another letter to the Committee stating “He now declines acting as Surgeon longer, without assurance of recompense.” These letters failed to shake the Committee from its lethargic ways, so, two months later, Washington advised Hog “till such time as the Committee shall come to some determination in regard to pay of Ensign Fleming, as Surgeon, I can not desire him to officiate in that capacity.”

As stated earlier, Fleming was at Fort Dinwiddie on September 27 but had been transferred to Fort Vaux sometime prior to December 17; on that day, he addressed a letter from that place to William Preston. It would be interesting to know if he was there when Washington inspected the Fort in October. It is highly doubtful, because, in Washington’s report to the Governor, is found “Captain Hog with only eighteen of his company was building a fort which must employ him till Christmas without more assistance — Voss’s place is a pass of very great significance.”

In May 1757, the Governor issued explicit orders that the Regiment would consist of ten companies, but only seven named Captains would retain their rank. The others were to be reduced to the grade of Lieutenant if they desired to remain in service. Notwithstanding this economy move, on June 12, Washington recommended the promotion of William Fleming to be the 22nd Lieutenant of the Regiment and it was approved by the Governor.

One of his first duties was an unpleasant one because he and Lieutenant Bullit, his senior in the company, felt it was their responsibility to advise the Colonel that Captain Hog had become incompetent and was unable to maintain discipline. Apparently this information did not come as a complete surprise because of what
Washington had seen while inspecting the Fort the previous Fall. On the other hand, Hog was one of his oldest and most experienced officers, hence action had been postponed. This additional intelligence, however, made it necessary for him to proceed with this disagreeable task. On July 24, orders were issued relieving Hog of his command. In a letter to Bullit, advising him of this decision, he continued by sending his compliments to Lieutenant Fleming.

Correspondence of Governor Dinwiddie shows this was a strenuous period for the settlers on the frontier. Two hundred men of the Regiment were sent to Augusta County. They were augmented by two Ranger companies whose status had been changed from militia units, as well as a newly formed one under command, strange as it may seem, of none other than Peter Hog, by appointment of the Governor. On August 8, Dinwiddie wrote Colonel John Buchanan, the County Lieutenant of Augusta, “I am sincerely sorry for the many Murd’rs and Captives the Enemy have made, — Where was C’t Preston and the people at Hogg’s? (Vaux) — Let me know where Capt. Preston is and whether the Men at Hogg’s Fort were appris’d of the Enemie’s Cruelties, and the Reason they did not March ag’st ’em.”

These specific atrocities were committed just north of the James River near the Great Road from the Yadkin River through Virginia to Philadelphia. Based on present-day methods of communications and transportation it would have been inexcusable for the troops at Vaux to have failed to render assistance, but conditions were different in those days. This is illustrated clearly by the Governor’s statement in the same letter that the information concerning the raid “was 15 days coming to my Hands.”

Now that a substantial contingent of the Regiment had been transferred to Augusta, Major Lewis was placed in command of the southern sector. Washington instructed him to apply for an assortment of medicine from the Regimental Surgeon and advised Fleming had promised to administer the sick of the detachment.

It is not clear if or when Fleming was transferred to Lewis’ headquarters at Fort Dickinson on the Cowpasture River near present-day Marlboro Springs, but he was there in October. Based on a rumor that the Regiment was to be disbanded, the following month he wrote the Governor requesting that he be recommended to Lord Loudon, the Supreme Commander of the English Forces in North America, for an appointment in his Majesty’s army. The letter was acknowledged, but as time will show, absolutely nothing came of this request.

In midyear of 1757, General Montcalm, the counterpart of Loudon for the French, wrote, “The situation of the colony is most critical — Whoever will write to the contrary — will deceive the King.” The vaunted British intelligence had failed miserably.
French victories in various places around the world had made the English people despondent. This is evident by a statement of no lesser a personage than Lord Chesterfield. "The French are masters to do what they please in America. We are no longer a nation; I never yet saw so dreadful a prospect." Actually, it was most fortunate morale was so low because it forced the King of England to recall, as War Minister, the brilliant and energetic commoner William Pitt. This time he was given full authority to conduct the war.

It was midyear before the appointment was made, far too late for Pitt to organize campaigns in faraway America, but plans were started for 1758. Three simultaneous attacks were proposed against strong points of the French. One would be directed toward Louisbourg, the sea bastion for Quebec, another against Ticonderoga and Crown Point. The other one was Fort Duquesne, which already had withstood two attempts by the English. Washington had been involved in both of them and he considered its capture to be an absolute necessity for the defense of Virginia's frontier.

General John Forbes was designated commander of the forces to be assembled for the purpose of accomplishing this mission. The House of Burgesses recognized its importance by authorizing another Regiment of one thousand men to be added to the regular forces for the campaign. Later, William Byrd would be named its Colonel. Forbes' army would include Highlanders, so called provincials from Virginia, North Carolina, Pennsylvania and Maryland, the newly formed Royal American Regiment and some Cherokee and Catawba Indians. He would have the responsibility and command of more than seven thousand men, a formidable force.

The strategy of the campaign provided for the units to rendezvous at Raystown, Pennsylvania, some thirty miles north of Fort Cumberland, the headquarters of the Virginia Regiments. The route to Duquesne was still undetermined. The Pennsylvanians wanted a new road built over the mountains, the most direct route to the fort. Washington was as insistent as possible, if not too much so, that the route used by Braddock was by far the most preferable. Some have said the argument was an economic one because the leaders of each colony wanted the beginning of the road west to be in its territory. Be that as it may, the final decision was Forbes' and the position of Pennsylvania prevailed.

In early July, Major Andrew Lewis marched the first contingent of Virginians to Raystown. No record of Fleming being in this group has been found, but, based on earlier and later associations, it is highly probable he was in that detachment.

The work on the new road proved far more difficult than contemplated by its proponents. More and more soldiers were pressed into the construction because the equipment was inadequate. The timetable got further and further behind, in fact, many con-
sidered the possibility of an attack against the fort before year’s end to be extremely doubtful. In view of this Forbes altered his methodical tactics and authorized Colonel Bouquet, his deputy, to establish a forward echelon at Loyal Hannan, some forty miles east of Duquesne. When Captain de Ligneris, the French Commander, received intelligence that some fifteen hundred troops had reached that place, he increased materially his hit-and-run tactics. In turn, this forced the English into action far sooner than originally planned.

Major Grant of the 77th Highland Regiment was ordered to make a reconnaissance in force in the neighborhood of the fort. The troops assigned to him were three hundred Highlanders, one hundred and seventy-five men of the 1st Virginia Regiment, about three hundred other provincials, along with a few Indians. They moved out on September 9. At daybreak four days later, Major Lewis was ordered forward with the assignment of establishing an ambuscade seven miles from the fort. Upon the arrival of Grant’s other troops, it was discovered Lewis’ guides had selected a spot some five miles short of the assigned location.

The entire column moved forward about ten miles, at which point a baggage pool was established and fifty men under command of Captain Bullit were designated as its guard. Grant led his remaining troops to a hill overlooking the fort. Lewis was assigned a task force with orders to reconnoiter and “attack anything that was found near the fort.”

The night was black. Trees had been felled across the paths, forcing the men to separate to such an extent they were no longer an organized body, notwithstanding the white shirts they wore over their uniforms. There were many good woodsmen in the unit and they knew under such conditions there was but one course to follow — return to familiar ground. Just before first light, the men started straggling in.

Grant was furious about the failure of the mission and directed Lewis to take his men back to the baggage pool for the purpose of reforming and to act as a reserve. The remaining troops were arranged in battle line on the hill. For some unknown reason Grant ordered one hundred of his Highlanders to move towards the fort.

The French commander could hardly believe his eyes or ears when he saw this handful of men marching in cadence, to the skirl of their bagpipes, over the open ground. Ligneris reacted immediately by throwing open the gates. Some eight hundred howling Indians, led by French officers, poured out and overran the Highlanders who had never seen or heard anything like this. As the enemy reached the hill, many of Grant’s troops fled without firing a shot and he was unable to rally the others.

Lewis heard the sounds of battle and moved forward, but, finding no organized body of troops to support, his men joined the rout.
As the French and Indians approached the baggage pool, Captain Bullit issued orders for his fifty riflemen to fire at will. Apparently, this new source of fire made the enemy think they were approaching the main body of Forbes’ army, so they retired to the safety of the fort. There is no question Fleming was involved in this affair, because, on the 14th, the very same day as the battle, he prepared a list of officers killed, wounded and missing. There is no evidence to show with which of the three groups Fleming was attached. It is most likely he was in the one at the baggage pool because it is known that, from time to time, he had served in the company commanded by Bullit.

This terrific disaster, causing casualties of nearly forty percent of those involved, was a serious blow to morale; however, the bulk of the army remained intact. Notwithstanding this fact, on November 11, Forbes called a Council of War and a decision was reached to postpone the assault until the following Spring because of weather and the reported strength of the fort’s garrison.

Fortunately, a few days later, a renegade Englishman was captured and during interrogation, told about the weakness of the French forces, which was aggravated by the departure of their Indian allies. This intelligence showed the decision made on the 11th had been wrong. A force of twenty-five hundred men was organized quickly. It was divided into three brigades. First were the axmen to make the route passable. They were followed by the Virginians under the command of Washington and, finally, the artillery. By the 22nd, they were within twelve miles of the fort.

Many months earlier, de Ligneris had received orders to annoy the English whenever and wherever possible and certainly this he had done. On the other hand, his orders stated, if it became evident the British were capable of making an assault in force, the fort should be destroyed. The time had come for such action. Orders were issued to load the artillery on rafts and for his men to draw sufficient rations to reach Fort Machault some sixty-five miles to the north. The magazines containing the balance of the gunpowder were ignited.

Forbes’ scouts sighted dense clouds of smoke but by the time the first English troops reached the fort, nothing remained except gaunt chimneys standing above the smoking ruins. This bizarre event brought the campaign to a close; this thorn in the flesh of Virginia had been eliminated. Fleming’s only comment about this hard and dangerous experience is found in a letter to his father in which he wrote “we had an active one (campaign) under General Forbes.”

Washington requested authority to march his tired and ragged men back to Virginia for a “little recess”, but Forbes ordered two hundred of the 1st Virginia Regiment to remain at the site of the fort for security and construction. The others returned to Fort
Loudon where they went into winter quarters. While there, news was received that Washington had resigned his commission as Colonel of the Regiment. On December 31, Fleming and the other officers present wrote asking him to reconsider the decision, but to no avail. Marriage and politics were to take the place of a military life. The 2nd Regiment was mustered out of service and William Byrd replaced Washington.

Various Indian tribes began to realize, for the first time, the power the English were exercising along the Ohio, while that of the French was on the wane. During 1758, many conferences had been held with the Indian chieftains. Some believe the treaty negotiated at Easton on October 26 contributed greatly to the successful destruction and capture of Duquesne. Whether this be true or not, the last paragraph of the minutes of that meeting show the spirits were good. "Some Wine and Punch was then ordered in and the Conferences were concluded with great Joy and mutual Satisfaction."

General Forbes, who for some unknown reason was called "iron head" by the Indians, had been ill throughout the campaign and died in March 1759. Brigadier General Stanwix was named his successor. Vigorous plans were prepared for rebuilding the fort which would be called Pitt. Soon after the destruction of Duquesne, Captain de Ligneris started assembling a force up the river at Vernango with the intention of driving the English away. By late spring, he was strong enough to attack convoys going west from Raystown and, on July 6, attempted to capture Fort Ligonier, but was driven off by the troops commanded by Lieutenant Colonel Stephen of the 1st Virginia Regiment. Fortunately for the men stationed in this area, the French found out the English were massing a powerful force for the purpose of attacking Niagara. De Ligneris was ordered north to assist in the defense of that place, but arrived too late.

Little is known of Fleming's activities during 1759. It is possible he was with Stephen's detachment, because the following spring he wrote the Regiment had gone into winter quarters in December and "the campaign under General Stanwix — had been an easy one." Fleming was given leave and visited his old friend, Colonel Lemuel Redick in Suffolk. On March 1, 1760 he planned to rejoin his company the following week, but was still "uncertain whether we take the Field next Summer or not."  

About this time, some eighty Cherokee Indians made this decision for him. They raided Augusta and Halifax Counties, pillaging, killing and capturing many settlers. This attack was merely an incident in a much larger problem, because the Cherokee Nation had broken the treaty and were on the warpath from South Carolina to Virginia. Andrew Lewis and Nathaniel Gist were placed in command of the forces dispatched to repel the invasion. The Regiment was under strength and, in May, orders were issued to increase the number of men in the
southwest Virginia echelon to one thousand. Its mission was to relieve the garrison stationed at Fort Loudon on the Holston River, who were under siege by the Indians.

Colonel Byrd had shown little evidence of being an aggressive military commander. This condition was aggravated by his sentiments as expressed in a letter of May 29, "requesting that he may be excused from taking the command of the Troops raised for the Cherokee Expedition." This request was not acceptable to the Council, who stated they "were of the Opinion that Colo. Byrd was indespensably obliged, while in the Government to pay obedience to the Governour's Commands." In view of this decision, he joined the Regiment at Fort Lewis (Salem). Obviously, his frame of mind would be of little help in making the campaign a success. For many reasons beyond his control, so he said, the troops failed to move out until August. When they reached Sayer's Mill, news was received, Fort Loudon had been forced to capitulate. Nearby, he had his men build a fort and named it Chiswell for an owner of the lead mines.

On November 3, Byrd reported Little Carpenter, a straight, square built, English-speaking Cherokee chieftain had "agreed to suspend all Hostilities till the New Moon in March." Later in the month, Byrd mustered out the extra men recruited for the campaign and the five regular companies of the Regiment were ordered into winter quarters. He further advised of his departure for Winchester and "is sorry he had given so little satisfaction in his Command, and therefore resigns his Commission." This time it was accepted and Major Lewis again assumed command of the detachment in southwest Virginia.

On February 7, Fleming wrote Captain Bullit and the letter was presented to Council on March 5, 1761. He was requesting "His Honours Instructions respecting many Cherokees soon expected at then-Camp with Prisoners, and enclosing the Talks of several Chiefs of the Indians, purporting their disposition to Peace, and resolution to refrain from further Hostilities." Council delayed taking any action until the 13th of the following month, but then authorized that payment should be made for the prisoners in any goods except arms and ammunition of any kind.

Based on this letter, it would appear Fleming was the senior officer present at the time. There is no question whatsoever that he was with the troops in winter quarters because the records show he was paid for 161 days of rations at Fort Chiswell for the period from November 11 to May 1, 1761.

Unfortunately for the colony, Byrd had a change of mind concerning his military career. His friend, General Amherst, the supreme British commander in North America, insisted that Byrd be in command of the 1761 campaign. On April 29, Governor Fauquier advised Amherst Byrd's commission had been restored. Notwithstanding the return of Stephen's echelon that had been stationed in Pennsylvania, the Regiment was still under strength,
so orders were issued to obtain sufficient recruits so it would have one thousand effective men. On June 23, Byrd reported “he has a Month’s provisions — and hopes to have the whole Regiment at Fort Chiswell by the First of July.”

Days, weeks, even months went by and Byrd made no real progress. On September 11, Council received several letters from him in which is found, “signifying the Many Difficulties and Disappointments he had laboured under, and the impracticability of his proceeding to the Cherokee Country, and that, as the campaign was over he was determined to wait on General Amherst to remove any Blame that can be thrown on the Colony or himself.” It is obvious Byrd had left the Regiment prior to his letter being presented to Council, because a later one, from Lieutenant Colonel Stephen, showed this officer had assumed command by the 7th.

The dilatory tactics of Byrd had caused the Cherokees to procrastinate in peace negotiations. Stephen, an aggressive and knowledgeable commander, decided it would be advisable to prod the Indians, so he issued orders for the troops to move out of camp. By the 4th of October, a wagon road had been opened to Big Island in the Holston and there he established the headquarters for the forward echelon. Soon thereafter, the major portion of the Regiment reached this place and were joined by two hundred and fifty-six North Carolinians. This decisive action had the desired effect on the Indians, because on the 17th the King and Governour of the Cherokee Nation arrived with satisfactory Articles of Peace “together with the Speeches of the King and Head Warrior, confirm’d with the Belts of Wampum.”

Council considered this information “sufficient authority for the Lieutenant Governour to disband the Regiment immediately,” so on January 14, 1762 the General Assembly approved the following:

WHEREAS the regiment in the service of this Colony will shortly be disbanded, and the officers thereof, by their bravery, and the hardships they have undergone have recommended themselves to their country and therefore called on this General Assembly for some recompense in consideration thereof, which deserves the attention of the publick, although it cannot in the present circumstances of the colony be proportioned to their merit, or the inclination of this assembly — to the several commissioned officers of the said regiment — one full year’s pay, over the above what shall be due to them until the disbanding the said Regiment.

By January 1762, the Regiment, except for a few left to guard Big Island, reached Fort Lewis and the following month were mustered out of service. In the above resolution Fleming’s name
appears first on a nonalphabetical list of lieutenants, therefore it can be assumed he was the senior officer in that grade. He received a full year's extra pay amounting to the grand sum of ninety-one pounds, five shillings. After more than six years of arduous military service, Fleming was a civilian again — but not for long.

News in those days traveled far slower than in these times. On March 11, 1762, at the first meeting of Council in nearly two months the Governor presented a letter written by the Earl of Egremont three months earlier. He signified it was the King's pleasure that the colony should raise a military force, as large as possible, in preparation of war with Spain. The actual declaration date was January 4.

In 1762, Gov. Fauquier commissioned William Fleming as captain in the Virginia Regiment. (Photo of document in the special collections at Cyrus Hall McCormick Library, Washington and Lee University.)

The Regiment was reformed and, in May, Fleming accepted a commission as Captain. The primary mission assigned the Regiment was to prevent the Spanish from landing in the colony or being supplied from the coast. Headquarters were established in Fredericksburg. This tour of duty was nowhere near as strenuous as the former one. Many of Captain Fleming's days were spent in recruiting and for each man secured he was allowed ten pounds. Records in the Huntington Library show he served as President of the Court Martial toward the end of July and, during the next two months served as Officer of the Day on numerous occasions.

As usual at that time, France would join in any effort to defeat England, hence it became an ally of Spain. Notwithstanding this action, the war was of short duration. The powerful British fleets
captured Havana and Manila, thereby enriching their country's treasury by more than 5,000,000 pounds. Peace overtures by the enemy were accepted and satisfactory negotiations completed early in November. Just about a month later, Colonel Stephen advised Council that in accordance with orders the Regiment would "be paid off and disbanded in a few Days."\textsuperscript{69}

**ONCE AGAIN A CIVILIAN**

While in service, Fleming passed through Augusta Court House on many occasions. In 1761, the General Assembly approved an Act stating that it "shall be called and known by the name of Staunton." The reason for such action was given as "erecting towns on the frontiers of this Colony may prove of great benefit and advantage to the inhabitants, by inducing many of them to settle together, which will enable them the better to defend themselves on any sudden incursions of an enemy."\textsuperscript{70}

There is no doubt Staunton was a thriving community and an excellent place for a doctor to reestablish his medical practice. Indubitably, this was a contributing factor in Fleming's decision to move there, but another reason must not be eliminated and it is contained in the expression, "cherchez la Femme." During his travels, it is highly probable he had met a charming young lady, Ann, the daughter of Colonel Israel Christian who lived in Staunton. Be that as it may, the theory is supported strongly because, on April 6, a license was issued for the two of them to take the holy vows of matrimony.\textsuperscript{71} The honeymoon, if any, was of short duration because on the 24th he made a trip to John Woods for which he charged 10 pounds "for salt watering" two people.

As we know, the French had ceded to England all claims to the Ohio territory. Treaties had been negotiated which provided the colonists could no longer encroach on that territory assigned to the Indians unless agreed upon by both parties. Neither the government of the colony nor its inhabitants paid any attention to those terms. As the settlers continued moving westward, Indian activity increased materially. This is clearly evidenced by a letter Fleming wrote the Governor in July. He described the "General Consternation" that existed among the settlers in Augusta caused by the invasion of that territory by the Indians. He continued by stating the militia of the county was incapable of providing protection, then proceeded to offer military suggestions on how the problem could be solved.\textsuperscript{72} Indians, led by their chieftain, Pontiac, went on the warpath. Not until his forces were defeated, did the settlers have any relief from constant danger.

Fleming, a well-educated surgeon with many friends from his years in the Regiment, and now connected by marriage to one of the leading families in Augusta, was a welcome addition to this
frontier community. In turn, he joined into the business and social life of Staunton. As a matter of fact, the newly wed Flemings went far beyond the call of duty by agreeing to provide for George Helvick, a three-year-and-four-month-old orphan. At the June term of court he was bound over to them.\textsuperscript{73} 

Exactly where they were living at that time is uncertain, but, on September 24, he purchased with “livery of seisin” (a method of possessing land) 48 poles of Lot II in Staunton for fifty pounds and there they lived for a number of years. On the same day, he paid one hundred pounds for 300 acres in Beverley Mills Place.\textsuperscript{74} 

Land in those days was considered the best investment a man could make. As will be seen, Fleming adopted this philosophy and these two purchases were merely his first effort in accumulating vast quantities of real property.

The law of the land provided “twelve of the most able men of each parish be by the major part of the said parish chosen to be a vestry — and (they) shall also subscribe in vestry to be conformable to the doctrine and discipline of the Church of England.” In those days, Vestries were charged not only with the temporal affairs of the church, but they also had the additional responsibility of providing for the poor. The vast majority of the Valley’s population was Scotch-Irish or Rhenish and they had religious affiliations different from that of the State Church, but, nevertheless, they were technically members of it. This created quite a problem when attempting to comply with the law. Apparently, the good people of Augusta considered it far more important to follow the first condition of the law by placing “the most able men” on the Vestry, rather than those whose faith conformed “to the doctrine and discipline of the Church of England.” This was illustrated clearly when William Fleming, a devout Presbyterian, was elected a Vestryman on November 24, 1764.\textsuperscript{76} 

By 1765, the neighborhood around Staunton was reasonably clear of hostile Indians, but there was still an underlying hatred among some of the people as a result of the many atrocities that had been committed not so long before. On May 5, a party of ten peaceful Cherokees, on their way to join other warriors for an expedition against Ohio tribes, were encamped near the town. At first light, they were attacked by a group of some twenty “villainous bloody minded rascals,” so referred to in Andrew Lewis’ report of the incident. Six of the Indians were killed, including their chieftain; the others escaped into the woods.

Some of the prominent men of the area feared retaliation and made every effort to arrest the murderers so justice could be done. They were successful in placing Patrick Duffy, one of the instigators, in prison. Feelings ran high because many felt no white man should be put behind bars for killing a savage. A hundred or more gathered that night and battered down the door and released the prisoner. In
order to emphasize their position, these men, calling themselves the "Augusta Boys," issued a proclamation offering "a reward of one thousand pounds for the taking of Col. Lewis that he may be brought to justice and for Doctr. William Fleming and Captain William Crow of Staunton, five hundred pounds each, as deemed by us Dupes and parasites in said case." Then, even as today, the wise counsel and action of able men was often trampled by a mob.

As the population of the colony increased and spread out, new political subdivisions were formed. As early as 1623, courts were created in each of them by the Royal Governor appointing the original members. In later years, the title of these men was changed from Commissioner to Justice of the Peace. It was unnecessary for them to have any legal training; they were selected because of their ability and prominence in the community. Their decisions were absolute as to life, liberty and pursuit of happiness within their political unit, unless overruled by the General Court of the Colony. William Fleming received this honor in May 1765 when he was named a Justice representing the Staunton District — on the same day he added to his real estate holdings by purchasing from William Beverley two tracts of land consisting of five hundred and sixty acres.

Starting as early as the 1730s, it had been the policy of the colony to make every effort to develop the area west of the Blue Ridge Mountains. This is evidenced by grants amounting to many hundreds of thousands of acres. William Beverley received one on which Staunton now stands; Benjamin Borden's grants were in the present-day Lexington-Fincastle area, whereas the one to James Patton was on Woods (New) and the two rivers to the west. There was but one requirement: a family must settle on the land in a certain period of time for each one thousand acres of the grant.

Companies had been formed for the same purpose, such as the Loyal Company, whose land extended to the falls of the Ohio (Louisville, Kentucky), and the Ohio Company whose grant for two hundred thousand areas was in the vicinity of the Forks of the Ohio River (Pittsburgh, Pennsylvania). These patents were made, at least in part, to establish a buffer against the French and their creation was certainly an important contributing factor to the late war. Naturally, the Indians resented the English settling on land they claimed as their own. The French, who were primarily fur traders rather than settlers, had a decided advantage with the Indians and they used it to the maximum. Until the conclusion of the war, the westward movement of the English was substantially halted. Many were killed or forced to move back into more populated areas where better protection was provided.

John Shelton had secured grants for thirty-four hundred acres in far southwestern Virginia and, after he became financially involved, they became the property of his son-in-law, Patrick Henry.
In 1766, the latter sought Fleming’s advice and assistance in advertising the property for sale. This assignment is of little importance in itself, but, so far as known it was Fleming’s first experience in western land speculation. Time will show that area became an important part of his public and private life.

Dr. Thomas Walker was agent for the Loyal Company and its eight hundred thousand acres. In June, Patrick Henry wrote Fleming that Walker was satisfied with his “prudence & Veracity in viewing that land & in fixing on some such spot as would be proper for the first company of adventurers to begin the execution of the scheme.” Henry continued

Pardon me if I recommend to you a diary — Even the trees, herbs, grass, stones, hills, etc. I think ought to be described. The reason I wish you to be so particular is that a succint account of your Journal may be printed in order to invite our countrymen to become settlers. The Task is arduous to view that vast forest, describe the face of the Country & such of the rivers, Creeks, etc. as present themselves to view is a work of much Trouble, hazard & fatigue & will in my Judgement intitle you to the favourable notice of every gentlemen engaged in the Scheme.

Fleming was urged to start the trip even sooner than originally planned. Did he go to Kentucky? If so, the meticulous account requested has not been found. At best, the only indication of such a visit is based on circumstantial evidence. In 1774, Walker wrote Messrs. Bruce, Bowin, Wallis and any other person concerned, “I am informed that you have settled on the Maiden Spring Tract of land which was entered for Doctor Wm. Fleming in the year 176(?) as part of the Loyal Company Grant.”

Fleming’s name appears frequently in the records of Augusta County prior to November 22, 1767, but, until the following May, it is not found again. In the early days, history shows explorers, settlers and those on official business preferred that time of year for trips into the western country because the danger from roving bands of Indians, hunting in the woods, was at a minimum during the colder months.

The Flemings had been married for some years and were the proud parents of a fine young son named Leonard Israel, in honor of his grandparents. William Fleming was a successful practitioner, a substantial land owner and had become an integral part of the community. Had Staunton become too civilized for him? This is possible, but he was a knowledgeable man and probably thought his future would be brighter in the less developed territory.

At least in part, this is substantiated by the fact, as early as
1767, petitions had been presented to the General Assembly requesting the creation of a new county out of a portion of southern and western Augusta. It is possible, to use a modern-day expression, he wanted “a piece of the action.”

The exact date the Flemings moved to the Roanoke Valley is unknown. The records of Augusta show they were living at Staunton in March 1765. Israel Christian, by deed dated November 20, 1768, conveyed to the Flemings upwards of five hundred acres “commonly called Belle-Mount” and in the instrument is found the following “whereon Fleming now lives.” Based on the decreasing frequency that his name appears in official records, it is reasonable to believe they moved during the last half of 1767 but prior to March 22, 1768.

It is well known the spelling of proper names in the eighteenth century was not an exact science. One can find the name of his plantation written at least three different ways, but the one he used most often was Belmont. Some have stated it was named after one of his ancestral homes in Scotland, but nothing is known to substantiate this theory. A much simpler reason for the name can be found by climbing up the knoll where the remains of the Mansion House stand and gazing at the magnificent surrounding mountains, particularly nearby Mill's Mountain (today Deadman’s or Read).

The employment of one servant at Belmont is described in an agreement made in February 1769:

Mary Williams for and in consideration of 25 pounds lawful money of Virginia hath of her own free and voluntary will placed and bound herself as a servant to William Fleming & his heirs to dwell & continue with Fleming for a space of 5 years from date — during all of which term of years the s’d servant of her master shall well and faithfully serve his commands ever more gladly — she shall not do or absent herself from the services of her Master without his consent but in all things as a good and faithful servant shall demean herself toward her Master — during her Servitude and said Master for himself agrees with Mary that he will during the term of servitude — provide for her sufficient wearing apparel and Diet.

Acquiring a new home, his election as warden, which made him one of the two presiding officers of the Vestry, as well as a continuing busy medical practice failed to keep him from thinking about his great love — the western country. In a list labeled “Petitions for lands lying between the Allegheny Mountns & a line that may be run from the Western Boundary of the No. Carolina line to the confluence of the river Ohio and the Mississippi (sic) is found William Fleming and 34 others, for 35,000 acres on the lower side of salt licke
Late in the year, Fleming’s apparent prognostication became a reality. The House of Burgesses, concurred in by Council, approved an act dividing Augusta into two parts. On and after January 31, 1770, Botetourt County would come into existence. The division line provided for a course running from the Blue Ridge Mountains generally in a North 55 degrees West direction “as far as the courts of the two counties shall extend it.” The act recognized the immense territory that would be included in the new county, therefore it provided “the people situated on the waters of the Mississippi — shall be exempted from the payment of all levies — for the purpose of building a courthouse and a jail.” The General Assembly had more concern for these people than did Thomas Lewis, as shown in a March 20, 1767 letter opposing the division of the County. He stated “as those who inhabit these parts contribute nothing to the charge of either county or parish, but must be rather deemed an incumbrance.”

Obviously, a man who had been so closely associated with the government of the mother county would be expected to assume important responsibilities in the new one. On February 13, 1770, at a meeting held in Robert Brackenridge’s house, His Majesty’s Commission of the Peace named Fleming and eleven others as “his Justices to keep his Peace in the County of Botetourt.” The following month, he qualified as a Vestryman and earlier had been appointed a Commissioner of Oyer and Terminer, which authorized him to try any slave for capital crime within the boundaries of the County.

The latter assignment came just in time because, on the same day it was received, Fleming and four other Justices sat as a court to try Will, a Negro slave. He was charged “with force and arms feloniously did make an assault in and upon one Elizabeth Gray — forceably and feloniously did ravish and carnally know the said” white woman. Will pleaded not guilty. The court concurred in his plea and acquitted him. A few months later Will was charged with a similar offense and this time the verdict was “he be hanged by the neck until he be dead.”

The creation of a new county increased the duties and responsibilities of its leaders. Fleming received an appointment as Justice of the County Court of Chancery. Israel Christian gave Botetourt forty acres of land in order to have the County Seat established near Miller’s Mill. The Court ordered the Surveyor to lay off two and one-half acres of it for a Court House as well as ten acres for the prison bounds. Fleming and four others were to designate the exact locations. The Court House would be a log building twenty-four feet long and twenty feet wide, with a clapboard roof, and there were to be small sheds at each end.
The little village began to grow, so the court directed Fleming and some other justices to subdivide a part of the county’s land into fifty-one lots, each to be one-half acre. Less than two years later, by an Act of the General Assembly, it became the Town of Fincastle. Another duty assigned Fleming and John Bowyer was to negotiate and settle with the authorities of Augusta the amount of money owed by that County to Botetourt.92

As stated earlier, there are many gaps in the private life of William Fleming, which leads one to believe letters covering those periods have been destroyed or hopefully lie in some unknown place to be rediscovered at a later date. Possibly this theory is exemplified by his attendance as a Justice of the Botetourt Court. He was present at fourteen of the twenty-one meetings held from February 13 to October 10, however, his name is conspicuously absent from the next twelve sessions and does not appear again until April 10, 1771.

Previous reference has been made to the fact this was the period of the year most frequently used by travellers to the western country because there were far fewer roving bands of Indians. The possibility of such a trip is augmented by the rekindled interest in that area resulting from the Treaty at Hard Labour the previous year and the imminence of the one to be known as Lochaber and signed in December 1770 with the Cherokee Nation. The records show clearly Dr. Thomas Walker and other associates of Fleming’s in the Loyal Company were active at that time in the area.

DUNMORE’S WAR

During the early seventies there was a mass migration into western Virginia. When these new arrivals found all of the good land in the valley occupied, they moved on, thereby pushing the frontier even further to the west. The Indians were determined to stop this encroachment on the territory they claimed theirs by right as well as by treaty. Atrocity after atrocity was reported and it became obvious the frontier settlements must be protected. Andrew Lewis, experienced in Indian warfare and the County Lieutenant of Botetourt, recommended a force be organized of sufficient size to cross the Ohio River and destroy the Indian villages.

In May of 1774, Lord Dunmore, the Governor of Virginia, adopted this idea and presented it to the House of Burgesses and the following action was taken:

It gives us pain, my Lord, to find that the Indians have made fresh encroachments and disturbances on our Frontiers; we have only to request your Excellency will be pleased to exert those powers with which you are fully vested by the Act of Assembly, for making provision against Invasions and Insurrections, which we have no doubt, will be found sufficient to repel hostile and perfidious attempts of those savage and barbarious Enemies.93
The following month, William Fleming presented a petition to the Court which designated him to be the Colonel of the County Militia. This was no honorary title. Grim days lay ahead. Every letter from the frontier told of horrors such as this one: “Universal alarm throughout all the frontiers of the colony & the unhappy situation of the Divided People settled over the Alagany (sic) Mountains.”

On July 24, the Governor advised Colonel Lewis he intended to “give the Enemies a Blow that will Breake the Confederacy & render their plans abortive.” He continued by outlining his plans of raising a substantial force from the militia of the northern counties, which he would command, and he wanted Lewis “to raise a respect­ful Boddy of Men and join me either at the mouth of the greate Kanaway” or at some other point on the Ohio that would be convenient.

Orders were issued immediately calling the militia of Augusta, Botetourt and Fincastle Counties to active duty. Supplies were gathered hurriedly from throughout the territory. On August 12, Lewis, the commander of the southern division, ordered the County Lieutenants of Augusta and Fincastle Counties, along with Colonel Fleming, to meet for a Council of War, in order to be sure all preparations for the expedition had been completed. Nine days later, the Botetourt regiment, four hundred and fifty-three strong, began their march by way of present-day Covington to Camp Union (Lewisburg, W. Va.), the place Lewis had selected for the units to rendezvous.

The Augusta troops, under command of Colonel Charles Lewis, moved out of that camp on September 6, to be followed on the 12th by Colonel Andrew Lewis and Fleming’s Botetourt Regiment, which had been reinforced by two companies from Fincastle County and one from Culpeper. These were busy days. The bullocks must be herded daily, rifles inspected, guards posted and passwords provided. The order preventing unauthorized firing of guns was twofold, one to conserve ammunition, the other to deny the Indians intelligence. The whiskey problem was solved, at least in part, by the following regulation, “The Sutlers are forbid distributing liquors in such quantities as will make any of the troops drunk.”

Generally, the line of march followed the Augusta Road through dense forests and gentle valleys, over rugged mountains, bold streams and wide rivers. By the 21st, some coal was seen that had washed down from the hills. Little did they realize underneath their feet would be found, in another day, the vast quantities of coal located in the vicinity of Charleston, West Virginia.

As the column moved westward, Fleming saw an oddity and his description of it is most interesting:
Two Springs — that continually bubble up to the height of 3 or 4 Inches above the Surface, without either emitting air or heat — the water was black occasionally throwing up Cinders — a (flame) flashed over either of the springs at a distance of 4 (or) 5 Inches. The flame communicates itself to the surface of the water, and burns with a surprising force like a culinary fire made of Ash wood and consumes any thing that is thrown into it, and is with very great difficulty extinguished — we endeavored to extinguish one of the springs by covering it with green grass without effect as it consumed the grass.

After thirteen days of steady marching, the time had come to rest the men and regroup in preparation of joining Lord Dunmore’s division at Point Pleasant. Therefore, camp was made at Elk River. There was much to be done. Additional supplies must be brought up from Camp Union. Artificers were busy building canoes and rafts; armorer inspected all rifles and repaired the faulty ones; scouts were dispatched daily in order to learn of Indian activity. On October 2, all duties had been completed and the troops moved out of camp. The march order directed the Botetourt Regiment to be on the right and the one from Augusta on the left. Colonel William Christian had remained at Camp Union to assemble the balance of the Fincastle contingent and guard the supplies. This army was made up of experienced woodsmen and was commanded by officers trained in Indian warfare. In order to provide maximum protection, each regiment was divided into two parts which in turn were separated into four sections. Skirmishers were placed in front of the columns and on the flanks.

Five days later, they reached Point Pleasant after covering nearly sixty miles of difficult terrain. Dunmore had failed to arrive at the rendezvous point, but a letter of instructions was found in a hollow tree trunk, placed there by his messengers. Although some protection was provided by the Ohio and the Great Kanawha Rivers, this place was deep in Indian territory, so guards were posted immediately. The artificers were instructed to build, as quickly as possible, shelters to house the ammunition and supplies. The bullock drivers had the responsibility of rounding up the cattle and providing pens to keep them from straying.

On the 10th, just before sunrise, two men who were out hunting rushed into camp and reported they had seen a tremendous number of Indians approaching from a short distance away. Without a doubt, this intelligence prevented a horrible slaughter and thwarted the Indians’ strategy of attacking the southern division before it could join with Dunmore’s force.

Immediately, orders were issued for the drummers to beat assembly. Colonel Fleming was directed to take one hundred and
fifty of his men and form a line on the left along the bank of the Ohio River. Colonel Charles Lewis was ordered to take a similar number of his regiment and form a column some one hundred and fifty or two hundred yards to the right. After advancing a short distance, the Virginians came under intense fire by the Indians, who were carefully concealed behind trees and bushes. The attack was so severe a retrograde movement was necessary.

Fortunately, Colonel Andrew Lewis was following the action very closely and rushed reinforcements forward. The forces were about equal and throughout the day the furious conflict raged, with the advantage favoring one side and then the other. This was not typical of the way Indians fought. Normally, if their first attack was not successful, they would drift away, believing in that old saying "he who fights and runs away will live to fight another day." Despite their heroic efforts, however, by late afternoon the Indians withdrew, leaving Lewis' troops in complete command of the battlefield. The casualties had been heavy on both sides. Colonel Charles Lewis was mortally wounded and some thought the same applied to Fleming. He had received two balls in the arm and another forced a portion of his lung out of a wound in the breast.

Without doubt, another attack was expected in view of the great number of warriors that had gathered from the Shawnee, Mingoe, Towas, Wiandot and Delaware nations. The battlefield was cleared, the dead from both sides buried, but not until the Indians had been scalped. Temporary fortifications were constructed around the perimeter and officers were promoted to fill the vacancies of the eleven killed in action. Even while this was going on, preparations were completed to pursue the enemy. When Lewis crossed the Ohio on the 27th, with a substantial part of his troops, in order to fulfill the original mission of the campaign, the wounded Fleming was placed in command of those who remained at Point Pleasant.

His orders were to secure the camp and to complete as far as possible the fortifications that had been started. Supplies should be brought forward from Elk River by both canoes and horses. If sufficient artificers could be employed, they were to prepare timbers for barracks and a fort. Vessels must be made for salting beef. Daily, scouts were to be sent out to roam the countryside. While these duties were being performed, he must care for his own wounds as well as those of five other officers and eighty-six of the rank and file.

Before Lewis could destroy the villages, he received instructions from Dunmore to return to Point Pleasant because a peace treaty was being negotiated. This order was a keen disappointment to the troops; they felt the loss of many of their comrades and the hardships of the campaign had accomplished little. It has been said, Dunmore sensed the increasing hostility between the colonies and their mother country and his action stemmed from a desire to gain for England the friendship of the Indians. Whether this theory be
correct or not, the battle was of great significance. Theodore Roosevelt wrote in *The Winning of the West* if it had not been for the Battle of Point Pleasant, the western boundary of the United States probably would be the Appalachian Mountains.

Exactly three weeks to the day after being wounded, Fleming "set off from Camp in a Canoe with 4 watermen." By November 3, he reached Elk River where horses were secured in order to start the long and wearisome overland trip home. Seven days later, his temperature was rising and the following day he described his condition as follows. "I got bled in the arm. My wounds were much enflamed the Arm swelled greatly and the most violent shooting (pains) in my hand fingers & tho I took some Cocho but without much effect." By the 16th, his condition had become so bad he decided to rest for a day near the present site of White Sulphur Springs. The last entry in his Orderly Book, which gives such a graphic description of the entire campaign, is dated the 22nd and reads "Reach'd home in safety being Just 3 months gone Praise be to God."  

The following year, Fleming petitioned the House of Burgesses for an award based on the fact his wounds prevented him from practicing medicine. George Washington offered his assistance in getting the request approved. The original bill presented provided for an annual pension, but, later, this was changed to an outright grant of five hundred pounds. His "Behaviour and wounds" was stated as the reason for the award. Of less historical importance was a letter he received from Robert Montgomery expressing his hopes the wounds were healing and advising "some exceedingly Good French White Wine" was on its way as a present.

Fleming's health continued to improve and he was able to resume his duties as a member of the Court on January 11, 1775. In June, he was appointed a Commissioner to examine, settle accounts and other necessary things that had been furnished the militia in the Counties of Bedford, Botetourt, Culpeper, Halifax and Pittsylvania. The position of Sheriff was offered him, but it was refused, notwithstanding the fact it was by far the most lucrative office in local government.

**THE REVOLUTION**

In July 1775, Fleming received a letter from his brother-in-law, Stephen Trigg, advising a Convention had been held to draft a Constitution. It also proposed young men from each county be sent to the Boston army for the purpose of learning the military art so that upon their return, they could instruct others. He closed with the information four hundred and twenty-five men were to be stationed on the frontier.

This intelligence was of great importance, for the dark clouds of war were forming again. The Royal Governor would soon flee
the colony and seek refuge on H. M. S. Fowey. An invasion was expected momentarily and plans were made hurriedly to repel it. Notwithstanding these critical times, Fleming’s wounds were so severe it would be impossible for him to serve as an officer in the field. His military knowledge and experience was sorely needed. On April 4, 1776, he received the following communication from the Committee of Safety in Virginia:

We reposing especial Trust and Confidence in your Patriotism, Fidelity, Courage and good Conduct do by these Presents, constitute and appoint you to be Lieutenant and Commander in Chief of the Militia of the County of Botetourt, and you are therefore carefully and diligently to discharge the Trust reported, by discipling all Officers and Soldiers under your command And we do hereby require them to obey you as their County Lieutenant.¹⁰⁴

The Revolutionary War was divided into two distinct parts. One was fought generally near the coast and has been described gloriously in history books. The other, with which Fleming was associated primarily, can best be described by the current expression as the “nitty gritty one.” His responsibility was to defend a large portion of the frontier from the Indians and the Tories, both of whom constantly were being encouraged and supplied by the British so that they would intensify their attacks.

In order to get a clear picture of the responsibility that reposed on the shoulders of the County Lieutenant of Botetourt, it is necessary to review the status of the territory to the west. Fincastle County which had been separated from Botetourt in 1772 extended to the Ohio, but the area between it and Augusta also went to the Ohio and was still a part of Botetourt. Soon after he qualified, notice was received that Botetourt, Fincastle and Pittsylvania would each receive 200 pounds of gun powder which amounted to about four one-hundredths of a gram for each square mile. This was to be a long hot summer. Fleming constantly received urgent requests for powder.¹⁰⁶

The Cherokees invaded Fincastle County and companies were dispatched to repel them.¹⁰⁶ Forts were constructed at many places including Camp Union, the levels and Muddy Creek.¹⁰⁷ Garrisons at Point Pleasant and Fort Randolph were reinforced. The one bright spot was the defeat of the Indians at Long Island in the Holston River by troops under command of Colonel William Russell. Even more important was the defeat of the Cherokees by the two-thousand-man force, commanded by Colonel William Christian.

On the last day of 1776, Fincastle County went out of existence when Montgomery, Washington and Kentucky Counties were created from its territory. From a military standpoint this was of
little importance because Fleming's counterparts in these new counties, William Preston, Arthur Campbell and David Robinson, must rely heavily on him for supplies and overall directions. These men were able and experienced, but, comparatively speaking, Botetourt was the most populated western county.

The problems of the war continued. Letters were sent to and received from unit commanders. New companies were dispatched to troubled areas and military supplies were sent throughout the vast territory. Governor Patrick Henry was in constant communication with Fleming. One of his messages dealt with the handling of prisoners of war. Fleming instructed Ensign Hutchinson to "Treat them well with Humanity & Civility so far as consistent with your duty." The letter continued "You may get the irons altered." The Governor wrote Fleming on another matter and ended it with "I know of no one I can so depend on to do this service so necessary for the Safety of the Frontier, I beg leave to assure you."

Actions taken to defend the frontier were usually as a result of his own initiative, but often he received advice from such men as Edmund Pendleton, Patrick Henry, Colonel Russell and Lieutenant Governor John Page. On one occasion the latter write, "I can assure you I put the highest Confidence in your Judgement and Conduct and I make no doubt the People will be perfectly secure under your Directions and I shall instantly send you 500 lbs. of Powder." The commendations were nice, but under the circumstances the powder was far more important.

In May 1777, the General Assembly took note that many members of the Botetourt Vestry had resigned or moved from the county. The remaining vestrymen were insufficient to effectively carry on the duties assigned to it, therefore, it was dissolved. In the same Act, the sheriff of the county was directed to summon the freeholders for the purpose of electing a new Vestry. As stated earlier, the vast percentage of the people of western Virginia despised the Episcopal Church, but the complete separation of the Church and State would have to wait until the war was over. Colonel Fleming expressed their views when he wrote "a majority of the inhabitants wished that every trace of the late established church might be done away with."

Besides his official duties, there were many other demands on Fleming's time. Judge Carrington wanted to know how he was getting along in disposing of lottery tickets that had been authorized by the General Assembly for the purpose of "carrying into execution that laudable and necessary undertaking" of constructing Hampden Sydney Academy. John Brandon of Bedford sought Fleming's assistance for the purpose of being permitted to leave the country because he was in sympathy with the British. The result of this request is unknown, but it is hoped help was given as Toryism was rampant around New London.
Before the end of 1777, William became Senator Fleming, representing the Counties of Botetourt, Montgomery, Washington and Kentucky. In December, while attending a session of the General Assembly, he wrote an interesting letter about some matters being considered.

A Confederacy of the U.S. as handed us by Congress is under consideration of the House and will be agreed to by this General Assembly. I am in hopes without a dissenting Voice. Taxation is the great Object — and will be the first public Act, the Bills of Reinforcing the Army, Opening the Courts, a land office, etc. — will oblige the House to continue sitting without an Adjournment this Christmastide.

Near the end of the year, Cornstalk, the powerful Sachem of the Shawnees, along with Red Hawk and another Indian, were being held as hostages at Fort Randolph. Cornstalk’s son, Ellimipsico, came to visit his father and the following day they were all wantonly murdered. In view of this unfortunate event, it was apparent 1778 would be a year of increasing danger on the frontier. This feeling was widespread, as evidenced by a letter the Governor wrote Fleming in February. “The murder of the Shawnees Indians will no doubt bring on Hostilities with that People. In order to ward off the stroke which may be expected it is necessary to have every Gun in your County put in good order and ready for action.” Notwithstanding the probability of hostilities, Fleming and Preston hoped to allay it by preparing a carefully drafted message to the Shawnee Nation suggesting a peaceful solution. They proposed a treaty meeting be held at Fort Randolph for the purpose of making reparations for the killings and also advised them that the Governor had ordered proclamations to be issued offering an award for the capture of the murderers.

Unsettled as the affairs of the world are today, it is hard to imagine the trials and tribulations existing on the frontier at that time. The settlers were evacuated from many places, including Culbertson, Island Creek, Pearis and Munsey’s. The Greenbrier settlement was attacked and a fear of a general invasion permeated the air. William Preston received a letter from a friend addressed to his home, which still stands in Blacksburg, stating “You will get part of your family or yourself butchered — I wouldn’t live at Smithfield for all you possess.” This letter certainly was of no comfort because Colonel Preston, a brave and experienced man, had received reports that a large force of Indians had been sighted on a hundred rafts along the Ohio River. His thoughts concerning the seriousness of the situation is contained in a letter he wrote Fleming on May 17.

I have drawn upon the Lieutenants of Henry and Pittsylvania for a Company each and if this is re-
fused most of the Inhabitants to the County line will be obliged to remove. I would willingly Prevent it if in my Power, but I am afraid it is not. I have no one to consult with. Those in Distress are crying out against me for not sending them Assistance. Those to be draughted and ought to go out cursing me for disturbing them; my own Family in Danger & myself in Trouble and Confusion.\textsuperscript{118}

The following month, Fleming advised Preston of the intelligence he had received and the action taken.

Capt. McKee advised Lt. Gilmore was fired on by 4 Indians at the privy on the banks of the Ohio — McKee judging the enemy was trying to draw the men from the fort held them close — a party of 100 had gone up the Little Kanhoway and that after — joined with another party would try to take the fort — To repel this invasion I sent orders for all the effective men that could be got from Capt. Henly’s, Given’s, G. Smith’s, Logan’s, Rowland’s and Lockart Co’s. be marched out immediately to Greenbrier. I ordered a command from Capt. Armstrong’s to the paint Bank with orders to Capt. Henry Smith to keep out good Scouts — McMurty by my orders has scouts out. — I ordered an Ensign from Capt. McClanahan’s Co. for the Protection of the Families on Sinking Creek in the Forks. I sent orders to Maj. Crocket — to range on Stony Cr. Sinking Cr. Col. Skillern writes me he will march 150 men on Tues. I have endeavored to ward against this formidable invasion — I thought it necessary not entirely to rely on our own strength — I wrote to Bedford for assistance — I likewise sent an express to Wmburg.\textsuperscript{119}

As stated earlier, Fleming had the responsibility of storing and furnishing supplies to the entire southwestern frontier of Virginia. In June, he was advised fifteen hundred pounds of gunpowder and five thousand flints were being sent for storage at Belmont.\textsuperscript{120} In view of the increasing amount of materiel being received, additional safety precautions had to be taken. Fleming ordered the construction of a square timbered building, sixteen by fourteen feet. This action was ratified by the Governor as shown by his letter. “I greatly approve of having a small Magazine at your House. It may serve the Occasions of the Distressed Frontier when supply from below can not be had in Time. I would rather wish to increase the Quantity of powder and Flints with you.”\textsuperscript{121}

The conditions on the frontier remained grave. The increased Indian depredations were the basis of Fleming’s July letter to the
Governor. "I never knew such a general Panick amongst the People, Many have fled, And many (are) on the Wing."122 A reason for this condition is set forth in Preston’s letter requesting an order be cancelled which would require him to send two hundred men from Montgomery County to serve under General McIntosh at Fort Pitt. The young active Men who have Families are by no means able to go into Service so Distant from their Homes and to be absent eight and perhaps ten Months without giving up their Families to ruin and Beggery which many of them are on the Brink of already, owing to the Troubles and distresses they have undergone by an almost continual War with the Savages for four or five years last past in which they have lost their Time, their Property and even their Crops. I would point out whole detached Settlements on these Frontiers, where there have not been a Barrel of Corn raised to the Head last Summer & where they have nothing to feed the remains of their Stock on but are obliged to drive them a considerable Distance to Cane Breaks & Mountains to preserve their Lives through the Winter.123

The day-to-day operations of the war continued. Men and supplies were sent to Kentucky, Montgomery, Washington as well as Greenbrier, as it had become a county early in 1778, from the western territory of Botetourt. Activity was reported on the Little, the Kanawha and the Ohio Rivers. Governor Henry instructed Lieutenant Colonel John Montgomery to requisition powder and flints from Fleming’s magazine that he would need for his expedition to the Illinois area.124 The second and third sessions of the General Assembly were held in Williamsburg and Senator Fleming attended. It is interesting to note at the October meeting an Act was passed preventing any more slaves to be imported into Virginia and the penalty would be the automatic freedom of the slave as well as a substantial fine.

As the year 1779 dawned, much of Fleming’s time and ability was devoted to the problems caused by Indian atrocities and Tory uprisings.125 Such events, however, were not the sole topic of conversation when western Virginia was being considered in the General Assembly. As today, the people of the State were either liberals or conservatives, but for different reasons. Often, the group with which a legislator was aligned could be determined, to some degree, by his affiliation with a land company, such as the Loyal, the Ohio, the Indiana, the Vandalia and many more. The members of these companies thought vast fortunes would be made in this traffic.

Fleming was associated with the Loyal Company under the management of Dr. Thomas Walker. This powerful group was made
up of such men as Patrick Henry, Caleb Wallace, William Preston, Stephen Trigg, William Russell and William Christian. Eight hundred thousand acres were contained in the original patent to this Company. As a result of wars and decrees of Royal Governors, but primarily because of settlers squatting on the land, the title to this property as well as that of other companies had come under a cloud.

COMMISIONER WILLIAM FLEMING

When the Colonial Land Office went out of existence, Virginia did not establish a new one immediately. General Washington concurred in this decision because of his fear that men moving westward would create a drain on the personnel his army needed so badly. Notwithstanding his position, the ownership of land in the western territory had become so chaotic, the General Assembly at its May meeting, the last to be attended by Fleming as a Senator, was forced to take action. In the preamble of "An act for adjusting and settling the titles of claimers to unpatented lands under the present and former government" is found "the various and vague claims to unpatented lands — may produce tedious and infinite disputes — it is just and necessary, as well for the peace of individuals as for the public weal, that certain rules should be established for settling and determining the rights to such lands." The means by which the terms of the Act would be carried out were set out in the following.

That the counties on the western waters shall be allotted into districts, to wit: The counties of Monongalia; Yohogania, and Ohio, into one district; the counties of Augusta, Botetourt, and Greenbrier, into one district; the counties of Washington and Montgomery, into one other district; and the county of Kentucky, shall be another district; for each of which districts, the governour, with the advice of council shall appoint four commissioners.

On June 26, Governor Thomas Jefferson appointed Fleming as one of the commissioners for Kentucky and, based on the records, it would appear he was the head of that group. Many preparations had to be made before undertaking that long and arduous trip, however, Jefferson complicated the situation in August by appointing him to another committee for the purpose of establishing the location of a chain of forts to provide additional protection for the frontier. His associates in this task were ideal: Andrew Lewis and William Christian. After deliberation, they recommended one be built at or near the mouth of Guyandot (Huntington, W. Va.), one north of the Big Sandy at the junction of Licking Creek with the Ohio (Covington, Kentucky) and another at Martin’s Cabin in Powell’s Valley (Scott County, Virginia).

On October 3, Commissioner Fleming saddled up at his beloved Belmont and set out on the dangerous trip to the land of the western waters. Stephen Trigg, one of the commissioners, lived at Dunkard's Bottom so it is probable Fleming spent the second night with him and they were joined by Commissioner Edmund Lynne of Henry County. The road, if it could be so called, went to Washington Court House (Abingdon). In those days, the country beyond the county seat was sparsely populated and it was the custom for the traveller to encamp until a party assembled of sufficient size to provide protection. The Holston and the Clinch Rivers were forded. The path crossed Powell's Mountain on the way to Cumberland Gap — today the common border of Virginia, North Carolina and Tennessee.

"The Road from the Old Settlements in Virginia to Kentucke thro' the Great Wilderness" turned in a northwesterly direction, passing Flat Rock, Laurel River, Rockcastle and St. Asaphs. It has been stated the first meeting of the Commission was held at the latter place, but the basis for this theory is unknown. Unfortunately, the first part of Fleming's Journal of the trip has been lost. The initial entry is dated November 10 and they were in the neighbor-
hood of Harrodsburg on their way to the Great Falls of the Ohio River (Louisville).

A small village had developed near the fort that Colonel George Rogers Clark had constructed the preceding year before starting on his highly successful campaign which culminated in the capture of Cahokia, Kaskaskia and Vincennes in the territory west of the river. Fleming's description of the place was far from pleasant "a great number of them (inhabitants) complaining of the fever and Ague — several people died whilst we were here — some have vomited corrupted bile as green as Verdi grease (sic)." Notwithstanding these derogatory remarks, he recognized its geographical value as evidenced by his statement "it will always be a place of importance."

Attempts to paraphrase observations contained in Fleming's Journal fail to give a true picture of this remarkable man's wide interest, inquisitive mind and desire to understand the things about him in this near virgin land and, more important, his vivid portrayal of them would be lost. In order to avoid such an error some excerpts follow:

Kild a Buffalo Cow very fat, but so old her horns wrinkled — The hump or that remarkable rising on the shoulders of a Buffalo is formed by the Spinal Processes of the nine first Vertibrae of the back gradually rising in hight from the ninth to the third — they made fiddle strings of the sinues of the spine of the buffalo and sewed their mockasins with them — this Animal is of the greatest service, of the horns they make combs etc, the Flesh is their common food, the Skins tanned makes a good leather — the hair on the skin — in the winter the coat thickens turns wooly and Feby is at the best this they spin into yarn.

Salt was of great importance to the early settlers as well as to the land speculators so the methods used to make it attracted his attention.

The Earth is excavated for twelve or Fourteen feet over an area of many acres. By digging from thence to any depth of feet, water boils up the deeper, the stronger, they have a trough that holds very near 1000 Gallons, which they empty thrice in the 24 hours, they have 25 kittles belonging to the Commonwealth which they keep constantly boiling and filling them up as the water waistes from the trough first into kettles which they call fresh water kettles and then into others after this management for 24 hours they put the brine into a Cooler and let it stand till cold or near it and draw off the clear brine.
into the last boilers under which they keep up a brisk fire till they observe it begin to grain when they slacken the fire and keep them as a simmering boil till it grains they then put it to drain when drained they think it fit for use — it is noticed that the brine increases in strength as the moon does in Age and so remarkable that it looses or gains half a bushel in the 24 hours making the trough thrice emptied that is near 3000 Gallons water boil(ed) down yields from three to 4 and 4½ bushels salt mostly 3 and ½ bushels the dryer the weather the better for making Salt.... rocks remarkable near the surface and very fit for building, being in natural squares — got some taffieo drink (rum) — flocks of Parrots flying about — I observed several stones in a brown husk when broke the inside consisted of a multitude of irregular hexagonal Crystals some well defined — the sand around these springs seemed glazed over with lead — pieces of excellent coal and some of the Channel appears so mixed with a coaly substance that it seemed a vein of coal, cald (sic) the Cathead vein — there was about twenty families here mostly from Roanoke, the people were mostly employed (sic) in making sugar by boiling up the juice of the Sugar tree which is a species of the Maple tree — the sugar tree in blossom it bears a Yellow Campanulated or cup like Blossom in which rises about six or eight Stamina with the seed vessel on the top the cup is on a Stilus an Inch long about 20 of these campanulated Blossoms rises from the bottom of a Capsul composed of a large hairy leaves and two rows of lesser leaves at the end of each twigg — I observed a species of the woodpecker which I had not met with before — the cock had a bright red head with remarkable large tuft of feathers on the Crown so that it may be called the Peacock Wood pecker — we kild (sic) numbers of Deer, Buffalo, Raccoons and turkeys — and saw bears — before they retire for the winter eat Lawrel which purges them and clears their intestines — in the spring when they leave their winter dormitories are very uneasy — and are observed to hunt after the blossoms of the Dogwood tree which they devour in great quantities — I met with a tall tree 60 or 70 feet in the body and two or three feet in diameter — the wood when cut a crimson red — when dry the red color vanishes and it appears a glistening white — all their storms and
foul weather came from the No and Westward — this is contrary to what we experience to the Estd of the Alegany (sic) Mountains — a number of boats brought provisions down the River so that corn fell from 150 dollars the bushell to 40 — Salt was at 500 dollars a bushell.

There was a darker side to his observations:

the snow 12 Inches deep — the night is severely cold as I ever felt it in America — reached Kentucky River in 15 miles which we passed on the Ice — so exceedingly cold I had one of my toes bit with the frost and some of my fingers frozen — trees by freezing — we frequently heard them crack like Pistols — the Hogs—suffered greatly, being frozen to death in their beds, the deer likewise not being able to get either water or food, were found dead in great numbers, tirkeys (sic) dropt dead of(F) their roosts and even the Buffalos died starved to death.\textsuperscript{129}

Another problem was ever present and he tells about it in a letter to his wife.

You express great anxiety at the Amount of Murderers committed here by the Enemy it is to be expected they will be as diligent in Mischief as possible they must imagine such a multitude of People coming into this Country must of course make them uneasy and Murders are daily perpetuated in every quarter but my Dr Nancy rely on the Almighty.\textsuperscript{130}

It must not be forgotten the primary purpose of this trip was to quiet the titles to vast areas of ground in the land of the Western Waters. Day after day they traveled through this dangerous country interviewing people and holding meetings to accomplish their mission. Often this was done under adverse conditions and personal discomfort. An example of this is described in a notation dated February, 1780.

I was seized with the most violent pain in my back which continued, the 4th I was bled for it and took a dose of Laxative pills with Quicksilver being the only purgative I had, but did not intermit the business the 4th the pain was easier tho I was still obliged to have my back bolstered up when I was in Court — the pain returned the 4th and 5th but went on with the business when Col. Lyne could attend he being frequently indisposed.\textsuperscript{131}

On the 27th his journal records “the Court having finished the business rose at nine oclock in the Evening having in the course of this business granted Certificates for 1,096,650 acres.” The General
Assembly had continued the powers of the Commissioners for two months longer. Fleming had great reluctance to extend their stay, but realized there were many additional claimants. His unwillingness could have been increased by his physical condition.

Found myself much indisposed — got bled 12 oz. — the blood was solid like liver and black as tarr — the hind part (of) my eyes seemed so full and tense in the socket that I could not turn them. I was bled-being determined to let the Vein breath till I found an abatement of the Symtoms (sic) — this did not happen till three pints — was in the basin and I was giddy — my fingers would turn pale white and have all the Appearance of a corps (sic) a noise like the rustling of waters was constantly in my ears —

On April 26, when their task was completed, they had approved the titles of a total of 1,334,050 acres owned by 1,328 persons. During the following two weeks, he attended to his personal affairs and made plans for the trip home which began on May 11. Belmont was reached sixteen days later. The final entry in this Journal is “Laus Die” which appears most appropriate considering the trials and tribulations experienced during the preceding eight months.

COUNCIL OF STATE

While Fleming was in Kentucky he received a letter from Caleb Wallace, his brother-in-law, advising him that Mr. Delziel, who had been the overseer for the late Mr. Breckenridge, was employed in the same capacity at Belmont. This was indeed fortunate because Fleming had been elected a member of Council and attended his first meeting on June 20.

From the early days of the colony, the Council of State or Privy Council was a powerful part of government and its members were men of outstanding ability. The Constitution of 1776 provided that it be continued and its eight members would be elected by both branches of the General Assembly. Legislative acts did not become law until approved by the Governor and Thomas Jefferson, who held the office at that time, felt he could not take such action without the advice of the Council. These men were to elect one of the members President of the Council. In the event the Governor was unable to function for any reason, his duties should be carried on by the President with the title of Lieutenant Governor.

Later in 1776, because of the turbulent times, the General Assembly broadened the succession by stating, if neither of these men was available the senior member of Council present should be the chief administrative officer of the State with the same title. Seven thousand two hundred pounds was appropriated as the pay for the entire Council, which would be allocated based on the number of meetings each man attended. Unfortunately, the paper money was
depreciating so rapidly the expression “it’s not worth a continental” was created. This is illustrated clearly in a letter Fleming wrote his wife advising he was sending her two papers of pins costing $130, \( \frac{1}{2} \) pound of allspice purchased for $30 and eight pounds of coffee for which he had paid $240.

In 1781, the British strategy was to overrun Virginia, thereby separating the former colonies of the north from those in the south. Sir Henry Clinton, although not thoroughly trusting Benedict Arnold, the traitor, placed him in command of a formidable force. The British ships carried the troops up the James River and landed them at Westover on January 4.

After token resistance Richmond was captured the following day. Arnold withdrew to Portsmouth and went into winter quarters on the 20th. In March, Marquis de Lafayette was detached from the Continental Army and sent to Virginia for the purpose of containing Arnold. It was also hoped his presence would create a diversion which might be helpful to General Nathaniel Greene whose troops were “starving with cold and hunger without tents or equipage” but nevertheless, were fighting a delaying action against General Cornwallis and his mighty army moving northward from South Carolina.

Unfortunately, so few troops were assigned Lafayette, he was unable to confront the British, but by skillful flank attacks did materially reduce their effectiveness. There is no question the tactics he employed delayed the joining of these two forces. The economic and military situation in the Commonwealth must have weighed heavily on Fleming’s mind as he attended the meetings of Council in Richmond on the first four days of the year. In view of Arnold’s approach, the General Assembly and the Council adjourned and the members hurriedly left town.

During the Spring session of the General Assembly, Fleming was kept busy attending forty-five meetings of Council from March 7 to April 25. Some of the bills approved were of great importance. Two legions of seven hundred men each were authorized, but with a proviso they could be used for the sole purpose of repelling any invasion of the state. The Governor was given permission “by and with the advice of council” to extend the time for enlisting men. The Treasurer was authorized to issue ten million pounds of paper money, however, under certain circumstances, the Governor with advice of council could increase this amount by another five million pounds.

By May, the clouds of war were even darker because the enemy’s southern army had invaded Virginia. On the 13th, Governor Jefferson advised Fleming the General Assembly session being held in Richmond had adjourned for lack of a quorum, but would reconvene at Charlottesville on the 24th. The message continued
that it was very important for Fleming to be present because a meeting of Council was most urgent and three members, Diggs, Prentis and Taylor, had resigned. Six long years of war and a series of English victories had made many despair of Independence.

Fleming arrived on the 28th, which was the first day a quorum of the General Assembly was present. He attended meetings on May 30, 31, June 1 and 2. Jefferson's term of office expired on the 2nd, but, as it was a Saturday the General Assembly, who in those days had the responsibility of electing the Governor, decided to postpone action until the following Monday. Cornwallis was fully informed about this assembly, so he ordered Lieutenant Colonel Tarleton, with one hundred and eighty of his dragoons supported by Captain Champagne of the 23rd Regiment with seventy mounted infantrymen, to proceed at once to Charlottesville. His primary mission was to capture the Governor and as many of the political leaders as possible in the hope such action would make the government so chaotic the Commonwealth could no longer be a major factor in the war.

The heat was oppressive and Tarleton was forced to rest his men and horses on several occasions. About eleven o'clock on the night of the 3rd, he issued orders for his men to halt near Louisa Court House. Jack Jouett was in a tavern at Cuckoo and, when he heard the stamping of horses' hoofs and the voices of the troopers, he recognized the intentions of the enemy. Quietly, but quickly, he rushed to his horse and rode through the black night over back paths and reached Charlottesville in time to alert Jefferson and the others of the impending attack. The only troops available were stationed along the river bank and were able to delay the British long enough for the General Assembly to meet and adjourn after arranging for the next session to be held the 7th in Staunton on the other side of the mountains.

As stated earlier, in those troubled times the law had been changed to provide for an orderly continuation of government if neither the Governor nor the President of Council were available. William Fleming being the senior member of Council present, became Lieutenant Governor and, in that capacity, acted as the chief administrative officer of the Commonwealth of Virginia from June 4 until June 19 when Thomas Nelson, the newly elected Governor, arrived in Staunton.

Those two weeks were a chaotic period in history — possibly the fate of Virginia and even the nation was at stake. The official records are peculiarly silent, hence any attempt to depict the activities must be deduced primarily from letters received, dispatched or reviewed by Fleming. On June 12, his letter to William Preston describes the general situation leading up to his assuming this new office. Tarleton captured Former President of Council Digges and some other officials and destroyed public and private
property around Charlottesville. His troops joined those of Simcoe and the entire force marched toward Point of Fork hoping to defeat Baron Steuben whose troops were guarding military stores. Fortunately, however, the Baron was able to transport his men and the supplies across the James River, although some of the later fell into the hands of the British. General Wayne and his riflemen joined Lafayette, who expected to attack the enemy, but the consequences were doubtful unless the Marquis was strongly reinforced.\textsuperscript{141}

Fleming's first order of business was to station all available troops at Woods' and Swift Run Gap to prevent Tarleton from crossing the Blue Ridge Mountains, but if this line proved indefensible, the General Assembly approved a plan to reconvene at Warm Springs.\textsuperscript{142} Next, Fleming issued orders to the County Lieutenants of many western counties to call up one-half of their militia, exclusive of the ones already on active duty.\textsuperscript{143}

Reports flowed in concerning the condition of the militia from many parts of the state, as far apart as Accomac and Yohogania Counties.\textsuperscript{144} Prisoners of war held captive in Charlottesville were to be moved northward and Fleming ordered troops to guard them and authorized Colonel James Wood in command to impress "beeves and wagons" to be used in the operation.\textsuperscript{145} The Quartermaster of the state sought money to buy transportation and supplies of forage and camp equipment. Information was received concerning Tories, the decreasing value of currency, an insurrection in Hampshire County, a mutiny of the Pennsylvania Line and a report from Robert Morris concerning the establishment of a National Bank.\textsuperscript{146}

Their saviour of a few days earlier was still on the minds of the legislators so, on the 15th, they approved the following. "The Executive be desired to present to Captain John Jouett an elegant sword, and a pair of pistols." (Actually he received the sword in 1804.)

On the 23rd the following Act was passed:

\textit{It appearing to the general assembly that Colonel William Fleming being the only acting member of council for sometime before the appointment of chief magistrate, did give orders for the calling out the militia, and also pursued such other measures as were essential to good government, and it is just and reasonable that he should be indemnified therein:}

\textit{Resolved therefore the said William Fleming, Esq., be indemnified for his conduct as before mentioned, and the assembly do approve of the same.}\textsuperscript{147}

He was present at the next six meetings, but the last one he attended was on the 26th, according to the records. A reason for his absence is contained in a letter he wrote the Speaker on September 8.
Being prevented by indisposition I cannot give that attention to the Executive, which I am sensible every member ought to do and more particularly at this juncture therefore in justice to my country it is necessary I should resign my seat in council that a full board may be got as soon as possible. You will be pleased Sir to notify my resignation to the Honble House, at the same time permit me to say I have the highest sense of the confidence reposed in me by the honor done me by the Legislature in my appointment.\textsuperscript{148}

\section*{AGAIN A COMMISSIONER}

For some time ugly rumors had been circulating about the double-dealing and waste by government officials in the western country. This serious problem weighed heavily on Fleming's mind and, just two days after Nelson assumed office, the General Assembly authorized the creation of a Commission for the purpose of calling to account all disbursing officers as well as others associated with them in that entire area.\textsuperscript{149} In the following months, nothing was done to carry out this act, probably as a result of Virginia becoming the major theatre of the war, which culminated in the surrender of Cornwallis at Yorktown in October. Obviously, Fleming, with his numerous contacts in the western country, received many disturbing accounts about what was taking place, so in November he wrote the Governor, "I am very sensible Government has great reason to apprehend impositions and fraud — Great sums have been advanced for provisions, great quantities have been purchased and great quantities by negligence have been lost— Capt. Todd — informs me, only half of the horses purchased & paid for by the State — on account of General Clark have been delivered."\textsuperscript{150}

There is an old saying, "don't make suggestions unless you are prepared to take the consequences." The phrase turned out to be applicable in this case. On December 7, Governor Benjamin Harrison, who had recently succeeded Nelson, wrote Fleming asking him to serve as a Commissioner\textsuperscript{151} pursuant to the Act of June 21. It must be remembered, only a few months earlier, his health had forced him to resign from Council. After considering the appointment, he answered as follows:

\begin{quote}
I am a stranger to the instructions Your Excellency and the Honorable Board have given your deputies but I am no stranger to the difficulty there will be in bringing defaulters in that quarter to Justice — Commissioners should be assisted by the Civil power to send for Witnesses otherwise their going will be only a burden to the state — It is a Journey of about
\end{quote}
450 miles from Botetourt to the Falls of the Ohio, a
great part of the way through an uninhabited desert
invested with Indian Enemies, the Country there far
more dangerous than the road — I am willing to
obey any Instructions or orders I may receive where
I can be of service to my country an infirm state of
health makes it very uncertain whether I will be able
to undertake the Journey, a rheumatic complaint
that has seized my right arm renders it difficult for
me to express my thoughts on paper.\textsuperscript{162}

An interesting sidelight is contained in a letter from David
Jamison, dated from Richmond on January 21, 1782, which makes
it obvious Fleming's appointment was common knowledge, but
more important is that he had established a wide reputation for
finding and collecting interesting things.

Our Society has not met for several years, when they
do I can venture to say it will give them pleasure
to enroll you as a member. Every curiosity you can
collect or give — will be very acceptable.

PS my collection of crystals fell into the hands of
the enemy. If possible process me some — most
desirable purple — are first — greens — yellows
browns whites.\textsuperscript{163}

Notwithstanding his normal and official duties, he always had time
to help a friend. Upon the request of Adam Smyth, who had been
the Rector of the Parish and a Justice of Botetourt County,
Fleming wrote the Governor asking him to approve a trip that
Smyth wanted to make to Ireland. When he came to Virginia before
the Revolution, he had left his wife and three daughters there
and now wanted to bring them to this country. As a recommenda-
tion, Fleming stated Smyth had served the country well, cheerfully
taking the test and swearing allegiance to the United States of
America. Whether or not permission was granted is unknown, but,
based on the following, probably it was not given. Smyth had served
his adopted country well, but near the end of his life he wrote the
will of a disappointed man. It provided his son, who had crossed the
ocean with him, would get all of his property in this continent and
his daughters would get his Irish property on the condition they
would never come to America.\textsuperscript{164}

Although Fleming's health was still infirm, on January 27,
1782, the Governor issued an order naming him head of the Com-
mission. His physical condition was a major problem, but there was
another important factor that had to be considered. Harrison wrote
the "pay shall be fully to their (Commissioners) Trouble and expense
— We know not what to say on the subject of money to support you
not having at the present the command of one shilling — We hope
however that you will be able to furnish it or borrow it in either
case you may rest assured of its being replaced with interest out of the first money that comes to the Treasury.”

A sick man now had agreed to make this long journey, knowing full well the dangers he would face from the weather, the enemy and, temporarily, at his own expense. It would appear the primary reason for the decision can best be found in the expression he used so often “the desire to be of service to my country.” There were many delays, the first being in March when he was unable to start because “the present Circumstances of my Family who entering on a preparation for the smallpox.” The most serious postponement was caused by the Governor himself. In July he named Fleming “an Assistant Judge of the District Court of the Western Waters.” Unfortunately, his decision in this matter had not been made with the advice of the all powerful Council of State. That body was of the opinion it would be highly improper for Fleming to render decisions on land titles which he had made as a Commissioner in the same area. As a result of this conflict, the Governor had no other course to follow except withdraw the appointment. Fleming was furious because he wanted the judgeship and seriously considered resigning as a Commissioner. Great effort was made by many people to keep him from taking such action and, finally, he agreed to continue to perform the duty first assigned him.

During the intervening months, Fleming must have learned of an improvement in the State’s treasury. He notified the Governor each Commissioner must have twenty-five or thirty pounds and a sufficient amount to purchase baggage horses, furniture, a blank book, a ream of paper, ink powder, a box of wafers, two pounds of tea, twenty-five of coffee, fifty pounds of brown sugar and fifteen pounds of loaf sugar. He further advised the Commissioners would leave within the month, but put the Governor on notice “there is good ground for apprehending violence, and other attempts to interrupt the business of the Commissioner(’s).”

On October 2, Fleming and Caleb Wallace, who recently had been appointed a Commissioner, saddled up at Belmont to start the long trek to Kentucky, a land “in a great confusion and disorder.” Fleming, on a new horse just purchased for thirty pounds, was accompanied by two baggage horses laden down with clothes, papers, an iron pot, a tin kettle, twelve pairs of horseshoes, and dried beef, along with many other items that would be needed in the months ahead. After covering thirty-one miles in two days, they were joined by Colonel Samuel H. McDowell, another of the Commissioners. After some two hundred miles, they camped a short distance from the gap over Powell’s Mountain.

In those days this was the place travellers usually stopped until a party of sufficient size could be organized to provide protection through the “uninhabited desert.” Fleming “regulated the
comp'y" and found there were nineteen persons of which sixteen had guns. A group of this size was more necessary than usual because some two months earlier the Shawnees had ambushed and disastrously defeated the Kentucky militia, killing seventy-seven and wounding twelve others out of a total force of one hundred and eighty-one men. In these days a loss such as that does not sound as if it were a major catastrophe, however, when one realizes the best estimate of the effective white males in the entire area was about two thousand, the significance of this loss becomes apparent.

The mountains were crossed, as was the Cumberland River which created no problem because it was so low at the ford. Another group under command of Captain Todd joined them and told of a number of incidents in which settlers had been killed. The road became worse and the pace grew slower but Fleming's party reached Harrodsburg on November 1, the appointed day. There they were joined by Colonel Thomas Marshall, the only other Commissioner, because Colonel Granville Smith had tendered his resignation so late a replacement could not be secured.

No time was lost, because the first meeting was held on the day of arrival. The powers of the Commission and the instructions from the Governor were read. Procedures were established, but, as most of those whose accounts had to be examined were away on an expedition against the Indians, the meeting was adjourned until the 11th at Lexington.

The arrival of the Commission was not unexpected and many were of the opinion great good might result. There was certainly one man who did not share this view. General George Rogers Clark, in command of the military forces in the west, who, by defeating the British had become a hero in the closing years of the war, still felt his actions were perfectly proper. As a matter of fact his operations were to a large extent the cause of the Commission being appointed. At first he took a very dim view of having his accounts examined until he received the Governor's letter of October 17 specifically directing him to cooperate with the Commission.

Only a few minor claims were settled at the meeting in Lexington on the 11th, but they did direct a letter to Clark advising they were in Kentucky, and then adjourned for ten days. In this period Fleming inspected the fort at Lexington and noted it was so poorly constructed that for all practical purposes it was useless. On November 26, he rode over to Gabriel Madison's and conferred with Clark for some time. Clark now realized the Commission had the authority to examine his accounts and it fully intended to exercise those rights, so two days later he paid them a visit.

Although the Commission met with some regularity, a number of people such as Colonel George Slaughter and Captain Rowland Madison were not cooperating in presenting their accounts to be audited. On December 4, the lack of progress had become dis-
couraging so the Commission issued a proclamation announcing a meeting would be held on January 15, 1783, at the falls of the Ohio and all persons holding claims against the State should present them.

This time, however, they put some teeth in the order by stating “No debt, of whatever nature it be, will be paid at Richmond except that it be first examined, and certified by us.” In order to be sure this directive would be understood, it was printed in English, French and Spanish and sent to many places including Kaskaskia, New Orleans, St. Louis and other areas that had furnished the supplies in question.

Although the Commissioners were constantly on the move, whenever possible Fleming and Wallace stayed with their sister-in-law, Mary Christian Trigg, the widow of Colonel Stephen Trigg, who had been killed while leading his troops at the Battle of Blue Licks. On January 4, a cold and snowy day, they left for Harrodsburg where they were to meet their military escort for the trip to the Falls. The 7th being Court Day, they transacted some business and instructed the Sheriff to summon “such Persons as we were informed would throw light on the mismanagement of the public stores, etc.” It might be added this stop-over provided them an opportunity to transact some personal business in entering land claims of their own.

The Falls were reached two days later. The garrison of the fort was lacking corn, cane and forage. In fact, the conditions at the Fort were so deplorable they considered “this place by no means proper to do business.” After selecting another location for headquarters, they proceeded to carry out additional instructions from the Governor by advising with General Clark concerning the establishment of additional military posts. After due consideration, they recommended three locations, one where the Kentucky River flows into the Ohio, one at the mouth of the Limestone River and the other at the mouth of Licking Creek.

As usual, Fleming’s observations give the reader a rare understanding of his knowledge and desire to comprehend the things around him. His Journal describes the “sea cockles, some wholly petrified — they seemed either to be real Antedeluvians, or to have lain there since that part of this country was possessed by the sea.” It refers to walnuts, roots, as well as buffalo and goose dung turned into stone — a petrified buffalo horn broken open while being pried loose from a rock that “had the appearance of a Stalactite” — generally the rocks had striate “running in parallel lines through their whole substance and shooting out from their surfaces not well defined trochiled an inch in diameter two, three, or four inches in length with fine perpendicular rings.”

Again he inspected the well at the Fort which supplied, not only the garrison, but also the entire community at the Falls. He found it was “dug to the level of the bed of the Ohio, the water filters
through two strata of sand and Pebles — they (inhabitants) are much healthier and not subject to the Phagadencie cancerous ulcers and malignant fevers so general when I was there in 1779."

Colonel Marshall had been absent for some months, which had placed an additional burden on the others, but he rejoined them on January 20. With the full Commission present and as a result of the proclamation issued earlier, an investigation of the records of the more important people was initiated. General Clark was interviewed at great length, but, when he was called away on urgent business, the accounts of others were reviewed. This was typical of the conditions under which the Commission was forced to work. As a result of the duties of the men being examined, it was seldom possible to complete the examination of one man before another was called. In fact, it was often necessary for the meetings to be held in different locations.

Captain Philip Barbour purchased a cargo of goods in New Orleans and conveyed it to the Falls where it was sold. In reviewing the validity of this claim, many persons involved were interviewed, their accounts examined and depositions taken. Captain George purchased some of the goods from Barbour and the Commission agreed unanimously that George was without authority to draw bills for this material, hence the State had no obligation to honor them. On the other hand, the cargo was used by the troops at Fort Jefferson, therefore, based on the best available information of cost in New Orleans, Barbour was allowed a markup of 225% on those figures.161

Days, weeks, months went by and the work of the Commission continued. Fraud, carelessness, and failure to properly designate authority was found rampant in the area. The basic philosophy used throughout the hearings was if the State actually benefitted from the goods for which it had been charged, the seller would be paid a fair price, but not necessarily what had been claimed.162 Colonel Montgomery’s accounts were given special scrutiny because the Governor had written they were so numerous and large they were unbelievable.163 Nothing could be done about the records of Colonel John Todd or those of Colonel William Lynn because those gentlemen had been killed, but they did examine such men as Carbonneaur, LeGras, Linctot and Charles Gratiot.

As stated earlier, the Commission was forced to hold meetings at many different places such as New Holland, Harrodsburg, Lexington, Mr. Speed’s and Bowmans. Notwithstanding this attempt at cooperation, military commanders of distant posts often were forced to travel many miles. This was still the frontier and Fleming’s Journal contains many references to Indian raids resulting in the death of settlers.

The examinations did not always result in an action being right or wrong. For example, days were spent reviewing the payrolls of
Clark's army, which were so incomplete they were unable to unravel the accounts, so each officer was allowed, arbitrarily, the pay of the rank below in which he had served. The task was enormous as claims were presented for items furnished such as rations, corn, flour, meat, guns, shoes, express and spy service. Rumors were still circulating about Clark, and some felt he had lost the confidence of many on the frontier. Even more serious were the reports being spread at Vincennes that Virginia would no longer protect the Illinois area.

Although, from the beginning, the Commission realized it would be unable to settle all accounts, more could have been accomplished if its other two members had been as faithful in attendance as Fleming and Wallace, who had 100% records. The Commission considered its work in Kentucky reasonably complete, so the journey homeward was begun on April 15 with the understanding they would meet again at Belmont.

The Commission met at Fleming's home on May 6 and 7 and resumed settling accounts developed from records and depositions secured in Kentucky. Adjournment was agreed upon, with the understanding the meeting would reconvene at Fincastle the following day. Their task was time consuming. For example, the affairs of Captain Rowland Madison required more than a week. Progress in completing the work of the Commission was so slow, Fleming notified the Governor it would be impossible to complete their assignment in time for presentation at the current session of the General Assembly, but hoped they could leave for Richmond by June 1 with "a horse load" of papers.

Throughout the years, Fleming had proven himself to be not only meticulous but punctual, however, in this case, departure was delayed until June 4. After reaching Richmond, he visited numerous shops and made many purchases of niceties as well as necessities for his family. For himself, he purchased a set of medical instruments for ten pounds, ten shillings and it would be interesting to know if they are the ones given to the Roanoke Valley Historical Society by Arthur M. Kent.

The Commission met daily, except for Sundays, from the 14th to the 28th. Finally, as far as practicable, the report had been finished, signed and delivered to the Governor. At best, its findings failed to establish any widespread fraud or corruption among the officials in the western country. Apparently, many of the rumors of wrongdoings stemmed from depreciated currency, the failure to give, take or maintain proper receipts for goods and services. It must be remembered, however, Clark and the others were operating a government and an army in a semi-wilderness and were forced to obtain supplies from any available source because the Commonwealth was unable to provide adequate assistance. The success or failure of the insurmountable task of the Commission is questionable. The rumors were allayed to some extent, the impoverished
State was saved vast sums of money, but, even more important, a sounder system of operations was established. Fleming had worked diligently, often under adverse conditions. The final entry in his account book reads “To My Services as Commissioner from Oct. 1st to May 28, 239 days, three hundred sixty-two pounds, thirteen shillings, eight and \( \frac{1}{2} \) pence.”

A variety of surgical instruments used on the frontier by Dr. Fleming was handed down by relatives in the Kent family. They were given to the Roanoke Valley Historical Society by Arthur M. Kent of Wytheville.

PERSONAL LIFE

Some fifteen years had gone by since Fleming moved from Staunton to Belmont. This was an eventful period of his life as one recalls some of the duties he performed — Vestryman, Justice, Colonel of the Militia Regiment, County Lieutenant, Commissioner in Kentucky on two occasions, Senator, a member of the Council of State and, as Lieutenant Governor, acted as the Chief Executive of Virginia. The information contained herein has dealt primarily with his public duties and some may think his private life was of little consequence, but this is far from true.

Leonard Israel, the Fleming’s first-born child, married Mary Bowyer and, after her death, wed Nancy Bacy. Eliza, the oldest daughter, married the Reverend Samuel Cary, but, after being a widow for a respectable time, became the wife of the Reverend Samuel Graham Ramsey, a stalwart of the Presbyterian Church in the western country. Ann, named for her mother, married the Reverend George Addison Baxter who was president of Washington
Academy when it became a college. Dorothea was given the name of her paternal grandmother, and married James Bratton. Priscilla, the youngest daughter, became the wife of Samuel Wilson. William, later called Major, served for many years as a member of the Legislature of Alabama and married Sally Lewis of Virginia. John, the baby of the family, was born on October 8, 1788, and died while a student at Washington Academy. The other five or more children died in infancy, which was not uncommon in those days.

As time went by, Fleming increased his Belmont Plantation from its original size, upwards of five hundred acres. In 1772, he purchased from Francis Smith four hundred acres adjoining his property to the south and an adjacent tract of three hundred and fifty acres was obtained from Colonel George Skillern six years later. In 1782, he exchanged Treasury Warrant #9322, issued him for military service, for one thousand acres adjoining his plantation on the east. Thomas Jefferson signed a patent conveying Fleming one hundred and sixty contiguous acres and, in order to perfect the title to the Skillern land, it was included in the same instrument. Later, in making an inventory of his Belmont Plantation, a reference is found to land he purchased from his next door neighbor, Thomas Barnes. The patent books and the deed books were searched, but to no avail. Among Fleming's many fine attributes was his accuracy, hence the source of this tract became a mystery. Apparently, a survey showed an overlap of their property lines because Barnes merely issued a receipt for twenty pounds and relinquished any claim he might have to twenty-three acres.

In 1780, while in Richmond, Fleming wrote his wife that he had advertised the Glade Creek land (obtained from Skillern) along with 2400 acres in Kentucky for sale and stated "whether I can get Negroes for them I do not know for Bellmont I could." The previous year, he conveyed 22½ acres on Tinker Creek to John Robinson with the condition it would revert unless Robinson would "erect and keep in good order a grist mill — (and) that he — shall grind 1000 bushels of grain toll free." It is interesting to note in Christian's deed to the Flemings that the property was formerly owned by John Robinson, a millwright. The latter had paid William Preston four pounds, three shillings, four pence for surveying the 531 acres on Tinker Creek in early 1763.

As stated earlier, the Flemings were living at Belmont as early as 1768, possibly in a house built by the former owner. It is unknown whether the following applies to an addition or to one at a different location. In January 1770, Anne Henry Christian wrote Mrs. Fleming, her sister-in-law, "I long to see your new House how its going on." Notwithstanding statements to the contrary, the existing building is a portion of Fleming's Mansion House.

In the partition of Belmont, John received as his portion the tract on which that house was located. John then died intestate and
his sister, Priscilla Wilson, received as her share the house and there her mother lived until she died in 1811. Over the years the Wilsons purchased from the other heirs the major portion of the original Belmont tract.

During the first quarter of the nineteenth century, grandiose schemes were developing. The Roanoke Navigation Company was organized to make the River navigable from Weldon, N. C. to Salem, Va. The Prestonville Company proposed making Tinker

Map shows Fleming’s vast holdings of land, extending from Tinker Creek almost to present Bonsack in an area partly annexed by the City of Roanoke in 1976. Map by J. R. Hildebrand.
Creek navigable from the River to a town to be built near present day Hollins College. The latter group selected Charles Johnston to secure the necessary land to accomplish this mission. In 1819, he purchased all of the Wilsons’ property, including the mansion house, for the sum of $23,875.\textsuperscript{180} As the price of tobacco fell, so did the plans of the Roanoke Navigation Company. When it was declared insolvent, the scheme of the Prestonville Company was no longer practicable, so the land acquired was divided among the men who had advanced the money.

Samuel Pannel and Henry E. Coleman received as their share the tract “where Samuel Wilson formerly lived”\textsuperscript{181} and in due course they sold it to Dr. Thomas Goode,\textsuperscript{182} who in 1832 traded it inter alia to William Madison Peyton for one moiety of Hot Springs and the surrounding lands in Bath County.\textsuperscript{183} Fourteen years later Mrs. Betsy Read and her two sons David and Thomas purchased the property\textsuperscript{184} and, based on family letters, moved to this area soon thereafter. During the intervening years, from the time the Wilsons owned the property, the tax records show only one house was assessed on this property.\textsuperscript{185}

Many are of the opinion beautiful Monterey was the original home of the Reads when they moved here. This is not correct, so they must have lived in Fleming’s old Mansion House for some years. Yelverton Oliver, of horse racing fame, built Monterey in 1846\textsuperscript{186} and it was security for a deed of trust that was foreclosed eleven years later. Apparently, David Read was the high bidder at the sale but did not get a deed to the property until 1860, however, it did recite “where Read now resides.”\textsuperscript{187}

As one looks at the existing building at Belmont a question comes to mind immediately — how could it have held seven children and all of the things Fleming purchased from time to time. The late Mrs. Frank Read, who married the son of David Read, and a servant of theirs, who with his family had lived in the Fleming house before the turn of the century, gave an answer to this question. They both remembered a number of rooms which were formerly attached to the rear of the existing building. Some years after the property passed out of the hands of the Fleming family, John Lewis Peyton appears to describe the home of his half brother Colonel Peyton.

His mansion was like so many others in Virginia, timber-built, and though all together an extensive edifice was composed of many disjointed parts. These separate buildings — which gave a picturesque appearance to the exterior while protecting it from the sun, wind, and rain — Rooms spacious — \textsuperscript{188}

Now that it has been established the existing building is a portion of Fleming’s eighteenth century Mansion House, it might
An old photograph of Belmont shows the logged front before it was covered with clapboard. Trees have since grown up at the front.

be interesting to know something of Valley homes in that period. The better homes had some silverware as well as an occasional piece of unusual furniture, such as a bookcase, a great chair, or a bureau. There were also candlesticks, looking glasses, and a few rugs of various sorts, and sometimes “well furnished” feather beds. More than half the families had books, although in some cases this meant nothing more than a copy of the Bible.  

How did Belmont compare with these better homes in the Valley? Unfortunately, there is no clear cut answer to this question and it can only be answered by deductions based on items he bought in Williamsburg and Richmond from time to time. For the house, he purchased sheets, tablecloths, plates, cups, saucers, knives and forks. A few of the delicacies added to the larder included pepper, ginger, allspice, coffee, nutmeg, loaf sugar, green, Hyson and Bohea tea. His daughters received many fineries including silk gloves, handkerchiefs, Morocco shoes, slippers, fans, umbrellas, shawls, jewelry, stockings, bonnets and scarlet cloaks. On the other hand, it is obvious he did not want his daughters to be “lilies of the field” and expected them to make a large portion of their clothes. This is borne out by his purchases of lute string, linen, tambored, ribband, muslin, turkey and Negroe cotton, cambrick, ermin, dimitry and, of course, plenty of needles.
In 1787, he listed the titles and authors of three hundred and twenty-four books on eleven shelves in his library, not including pamphlets or thirty-one volumes on loan. Whether this was a complete inventory is unknown. His records show he purchased books unlisted, but, in view of the well-rounded collection, it is highly probable this list was complete on that day. As in all libraries of well-read men, their special interests can be determined and in this one many books are found on medicine, religion, government, military affairs, history, genealogy, mathematics and, of course, the classics.

Obviously, it is impracticable to list all the titles, but a few will indicate the diverse structure of the collection: *Encyclopædia Britannica*, *Fortifications*, *Art of Pleasing in Conversation*, *History of Serpents* and the *Art of Angling*. An interesting sidelight concerning his library is found in a letter from Mrs. John Floyd, a daughter of Colonel William Preston and a close personal friend of the Flemings. She wrote Fleming employed Gabriel Jones to purchase in London a good selection of books including the classics, ancient history, poetry, arts and sciences.

Fleming’s academic training made him realize the importance of a sound education for the youth of Virginia, particularly for those living west of the Blue Ridge Mountains. As early as 1776, he served as a Trustee of Augusta Academy, housed in a story and a half hewed log building twenty-eight by twenty-four feet. It would have been difficult for the men of those days to realize, from this humble beginning, would develop the outstanding University of Washington and Lee with its beautiful Greek Revival buildings. On March 6, 1783, while in Kentucky, Fleming made one of the earliest references to the establishment of a public school in that area when he wrote, “met the trustees for the seminary of learning at Mr. Madisons, agreed on proposals to be laid before the Assembly.” These proposals must have been quite satisfactory as an Act was approved the following May which, not only incorporated
Transylvania Seminary, but gave to it eight thousand acres of land in Kentucky escheated by the State from three Englishmen, namely Robert McKenzie, Henry Collins and Alexander McKee. William Fleming’s name appears first on a non-alphabetical list of the twenty-five trustees.\(^{196}\)

In 1785, again he demonstrated his interest in education, but this time closer to home. The General Assembly incorporated Botetourt Seminary to be located in Fincastle and Fleming was listed as one of the Trustees. Today, as one hears a great deal about student scholarships, one section of the act of incorporation has special interest. It provided clearly that the Trustees had the authority to “determine in all cases where a greater number of the poor and indigent apply for admission than the funds can support, (to whom the preference shall be given) and to continue those so admitted for such length of time as they — shall think necessary, having regard to the genius and capacity of the students.”\(^{197}\)

On several occasions, Fleming seriously considered moving to Kentucky. Through 1783 the official records show he had made two trips there. Willard Jilson, in his *Old Kentucky Entries and Deeds*, shows Fleming owned, in the three counties which had been formed from the original territory of Kentucky, the following: in Lincoln, twenty-six thousand fifty-four acres; in Jefferson, thirty-nine thousand three hundred and eighty-nine acres and in Fayette, fifteen thousand eight hundred thirteen acres.

It is needless to say, with such vast holdings in that far off land, much of his time and effort must be devoted to the management of this property. In 1784, as he prepared for such a trip, it is interesting to note some of the things he took: six shirts, two ruffled and four plain, six stocks, six pairs of stockings, four handkerchiefs, three night caps, one coat, waistcoat and breeches made of “Cord du Roy,” one pair of leather breeches, brown waistcoat, a pair of shoe buckles, a pair of knee buckles, a fine hat, two pairs of shoes, one pair of boots, silver spurs, a pocket case of surgical and surveying instruments.\(^{198}\) Apparently, appropriate arms were so obvious that he felt it was unnecessary to list them. In January 1785, while in Kentucky, Fleming received a letter from his wife enclosing two letters from his sisters in England, but more important was her description of the economic conditions at home.

Sheriffs are distraining all around us for the tax of 83 & 84. Coming both at once makes it hard on the people — ours which amounts — to 11 or 12 pounds for 83. Maj. Lockard is obliged to make his Collection before the 25th of March for the year 83 — I have wrote to Andrew Lewis to settle the cash part of ours.\(^{199}\)
The following September, he started west again and by the 27th reached Washington Court House. While waiting there for a party to form in order to provide protection for the more hazardous portion of the trip, a letter to his wife illustrates another of his characteristics— the religious side. Its ending was typical of so many of his letters. I with confidence trust you, myself my Family and all my connections to the care of that Over Ruling Providence who never has deserted us nor never will reject those who rely on him for Protection. Trust in him, be constant in your supplications to him and doubt not but that he will bring everything to a happy issue — May the Almighty shower down blessings on you and my Family. May he take us all under his divine (sic) protection and grant us a happy meeting in peace is the prayer of yours.

Throughout the Fall, his letters show he traveled extensively, meeting many of his old friends and it might be added, by the end of the year he had accumulated fourteen thousand, four hundred additional acres.

The General Assembly, recognizing the existing government in the land of the western waters was far from perfect, had passed several Acts to improve the situation. As time went by, the population was increasing rapidly and many felt, as a result of the distance from Richmond, the State was syphoning off far more of the income of the area than it was returning. It must be remembered, the settlers were aggressive people or they would have never moved their families into this semi-wilderness infested with Indians.

The sentiment for a new state grew and those holding this view called a Convention to be held in Danville on December 27 for the purpose of considering “the present State of the District.” Each county was allocated a certain number of delegates based on the estimate of its population and Fleming was elected to represent Lincoln. When the first session was called to order, he was named president of what is now known as the 1st Kentucky Convention. Fortunately, there was far more oratory than accomplishment because the wiser heads realized the area was not ready for statehood. There were a number of other conventions in the ensuing years and, as will be seen later, some were influenced by the Spanish who controlled the mouth of the Mississippi, the lifeline of the territory before, and for many years after. Kentucky became the fifteenth state in 1792.

As usual, the trip to Kentucky ended in the Spring of 1785 and Fleming returned to Belmont. Although his days had been filled with many duties, it must be remembered his basic training had been in the field of medicine. It is true he had written his reason for following that profession was “to enable (me) to satisfy my curiosity in traveling than as a business on which I was to depend at a future...
day for my support.” The records show he had traveled extensively, nevertheless he retained his medical skill and continued to practice.

In the Library at Duke University there is an interesting letter from John Hook of New London (Bedford County) who was made famous, or infamous, as a result of a suit he brought for payment of cattle which had been taken during the war for the use of the Continental Army. Patrick Henry, representing the defendant, closed his remarks to the jury by shouting “beef! beef! beef!” Although accused of being a Tory, Hook was interested in his community and realized it needed a doctor badly. He wrote “Fleming in Botetourt is the nearest, there is not one of skill or experience in any of the County’s nearer than Goochland.”

Some of the charges Fleming recorded in his journal during this period show he was still active in the field, but, on the other hand, it is made clear medicine was not as specialized in those days as it is today.

Drawing tooth for Negro Wench /2/6 — A dose of Rhubarb to overseer /3/0 — To dressing y’r negroes’ Eyes & medicines 8/8/0 — 12 strengthening Powders /12/0 — opening a Tumour & dressing 3/0/0 — Blooding /3/6 — opening his breast & extracting pin 2/8/0 — Tincture of myrh /6/0 — A journey & extracting a bone 2/0/0 — Yr assumpsit for daughter-in-law /3/0 — Yr assumpsit for James Tosh 1/0/0 — Amputating leg and dressing 8/0/0.

William Christian, Mrs. Fleming’s brother, moved to Kentucky with his family. In view of Fleming’s past and future interest in that area, a letter Christian wrote shows through the eyes of a resident the conditions that existed there.

Oh happy are you at Bellmount and the Stonehouse (his former home near Cloverdale, Virginia) peace smiles upon you and if your little children goes out to play you are not afraid of seeing them brought in murdered by the Savages — I have kept up my spirits til now in hopes of a treaty taking place which our disturbances here would cease but now no hopes of that blessed prospect.

This letter might be considered prophetic because the following Spring Colonel Christian was killed while leading his men in a retaliatory expedition against the Indians. Notwithstanding the loss of this outstanding man, the desire for Statehood still burned brightly in the minds of many. In 1787, Samuel McDowell, who had served as a Commissioner with Fleming, but later moved to Kentucky, wrote “I am Persuaded that at least two thirds of the People at large are for a Separation. I would be happy if it Suited your affairs to be a Kentuckian.” There may be some doubt about his percentage estimate, but there is no question many held the same view. Some of
their grievances were: the remoteness of the area from government; decisions of their Supreme Court were subject to review; no authority to grant pardons to objects of mercy sentenced to death; failure to be advised of laws passed by the General Assembly; the large sums of money drained out of the district and used in the eastern part of the State.

CONSTITUTIONAL CONVENTION OF 1788

Those were regional problems, but far more serious ones, affecting the entire nation, were making an appearance. The Articles of Confederation, finally approved in 1781, were nothing more than a league of friendship between the former colonies. The single house of Congress had not been given the power to force a state to do anything. The alliance failed to provide a viable government, in a peacetime economy. Many of the abler men recognized this situation, but the feuding between the large and small states desirous of maintaining their sovereign rights prevented any change.

In 1786, an attempt was made to hold a Convention for the purpose of considering this matter, but the plan failed through lack of interest, as evidenced by the fact that representatives of only five states appeared. Shay’s Rebellion, that winter, probably contributed in making those disinterested states realize, individually, they were incapable of handling such disorders, hence they agreed to send delegates to a meeting to be held the following May.

The original conception of this Convention was to strengthen the Articles of Confederation. All deliberations were held behind closed doors and the members were pledged to the utmost secrecy. These actions were wise because of the many different, and at times violently, divergent views that had to be ironed out. On the 7th of September, with unanimous consent, a completely new Constitution for the United States of America had been prepared and was presented to the public. Many proposals considered radical were contained in it and certainly in one case it was true. Article VII provided “The Ratification of the Conventions of nine states, shall be sufficient for the Establishment of this Constitution between the states so ratifying the same.” This was considered heresy by the opponents because the Articles of Confederation specifically stated no change could be made in the government without the unanimous consent of all thirteen states.

The following month, the General Assembly of Virginia initiated action to hold a Constitutional Convention. It was recommended an election be held on the first day of the March 1788 term of court for the purpose of electing two representatives from each of the eighty-four counties. Williamsburg and the borough of Norfolk also would have one vote apiece.

Every action taking place in Virginia was being watched carefully by the officials and the citizens of the other states. This was
perfectly natural because at that time the population of Virginia was nearly three times that of New York, twice that of Pennsylvania and three-fourths as large as the entire New England area. Notwithstanding the fact Virginia had agreed to cede its claims to the vast Northwest Territory, it was still the largest state. Its central location was an additional factor.

As the time approached for the Virginia Convention to convene, the air was fraught with even greater tension because eight states had already ratified the Constitution. After months of talk and soul searching deliberations, the momentous day arrived — June 2, 1788. As the one hundred and sixty-eight delegates assembled in Richmond, one could tell the electors had done an excellent job in selecting many of the outstanding men of the State. William Fleming, a representative of Botetourt, recorded in his journal “The Convention met the 2nd and adjourned.” This simple statement failed to do justice to the situation because it was known the views of the members were fairly evenly divided and the infighting had already begun.

When Edmund Pendleton, his badly crippled condition making him look far older than sixty-eight, was nominated and elected president without opposition the hopes of the proponents soared as all knew he was a strong advocate for ratification. The leader of the opponents was the able and eloquent Patrick Henry. George Washington had refused to offer as a delegate, but had played a vital role in developing the proposed Constitution. It is highly possible his signature on the document influenced some of the battle trained delegates, but, even more important their experiences in military affairs led them to the view a strong central government was an absolute necessity. There were men sitting there who had participated in campaigns from the Mississippi River to the Atlantic Ocean, from Georgia to Canada and their votes would be an important factor in the final decision.

Day after day each side argued their positions, in fact, they were so prolific it would require a book to present them. Patrick Henry insisted a Bill of Rights, similar to the one contained in the Constitution of Virginia, should be added before approval. The adoption of such a proposal would have been tantamount to rejection because the states which had approved the Constitution would have been forced to reconsider. The proponents selected James Innis as their final speaker and the following was the basis of his argument. “Unless we look for a perfect Constitution — we ought to take this. From India to the Pole you will seek a perfect Constitution in vain. It may have defects but he doubted whether any better system can be obtained at this time. Let us try it. Experience is the best test.”

On June 25, it was apparent to all a vote on ratification would be taken before the day ended. When the motion was made to take
such action, the opponents proposed ratification be postponed until a Declaration of Rights be included. As the roll was called, all eyes and ears were strained on the delegates as they answered to their names with either an aye or a nay. At times each side was either elated or dejected and rightly so because the amendment was rejected by a vote of 88 to 80.

The resolution for ratification was then put and carried by ten votes. On both occasions, William Fleming supported the winning side. Although the majority of members failed to be swayed by the pleading of Henry, apparently they recognized the merit of his views. Two days later a motion was approved, without dissent, to request Virginia’s delegation in Congress to exert every effort to have the Declaration of Rights incorporated into the Constitution under the provisions of Article V.

The Constitution created a super state and this was the primary objection of those who opposed adoption. Article 1, Section 3 authorized Congress to levy taxes based on the population of each state. The next action of the convention was an anachronism. An amendment was offered which provided that the representatives of Virginia should attempt to incorporate a provision which would prevent such taxes from being collected in any state if its Legislature provided a like amount of taxes be raised in the time provided by Congress. This motion struck at the very heart of the new conception of Federal government. Without the power to levy and collect taxes, it would be at the mercy of the states to obtain the funds necessary to carry out the functions assigned it in the Constitution. Strange as it seems, William Fleming and ten other delegates who had consistently supported adoption, were among the eighty-five that approved this amendment. Some thought their reversal was based on the hope such action would make the Constitution more palatable to the large number who had opposed its passage.

One of the reasons Fleming supported the adoption of the Constitution was his knowledge of the western territory. He realized as long as the English were in Canada and Spain controlled Louisiana, they would continue to arm the Indians for the sole purpose of attacking the settlers on our frontier. The individual states, under the Articles of Confederation, were not capable of preventing such action hence a stronger central government was needed. On the other hand it is highly probable his support of the last amendment reflected his basic view that a super state with the power to levy direct taxes was not desirable. Statesman as he was, he worked for the common good of his country but then was able to register a protest. On Friday the 27th of June, the Convention adjourned sine die and in reality so did the public life of “The gallant and patriotic Fleming.” After so many years of arduous duty to the Colony and the State of Virginia he retired from governmental service for all practical purposes.
On August 13 Caleb Wallace, a judge of the Superior Court of that District, sent Fleming some alarming news. As a result of Congress failing to approve statehood for Kentucky, many of its citizens felt the time had come for them to secede from Virginia and form a new nation. There was precedence for such action as the people of western North Carolina had created the State of Franklin a few years earlier.

It must be remembered that most things used or produced in that territory were transported on the Mississippi River hence it was truly their lifeline. The Spanish, firmly entrenched in New Orleans, controlled the shipping and realized it would be to their country's advantage to separate this area from the United States. In the event such action was taken, Spain promised preferential treatment on the use of the river as well as protection from the Spanish-dominated Indians. As enticing as these offers were to many, fortunately the wiser leaders of Kentucky prevailed and continued their quest for statehood through legal processes, which became a reality in 1792.

Fleming's account of a trip to Southwest Virginia contains several rather interesting items. The habit of years, the little black bag, was still in evidence because he gave Mr. McCorkle's sister "Sp'ts C & assafotid pills." He stopped at Hans Meadows which few know is approximately the site of present-day Christiansburg. When he reached Belmont on the 10th the record ends "Got home. Mrs. Fleming had been delivered a male child Wednesday night the 8th between 8 & 9 at night October 8, 1788." Possibly the fever on the 7th and 8th, which made him unable to ride, was the cause of his not being present for the blessed event.

Throughout the following twelve months, Fleming was in constant contact by correspondence with many leaders of Kentucky such as Caleb Wallace, Samuel McDowell, Harry Innis and George Wilson. Information was received on the general conditions in the area as well as reports on his large land holdings. Apparently these accounts, augmented by his agreement to serve as Executor of the estate of Elizabeth Christian, his mother-in-law, made it necessary for him to undertake again the arduous journey to Kentucky. This was strictly a personal business trip but, due to the fact his property was distributed throughout the District, it was necessary for him to be continually on the move.

Years of deflated currency and the fact the new Federal Government had yet to take over the debts of the various states makes the terms of a sale of one piece of his property most interesting. Instead of taking a small down payment with the balance to be paid in specie over a period of years, which was the custom in those days, Fleming decided to prevent the erosion of his profits due
to inflation. The consideration in this particular transaction was two Negroes, a Fellow and a Wench, both to be healthy and sound between the ages of 16 and 24, valued on delivery with the balance payable in gold or silver. A. S. Bullitt considered Fleming’s Manns Lick tract to be of great value because it would produce “the greatest quantity of salt of any Lick in the District.”

An account of Louis Hernandez DeBiedma, the historian of Hernando DeSota’s expedition of 1539, makes many believe DeSota reached present-day Washington County. On February 25, 1790, Fleming’s record gives some credence to this theory:

Mrs. Innis had a Female Figure from the knees upward, the legs and feet being wanting in a posture of devotion the face turned upwards the mouth open the arms hanging down & the hands cumbent on the knees in a kneeling posture the breast prominent, the hair dressed in the Christian fashion the Eyes & Ears well formed the whole about 14 inches high made out of a hard-coloured grit. This was brought from Cumberland (river area) & turned up by a plough where there was no appearance of any Indian Settlement, this figure although course much more finished than we could expect the Indians at this day could perform without Iron instruments.

Just over five months had passed since he left Belmont and he was becoming frustrated, as shown in a letter he wrote on March 8.

O my Dr Wife, the fatigues, disapointments and delays I meet with in settling my business are nothing compared to what I suffer in being detained so long from you — obstacles arises in finishing my affairs that will unavoidably keep me to the beginning of April — this is absolutely necessary to prevent a future Journey here — I expect — at that time moderate weather & loe water — I am a little afraid bad weather on the road might injure my health.

On March 27 he “took a Negro Wench named Rachel at seventy-five pounds in part payment of Wilson’s first bond for three hundred pounds also a horse at sixteen pounds on the same account.” What became of Rachel is unknown, but the horse was an immediate asset, because on the 30th and 31st he was busy getting provisions for his journey home, which actually began on April 5 when he joined with a party of thirty men “but poorly armed.” On April 16th he reached Belmont and found his family well. This account ends “Laus Deo Solo.”

The following day, he left for Sweet Springs, stopping in “town” (Fincastle) to have his horses shod. After spending the night there
he left early the next day and it was a good thing. Although the road had been opened in 1774, even as late as December 1797, the General Assembly received a petition from Botetourt stating “That between the Courthouse of this County and the Sweet Springs there are three mountains which greatly impede the convenience of Travelling,” but even then no action was taken to improve the road. Nevertheless after stopping at Harmon’s, he reached his destination late in the afternoon.\textsuperscript{218}

His sudden departure after a six months’ trip, strongly indicates he was suffering from his old complaint — rheumatism. The constant seventy-three degree temperature of the carbonic water was believed to be quite beneficial for that malady. The recommended treatment was to place that portion of the inflicted body under “the spout” and permit “it to receive the dash for a short time.”\textsuperscript{219}

\textbf{MISCELLANEOUS}

It has been stated Belmont “was a social center and a minister’s haven.”\textsuperscript{220} Little has been found in the records to substantiate such a statement, but conversely, by deduction, it could easily be true. As stated earlier, he was a member of the Vestry in both Augusta and Botetourt Parishes of the Church of England, nevertheless he was a devout Presbyterian. While living in Staunton he became a member of the Tinkling Spring Church and soon after moving to Belmont, was named one of the five representatives of the Denean Congregation which at that time served seventy families.\textsuperscript{221} A review of the books in his library shows many religious volumes. His personal letters often close with supplications to the Almighty.

His oldest daughter, Eliza, married the Reverend Cary Allen, an outstanding Presbyterian minister in Kentucky and, after his death in 1795, became the wife of the Reverend Samuel Graham Ramsey, one of the pioneers of that faith in Tennessee. Another daughter, Ann, married the Reverend George Addison Baxter, a stalwart of the Presbyterian Church. While President of Washington College, he forbade his wife to take the stage on Sunday in order to visit her mother, notwithstanding the fact that on other days the tariff was so high it was impossible for her to bring all of their children.\textsuperscript{222}

An interesting bit of Presbyterian history in this area is found in Fleming’s diary when he records “William Mitchell will preach at our meeting house on the 13th of June (1790) at Fort Lewis — (and) at my house — on his return to Bedford.”\textsuperscript{223} It is known the Presbyterian Congregation of New Antrim served this area prior to 1770, but the first record of a Presbyterian Church is found on an 1807 survey of land near the Lynchburg-Salem Turnpike and Peter’s Creek that shows a lot is exempted “on which Ebenezer
Church stands." As stated earlier, Fleming belonged to Denean located "near the present Amsterdam toward Cloverdale" rather than New Antrim, which "served the people of Peter's Creek and adjacent Roanoke River area in the present city of Roanoke — vicinity." Fleming's reference to "our meeting house" probably indicates it antedates Ebenezer because it seems unlikely he would have ridden that additional distance. In 1779, Caleb Wallace, an eminent Presbyterian minister of Charlotte County, sold his farm there in anticipation of his marriage to Rosanna Christian, Mrs. Fleming's sister. He attended the June meeting of the Hanover Presbytery in Lexington, was elected moderator and while there received a call "from the inhabitants of Roanoak." It is highly possible this invitation might in some degree be attributed to Colonel Fleming and the construction of the meeting house was the result of the able new minister, as even today such a thing has been known to happen.

In 1790, twenty years had gone by since Botetourt became a county and the census showed a population of 10,524, of which 1,283 were black. It should be remembered, however, thirteen counties had been formed from her original territory and those in the Kentucky district alone had a population of 73,677. If John Babson Lane Soule had been living in those days, it is highly probable he would have coined the expression "Go west, young man" then rather than in 1851. This influx of people into the western territory clearly demonstrates Fleming's foresight in recognizing the tremendous potential of that area.

After Mrs. Fleming's brother was killed, his widow, Anne Henry Christian, was in such a state of shock she never recovered her health. Three years later after returning from the West Indies, she died. On July 3, 1790, Patrick Henry wrote Fleming concerning matters affecting his sister's children. He suggested the slaves, now owned by them, be brought from Kentucky and hired out in the neighborhood of Belmont. The Christian children, Priscilla, Sarah, Anne, John, Elizabeth and Dorothea, were staying with friends and relatives such as the Flemings and the Henrys. Later in July, Fleming received a letter from his good friend A. S. Bullitt, stating he would gladly come east and bring the children back to Kentucky with him, but did not want to make the long trip unless it was definite they wished to return to the area where their parents had lived.

In order to conserve space, most correspondence affecting Fleming has been briefed or paraphrased because it is housed in public repositories. The following letter from Fleming to Patrick Henry is quoted in its entirety, not only because it is in a private collection, but also because it is the basis of other letters and shows the clarity of his mind on April 28, 1791.
In return of your favour of the 22d Ist. it will be necessary to give you extracts of two letters I received from Mr. Wallace with a draft of L100 in one dated March 15th he writes “Colo Bullit has furnished me with a supply of money for the support of Colo Christian’s three eldest daughters which I purpose to forward to you by the first safe conveyance and must trouble you to receive the money from Colo Skillern on my Account and disburse it for the use of the Girls, it is also Bullit’s desire that you should be intrusted with the business and he has exerted himself to get the money. I am anxious that he should be gratified in the application — The hundred pounds I hope will be sufficient to pay all the debts the Girls have contracted or advances that their Friends have made for them since the decease of Mrs. Christian — And to furnish them with what may be necessary to equip them for their Journey & to pay the expenses of the Road. I understand Mrs. Christian purchased goods etc. for the use of the girls which are not paid for. Every account of this kind must in the first instance be settled by Mrs. Christian’s Executor and finally adjusted between him and Colo Christian’s Executor but I as Guardian can not intermeddle tho I feel much anxiety on the Subject.” In his letter of March 7th inclosing the Bill on Skillern he desires me to receive the money on his behalf and on his behalf as Guardian “to S.W.C., E.B.C. and A.M.C. the three oldest daughters of William Christian deceased” I would apply the money to their use as their necessities may require taking such Vouchers as will enable him to settle with the Court by whom he was appointed their Guardian and then repeats as instructions the above extract — concluding that he will write on the Subject of Miss Betsy being furnished a horse. This I apprehend was on the supposition of the Young Ladies going to Kentucky this Spring — I have received another letter from him dated the 29th of March in which he adds “In my last, I requested that you will take such Vouchers for the disbursement of the L100 as will enable me to account therefor when required. I have only to add that by a determination of the Supreme Court, I expect. It is necessary that the Vouchers should specify the sum expended for each of the three Girls severally and that I wish if it can be
done to settle the Accounts with the Court at the
next June Term. You will therefore please to foward
the Vouchers &." The money that is in my hands
after discharging what accounts are against the
Young Ladies in this County will amount I believe
to £60 or upwards which I am ready to pay agree­
able to my orders. I have no connections with the
money further than serving my friends. You Sir can
Judge what Vouchers are proper to draw the money
& indemnify me and that it will be necessary that
such Vouchers should be lodged with me when the
Moneys caled (sic). As to the debt between the two
Gentle Women, from an insinuation in your letter I
must think you have mistaken the design of my
sending you the Account when I was in Kentucky last
year as one of Mrs. Elizabeth Christian’s Executors
I made enquiry after her affairs. Mr. Wallace drew
up the Account which I sent to you and at that time
I did as I design to close that business at our June
Court. I congratulate Miss S. Christian on her ap­
proaching marriage and wish her all the happiness
she has reason to expect, please present my Compli­
ants to your Lady & believe me my Dr. Sir with
affectionate regards to my Nieces &

Your Friend and Humble Servant

Willm Fleming

For more than twenty-five years Fleming and Henry had been
closely associated, not only by marriage, but also in business and
governmental affairs. At times, it is true they did not see eye to eye
on some matters and a later letter makes one wonder if that is the
reason Fleming described, so meticulously, the vouchers he wanted
Henry to send him.

One of the Christians’ children, Sarah Winston, named for her
grandmother, Mrs. John Henry, married Dr. Walter Warfield. In
September 1792 he wrote Fleming that Patrick Henry has insisted
they authorize the money that had been sent for the support of the
children be applied on the debts of Mrs. Christian, their mother.227
In order to justify this action Henry had the two children of age sign
a waiver. Of course, this procedure was illegal and it would be in­
teresting to know the reaction of the Court when the guardian of
the minor child filed his returns.

The Warfields moved to Kentucky and a letter from Sarah to
Mrs. Fleming gives a vivid picture of that area just one month after
it had become the fifteenth state. The trip was “over some of the
most intolerable roads that ever was traveled in a carriage. Indeed
ours were the first carriage that ever went on 30 miles of
the Road.”228
In April 1792, Wallace wrote from Locust Grove that the Indians recently had killed eleven people in the county, but, more important, his letters throughout the year expressed constant concern about Fleming's physical condition. For example in one is found "I am also sorry to be repeatedly informed of the declining state of your health." Notwithstanding this fact, Fleming was able to visit New London in September.

It had become obvious, future trips to Kentucky would be impossible so he gave his good friend Harry Innis, a former attorney general of that District, a limited power of attorney to handle all matters pertaining to his real estate there. In view of his large holdings, many letters were written between them concerning land transactions. There were constant references to the tightness of money in Kentucky even when he was remitting to Fleming.

As the year 1793 arrived, it became apparent Fleming's health was on the wane. His mind remained clear, but most of his business was transacted by correspondence. In June, in a letter from Wallace, is found a statement many senior citizens should heed "It is expedient for a man to quit the world before it quits him." At another time, Wallace shows Kentucky was living up to its name of the Bloody Land when he advised a survey would be impossible "before winter because the danger of Indians is as great as ever."

Fortunately, Fleming was an avid correspondent because his habit has not only given us an insight into his life, but it kept him well informed on current affairs in those days when the news media were so limited. As an example, he received an answer to a letter he had written Colonel George Hancock, who a few months earlier had become the first man from Botetourt to serve in the Congress of the United States. Dated from Philadelphia, the letter describes the important matters that were under consideration such as raising the import duties, always a bone of contention between the northern and southern states, naval armaments, the Federal Courts and the proposed Constitutional amendments. Reference was made to a conference between Thomas Jefferson and Mr. Hammond, the British minister, relative to ending the war with the Creek Indians, as well as the fact the French were not doing too well in their civil war resulting from the execution of Louis XVI the previous January. On the lighter side, he describes the house where he, William Preston and Colonel Cole lived at an annual rental of 300 pounds.

The tempo of social life at Belmont increased as the year grew to a close. Eliza (Elizabeth), the Fleming's eighteen-year-old daughter, announced her engagement to Cary Allen and set the date for the wedding as December 5. So far nothing has been found describing the event. It is highly doubtful if the father of the bride participated, certainly to any extent, in the festivities because in February 1794, he wrote his niece in England "I am just able to walk a little after
months confined to my bed and room.” It is hoped he played some part in the affair because this would be the only daughter that would marry in his lifetime.

Throughout the year of 1794, the Warfields wrote many letters expressing the hope the Flemings would move to Kentucky. It is highly questionable that they did not know the Colonel’s condition, therefore it is possible they were meant to be encouraging words. On February 23, Fleming answered a letter from Molly Waugh, his niece, who lived near Kendal in England. There are many references by others concerning the declining state of his health, but an excerpt from that letter is the only reference that has been found where he mentions it.

I have retired from all public business for several years; I am now old, my constitution broken, maimed by several wounds and am often attacked by violent pains in my limbs, brought on by colds and by many years’ severe duty in a Military line. Notwithstanding his physical condition, this long letter shows the clarity of his mind and the fact he continued knowledgeable concerning the economic situation. Molly was considering the advisability of converting her property into money in order to invest it in Virginia. Fleming’s answer gave a perfect description of the conditions existing at that time.

Inflation was rampant, hence the purchasing power of the currency had depreciated. The price of European goods had increased 100% to 200% over their first cost while “All of our Articles of export exceedingly low.” He continued “Interest on public securities 4 to 6%. Common Interest in the State is settled at 5 to 6% or more may be got on good private security.” He ends this portion of the letter with “I am unable to advise you — (as a result of) my retired way of living for some years past.” This may have been the real reason but, on the other hand, it is entirely likely he knew it was unwise to give financial advice to others, especially relatives.

On April 25, 1795, Sarah Warfield, in answer to a letter she had received from Mrs. Fleming some months earlier, wrote “(I am) glad to know you were all well.” Caleb Wallace was more practical or certainly better informed than Sarah because, about the same time, he wrote Fleming “I am sorry to hear you have lately been much indisposed — I hope the pleasant season of the year will again restore your health.” Another letter from him in July contained the bad news that Cary Allen was very ill and was expected to die and that Eliza, his wife, was expecting a baby in September.

The good fight was over. The soldier, statesman, patriot Colonel William Fleming died in August 1795 and was buried on his beloved Belmont Plantation. The family graveyard, located on a knoll to the north of the Mansion house, was restored in recent years by the
As reported earlier, the date of Fleming's birth consistently has been stated erroneously. There is strong evidence to question the generally accepted date of his death as August 5. Anne Fleming Baxter wrote Dr. Lyman Draper in 1845 that the correct date was the 24th.\textsuperscript{236} The following letter Mrs. Fleming received from James Turner strongly indicates the date of his death was much later than the 5th.\textsuperscript{237}

\textbf{Friday night 9/4/95}

This Moment your letter was handed to me by a son of Mr. McMullen. I hope I have a heart to sympathize with you in your affliction & am in hopes that you will meet with that divine support that alone can enable you to bear with Christian fortitude & patience such a stroke yea I may call it a double stroke, the loss of your husband and son in law. I am sorry that neither Mr. Mitchell nor myself can possibly attend the 2nd Sunday in the month because of sacrament at Pisgah Meeting house but he or both of us will be there the 3rd Sunday.

Later in the year another letter was received by Mrs. Fleming.

\textbf{Monroe (Fincalease) 16th December 1795}

\textbf{Madam}

It being the custom of Free Masons to perform certain ceremonies at the Grave of a Deceased Brother Mason expressive of their Respect and Brotherly affection for the deceased

Your late husband having been one of that Fraternity and a member of the Washington Lodge that Lodge as well from duty as inclination wishes to conform to those usages in the case of their late Brother Fleming provided it meets with the approbation of his Family

You Madam as the Head thereof will particularly oblige the Lodge by informing us whether their be any objection to the Society proceeding in this work

We have the honor to be Madam

with much Respect

'Your obed't Servants

H. Bowyer
Matt Harvey
James Presque

By order of the Lodge\textsuperscript{239}
Plaque placed at Belmont by Nancy Christian Fleming DAR Chapter.

Fleming's grave near Belmont in Monterey golf course in Northeast Roanoke.
KEY TO ABBREVIATIONS OF TITLES IN FOOTNOTES

Augusta — Public Records in the Clerk's Office of Augusta County, Va.
Botetourt — Public Records in the Clerk's Office of Botetourt County, Va.
Calendar — Calendar of Virginia State Papers, (1968) edited by William P. Palmer, M.D.
Chalkley — Records of Augusta County, Virginia 1745-1800 (Chronicles of the Scotch-Irish in Virginia) 1912, Chalkley, Lyman.
Council — Minutes of the Council and General Court of Colonial Virginia, McIlwaine, H. R. (1924).
Guns — Guns at the Forks, O'Meary, Walter (1965).
Hening — Hening's Statutes at Large, Hening, William Waller (1809-1823).
Historians — Historians History of the World, William, Henry Smith (1907).
Kegley — Kegley's Virginia Frontier, Kegley, F. B. (1938).
Roanoke — Public Records in the Clerk's Office of Roanoke County.
T & K — Dunmore's War, Thwaites, Reuben Gold and Kellogg, Louise Phelps (1905).
V.H.S. — Virginia Historical Society.
Va. — Virginia Magazine of History and Biography.
W & M — William and Mary Quarterly (series 1 not shown, series 2 so marked).
Wisc. — Wisconsin Historical Society Publications.
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Last but far from least, my wife who stimulated me, assisted in research at many places and spent hours typing and correcting errors.

Edmund P. Goodwin

Edmund P. Goodwin, one of the founders of the Roanoke Valley Historical Society in 1957, has served as president on two occasions. He has long been a student of Virginia history.