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HISTORY OF THE JAMES RIVER AND KANAWHA COMPANY

STUDIES IN HISTORY, ECONOMICS AND PUBLIC LAW

EDITED BY THE FACULTY OF POLITICAL SCIENCE
OF COLUMBIA UNIVERSITY

Volume CIV] [Number 2

Whole Number 236

HISTORY OF THE JAMES RIVER AND KANAWHA COMPANY

BY

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AMS PRESS
NEW YORK

COLUMBIA UNIVERSITY
STUDIES IN THE
SOCIAL SCIENCES

236

The Series was formerly known as
Studies in History, Economics and Public Law.

Reprinted with the permission of Columbia University Press
From the edition of 1922, New York
First AMS EDITION published 1969
Manufactured in the United States of America

Library of Congress Catalogue Card Number: 71-78009

AMS PRESS, INC.
NEW YORK, N. Y. 10003

PREFACE

THIS monograph is a study of a phase of internal improvements in Virginia extending over a period of ninety-five years. The length of the road traversed warned the author not to attempt more than brief excursions into neighboring fields, however inviting these might be. Desiring to make some slight contribution to the history of his native state, he has sought to throw additional light upon a subject apparently obscure and to clear away the misconceptions which have enveloped it.

The James River and Kanawha Company was Virginia's bid for the western trade, and the works that it constructed, of which the canal was only a part, formed the chief commercial artery of the state in *ante bellum* times. As such it is entitled to have its story told, and the purpose is to tell it not so much from the point of view of an agency of transportation as from that of a great ideal conceived by Washington, fostered by Marshall, and partially carried out by Cabell and his successors.

For assistance in preparing his little book the author is indebted chiefly to Professors William A. Dunning and Dixon Ryan Fox, of Columbia University. To Professor Dunning, under whose guidance the work was undertaken, he is indebted for wise counsel and kindly aid. To Professor Fox he is under special obligation for a careful reading of the manuscript and for many helpful criticisms as to form and content. Acknowledgment is made of the courteous co-operation of Dr. H. R. McIlwaine and his assist-

ants at the Virginia State Library, where most of the investigation was pursued. For the imperfections of the monograph the author alone is responsible.

W. F. DUNAWAY.

THE PENNSYLVANIA STATE COLLEGE,
SEPTEMBER, 1922.

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CHAPTER I

Origin of the Conception of Connecting Virginia With the West

The History of the James River and Kanawha Company, broadly conceived, is the story of an enterprise which was intimately interwoven with the economic life of Virginia for nearly a century. It was easily the most important of the many internal improvements fostered by the state prior to the Civil War, and forms a significant chapter in the larger story of pioneer America with its advancing frontier and its increasing need of markets and transportation facilities.

The idea of connecting the eastern-flowing waters of Virginia with those flowing westward to the Mississippi early found lodgment in the minds of her far-sighted men, and remained a cherished ideal for many years. This conception is supposed by antiquarians to have originated with Governor Spotswood when on his famous exploring tour to the Blue Ridge in 1716, but the proof of this is purely inferential.[1] The first recorded suggestion of a through line of this nature is found in a letter of Rev. James Maury, who had been one of the companions of Governor Spotswood in his transmontane expedition.[2] This letter, written to an uncle of Maury, under date of Jan. 10, 1756, was

[1] *Correspondence of the President of the James River and Kanawha Company with an association of French Capitalists* (Richmond, 1860), p. 5.

[2] *Ibid.*

suggested by a new map which had recently appeared, and declared:

> When it is considered how far the eastern branches of the Mississippi extend eastward, and how near they come to the navigable, or rather canalable parts of the rivers which empty themselves into the sea that washes our shores to the east, it seems highly probable that its western branches reach as far the other way and make as near approaches to rivers emptying themselves into the ocean to the west of us . . . . across which a short and easy communication . . . . short in comparison with the present route thither, opens itself to the navigation from that shore of the continent unto the eastern Indies.[1]

This letter is interesting as showing how the idea of connecting the east with the west by uniting the upper reaches of the eastward and westward-flowing rivers had at an early date begun to enter the minds of prominent Virginians; and, incidentally, as revealing how little was known of the geography of the west at that time.

The man who first aroused his countrymen to the importance of joining the east and the west by suitable transportation facilities was none other than George Washington, who knew the west more thoroughly than most of his contemporaries and was our first great expansionist. In his youth he was an explorer of the saddle-bags and surveying-instruments variety. At a later period he became still more interested in the western country for economic and political reasons and, as a practical statesman, was the first American to outline a comprehensive policy of western expansion and internal improvement. Beginning his acquaintance with the west at the age of sixteen as a surveyor of the immense estates of Lord Fairfax in the valleys of the Alleghanies in 1748, and gaining further information of its

[1] *Correspondence of the President of the James River and Kanawha Company with an association of French Capitalists*, pp. 5-6.

nature and possibilities in his mission to the French forts as an envoy of Governor Dinwiddie in 1753, he made no less than four additional exploring tours beyond the Alleghanies and thereby acquired an intimate knowledge of the country.

It appears probable that Washington, upon his return to Williamsburg from his mission as envoy of Governor Dinwiddie, urged upon the governor and his council the importance of connecting the east with the west by a public highway, on the ground that if England were to hold the west she must have a passageway to it; but inasmuch as the project involved great expense, no serious consideration was given to it.[1] Certain it is, however, that from this time it remained a favorite project of Washington, and that he lost no good opportunity to bring it prominently forward. He discussed it repeatedly with his friends, referred to it in his letters and published in the colonial gazette extracts from his journals bearing on the subject with a view to arousing public interest in the project.[2] The more he learned of the west by his repeated visits beyond the Alleghanies the greater became his ardor for connecting it with the east.

When Washington made his western tour in 1774, he was surprised to find the change that had recently taken place in the valley of the Ohio. Instead of encountering an occasional trapper or trader, as on his previous tours, he found immigrants occupying that region in considerable numbers.[3] Regarding the opening of a public highway between the east and the west as a matter of first importance and believing the conditions to be ripe for legislative

[1] Pickell, John, *A New Chapter in the Early Life of Washington* (New York, 1856), p. 19.

[2] *Correspondence of the President of the J. R. & K. Co., etc.*, p. 6.

[3] Hulbert, A. B., *Washington's Road* (Cleveland, 1903), p. 192.

action, Washington brought the subject before the House of Burgesses at its regular session in 1774. The Assembly did not receive it with the favor he thought it merited, the principal grounds of objection being the expense involved and doubts as to the practicability of the scheme. Washington now changed his original plan, which had contemplated effecting the improvement at public expense, and introduced a bill to empower individuals to undertake the extension of the navigation of the Potomac from tidewater to Will's Creek, a distance of about one hundred and fifty miles. The bill encountered considerable opposition from the burgesses of central and southern Virginia, who conceived that it would prove beneficial only to the northern section of the colony. To conciliate this element an amendment was incorporated in the bill to include in its provisions the improvement of James River. In this form it had a fair chance of passage and would doubtless have become a law had not the session expired prematurely and difficulties been encountered in securing the concurrent action of the Maryland legislature with reference to the Potomac. Before the project could be matured fully, prospect of war with Great Britain diverted attention from it and a decade elapsed before it could be revived.[1]

After the Revolution Washington returned with renewed ardor to his scheme, more impressed than ever with the importance of connecting the east with the west and of adopting a system of internal improvement, as a measure of national concern. He carried on a considerable correspondence on the subject, advocating the policy on the broad ground of the general welfare.[2] On Sept. 1, 1784, Wash-

[1] Pickell, *op. cit.*, p. 29; also Hulbert, *Washington's Road*, p. 192; *vide* also, Washington's letter to Thomas Jefferson, March 29, 1784, *The Writings of George Washington* (Ford, N. Y. and London, 1889), vol. x, pp. 375-6.

[2] Pickell, *op. cit.*, p. 34.

ington left Mount Vernon for a tour of the trans-Alleghany country, partly for the purpose of examining the condition of his lands in that region and partly to satisfy himself more fully of "the practicability of opening a communication between the headwaters of the rivers running eastward into the Atlantic, and those that flow westward into the Ohio".[1] On this expedition he traveled six hundred and fifty miles, mostly on horseback but frequently on foot. Returning to Mount Vernon he transmitted a report of his investigations to Governor Benjamin Harrison, to whom he wrote a long letter containing the first general outline of the system of internal improvements to be found in the annals of the time and producing, as its first fruits, prompt action by the Virginia Assembly.[2]

Washington's letter to Governor Harrison, dated Oct. 10, 1784, was the outcome of his various expeditions to the trans-Alleghany region and voices his profound conviction as to the commercial and political expediency of opening new channels of communication with the rapidly developing west.[3] It is one of the longest as well as one of the most interesting and suggestive that he ever wrote. He says, "It has long been my decided opinion that the shortest, easiest, and least expensive communication with the invaluable and extensive country back of us would be by one or both of the rivers of this state, which have their sources in the Appalachian mountains."[4] He then proceeds to enumerate the objections likely to arise to his plan, of which the chief was the jealousy existing between the different

[1] *Writings of George Washington* (Sparks, Boston, 1837), vol. i, p. 408.

[2] Pickell, *op. cit.*, p. 38.

[3] For Washington's letter to Governor Harrison, *vide, The Writings of George Washington* (Ford), vol. x, pp. 404-14.

[4] *Ibid.*, p. 403.

sections of the commonwealth lest one part should obtain an advantage over the others, and goes on to say:

Then follows a train of difficulties, namely, that our people are already heavily taxed; that we have no money; that the advantages of this trade are remote; that the most direct route for it is through other states, over whom we have no control; that the routes over which we have control are as distant as either of those which lead to Philadelphia, Albany, or Montreal; that a sufficient spirit of commerce does not pervade the citizens of this commonwealth; that we are in fact doing for others, what they ought to do for themselves. . . .[1]

After pointing out certain peculiar advantages possessed by Virginia, he says: "We should do out part towards opening the communication with the fur and peltry trade of the Lakes, and for the produce of the country which lies within, and which will . . . . be settled faster than any one ever did, or any one would imagine." He is of the opinion that self-interest is alone sufficient to arouse Virginians to their opportunity, but that political considerations are even more impelling. In this connection he says:

I need not remark to you, Sir, that the flanks and rear of the United States are possessed by other powers, and formidable ones, too; nor how necessary it is to apply the cement of interest to bind all parts of the Union together by indissoluble bonds, especially that part which lies immediately west of us, with the middle states. For what ties, let me ask, should we have upon those people? How entirely unconnected with them shall we be, and what troubles may we not apprehend, if the Spaniards on their right, and Great Britain on their left, instead of throwing stumbling-blocks in their way, as they now do, should hold out lures for their trade and alliance? What, when they get strength, which will be sooner than most

[1] *Washington's Writings* (Ford), vol. x, p. 406.

people conceive (from the emigration of foreigners, who will have no particular predilection towards us, as well as from removal of our own citizens), will be the consequences of their having formed close connexions with both or either of those powers, in a commercial way? . . . .[1]

The western settlers (I speak now from my own observation) stand as it were upon a pivot. The touch of a feather would turn them any way. They have looked down the Mississippi, until the Spaniards . . . . threw difficulties in their way; and they looked that way for no other reason, than because they could glide gently down the stream . . . . and because they have no other means of coming to us but by long land transportations and unimproved roads. These causes have hitherto checked the industry of the present settlers. . . . But smooth the road and make easy the way for them, and see what an influx of articles will be poured upon us; how amazingly our exports will be increased by them, and how amply we shall be compensated for any trouble and expense we may encounter to effect it.[2]

Washington then expressed the opinion that existing conditions, especially the disposition of Great Britain to hold the western posts as long as possible, made Virginia the logical state to undertake these improvements; and that the western inhabitants would do their part to further the project. He said:

Weak as they are, they would meet us at least half way, rather than be driven into the arms of or be made dependent upon foreigners; which would eventually either bring on a separation of them from us, or a war between the United States and one or the other of those powers, most probably the Spaniards.

He thought that the preliminary expense would be small

[1] *Washington's Writings* (Ford), vol. x, pp. 406-7.

[2] *Washington's Writings* (Ford), vol. x, pp. 407-08.

and that at the same time the enterprise would serve to attract the attention of the western settlers and to convince them "of our disposition to connect ourselves with them, and to facilitate their commerce with us".[1]

Having enumerated the advantages likely to accrue from the execution of his plan, Washington proceeded to recommend to Governor Harrison the appointment of commissioners of high character and ability to make a thorough investigation of the matter and to present their findings to the public. He said:

> Let these commissioners make an actual survey of James River and Potomac from tidewater to their respective sources; note with great accuracy the kind of navigation and the obstructions in it, the difficulty and expense attending the removal of these obstructions, the distances from place to place through their whole extent, and the nearest and best portages between these waters and the streams capable of improvement, which run into the Ohio, and with equal accuracy. The navigation of this river (the Ohio) being well known, they will have less to do in the examination of it; but nevertheless, let the courses and distances be taken to the mouth of the Muskingum, and up that river . . . . to the carrying place to the Cuyoga; down the Cuyoga to Lake Erie; and thence to Detroit. Let them do the same thing with Big Beaver Creek . . . . and with the Scioto also. In a word, let the waters east and west of the Ohio, which invite our notice by their proximity, and by the ease with which land transportation may be had with them, and the Lakes on one side, and the Rivers Potomac and James on the other, be explored, accurately delineated, and a correct and connected map of the whole be presented to the public.[2]

Washington expressed his belief that if the foregoing

[1] *Washington's Writings* (Ford), vol. x, pp. 409-10.

[2] *Ibid.*, pp. 409-10.

were done, prejudices and jealousies would yield to the obvious advantages revealed by the facts in the case. He suggests that to avoid injurious consequences growing out of delay, the Assembly might grant a sum of money towards opening one or more of the nearest and best communications with the west, "and if there should appear a manifest disposition in the Assembly to make it a public undertaking, to incorporate and encourage private adventurers . . . . for the purpose of extending the navigation of the Potomac or James Rivers; and in the former case to request the concurrence of Maryland in the measure." [1] He pointed out that the produce of the settlements about Fort Pitt could be brought to Alexandria by water, by the Youghiogheny-Potomac route, a distance of three hundred and four miles, of which only thirty-one miles would be by portage, and added:

For my own part, I think it highly probable, that upon the strictest scrutiny, if the Falls of the Great Kanhawa can be made navigable, or a short portage be had there, it will be found of equal importance and convenience to improve the navigation of both the James and Potomac. The latter . . . . affords the nearest communication with the Lakes; but James River may be more convenient for all the settlers below the mouth of the Great Kanhawa, and for some distance perhaps above the west of it . . . . Upon the whole, the object is in my estimation of vast commercial and political importance.[2]

To Washington's letter Governor Harrison replied, Nov. 13, 1784, strongly approving "your plan for opening the navigation of the western waters", and stated that he had taken the liberty of laying the letter before the Assembly, "who appear so impressed with the utility of the measure,

[1] *Writings of George Washington* (Ford), vol. x, p. 411.

[2] *Ibid.*, pp. 412-13.

that I dare say they will order the survey you propose immediately, and will at their next sitting proceed to carry the plan into execution".[1] The Assembly referred Washington's communication, which was received with the greatest respect, to an appropriate committee. The ablest and most influential members of the Assembly rallied with enthusiasm to the support of Washington's views.[2] At this stage of events Washington, accompanied by Lafayette, paid a visit to Richmond and received a tremendous ovation. There were many entertainments and much speech-making in honor of these two distinguished men, the Legislature being then in session. But amidst it all the great business of promoting the internal improvements then in contemplation was not forgotten. "The ardor of the moment", says Marshall, "was seized to conquer those objections to the plan which yet lingered in the bosoms of those who could perceive in it no future advantages to compensate for the present expense".[3] Nor did Washington, to whom the project had now become a matter of primary concern, fail to impress by private conversations its importance upon leading members of the Assembly. Madison, then a member of the Assembly, was much impressed with the enthusiasm displayed by the General for his pet enterprise. In a letter to Jefferson, he says:

The earnestness with which he espouses the undertaking is hardly to be described, and shows that a mind like his, capable of great views and which has long been occupied with them, cannot bear a vacancy; and surely he could not have chosen an occupation more worthy of succeeding to that of establishing the political rights of his country, than the patronage of

[1] *Writings of George Washington* (Ford), vol. x, p. 415.

[2] Marshall, John, *Life of George Washington* (Phila., 1804-1807), vol. v, p. 17.

[3] Marshall, *Life of George Washington*, vol. v, p. 17.

works for the extensive and lasting improvement of its natural advantages; works which will double the value of half the lands within the commonwealth, will extend its commerce, link with its interests those of the western states, and lessen the emigration of its citizens by enhancing the profitableness of situation which they now desert in search of better.

Such was the origin of the conception of connecting Virginia with the west. To Washington is due the credit of originating and fostering this movement in those early days when it possessed for his countrymen all the charm of novelty and seemed to contain within itself tremendous potentialities. To his initiative was due the introduction into the Virginia Assembly of the bills to incorporate the Potomac Company and the James River Company for the improvement of the navigation of those two rivers and aiming ultimately at the connecting by public highways of their sources with the sources of the rivers flowing westward into the Ohio, and thereby providing channels of communication with the developing west. They were twin enterprises fostered by the state and each has an interesting history. Out of the Potomac Company grew the Chesapeake and Ohio Canal Company and the canal it constructed, which is still in operation. It fell short of accomplishing the purpose Washington had cherished of a complete connection with the west; but the Cumberland Road and later the Baltimore and Ohio Railroad carried out his main idea for that route and justified his fundamental plan. Out of the James River Company sprang the James River and Kanawha Company, with the canal and other works it constructed, including the highway from the sources of the James to the Ohio river. This project also failed to measure to the full standard of Washington's conception,

[1] *The Writings of James Madison* (Hunt ed., N. Y. and London, 1901), vol. ii, pp. 104, 109.

but along the valley of the James and the general route of the line of the James River and Kanawha Company's improvements runs the Chesapeake and Ohio Railway, also carrying out Washington's fundamental conception and exemplifying his practical wisdom. The origin of both enterprises was due to Washington's early appreciation of the future of our western territory, and to his counsels and zeal in pressing its importance upon his countrymen.

We now turn to that phase of the general scheme of internal improvements thus inaugurated, as represented by the James River Company and what grew out of that company.[1]

[1] The relation of the James River Company to the Potomac Company seems to have been confusing to writers on the subject. Even so good a historian as Justin Winsor makes the mistake of thinking they constituted a single enterprise. He says, "After the James River and Potomac Canal Company was organized, Washington was induced to become its first president." Winsor, *The Westward Movement*, p. 257. There was a James River Company and there was a Potomac Company, but there was no "James River and Potomac Canal Company." For Washington's relation to the two projects, see *infra*. Beveridge is also badly confused as to these two companies. He says, "The Potomac and James River Company, of which Marshall when a young lawyer had become a stockholder," *etc.* See Albert J. Beveridge, *The Life of John Marshall* (Boston and New York, 1919), vol. iv, p. 42. Beveridge makes the further mistake of stating that the James River Company was formed in 1784, in *ibid.*, vol. ii, p. 56, whereas the bill incorporating this company was passed January 5, 1785, and the organization was effected August 21, 1785. See *Journal House of Delegates*, 1781-1786, p. 70. The fact that Hening does not give the date of passage of the bill, but simply states that it was passed at the "October Session", 1784, has led many to give 1784 as the year of incorporation of the James River Company. But the "October Session" continued into 1785, and the House Journal clears up the matter.

CHAPTER II

The James River Company as a Private Corporation (1785-1820)

As the most important water-way lying wholly within the borders of the state, the James river has played an important rôle in the history of Virginia from the beginning. Formed in Alleghany county by the junction of the Jackson and Cowpasture rivers, it pursues a devious course of some three hundred and thirty-five miles to its mouth. Below Richmond, which is at the head of tide-water, no obstacles to navigation present themselves; but above that city, first the falls and then a series of obstacles of various kinds occur at intervals to its source, and navigation in the early days was difficult and often dangerous.[1] Consequently, it was that portion of the river above Richmond, or about two-thirds of its course, which was the occasion of so much interest and legislative activity on the part of those who fostered its improvement as an important link in the chain of Virginia's internal communications. In the early days this part of the river furnished almost the only means

[1] "Tradition assigns to Rev. Robert Rose (friend and executor of Governor Spotswood) the credit of being the first white settler in Virginia to propose the descent of James River above tide-water in an open boat. This feat he accomplished as far as Richmond, from a point some fifty miles above, in company with two others, it is thought as early as 1726. To his resolution and pluck, has been claimed, was due the important demonstration of the navigability of the rapids of James River—a knowledge which soon ripened into the practical usefulness of freight transportation." Wm. F. Switzler, in *Report on Internal Commerce of the U. S.*, 1886, part ii of Commerce and Navigation, p. 10.

of transportation for a large and fertile section of central Virginia.

On the western side of the Alleghanies and lying wholly within the borders of old Virginia the principal river is the Great Kanawha, which is formed by the junction of the New and Gauley rivers and is navigable practically throughout its whole length, a distance of about ninety-eight miles to Point Pleasant on the Ohio. The Greenbrier, a tributary of the New, is the nearest river of West Virginia to the sources of the James, and were it joined by a canal with the James there would be a central water route connecting the Virginia Capes with the Mississippi.[1] To unite the sources of these eastward and westward-flowing rivers, first by a public highway, and later by a canal, was long a favorite scheme of Virginia statesmen.

The plan proposed in 1784, however, contemplated only the improvement of the navigation of the James above Richmond; but in the background loomed ever the larger project of improving the navigation of the Greenbrier, the New, and the Great Kanawha, and the connection of the two river systems by a public highway, thereby furnishing a through line to the west. As time passed and the development of the country outstripped all calculations, it was found that the improvement was inadequate to meet the growing needs, and in its stead was adopted the more comprehensive plan of a continuous water line from Richmond

[1] "Kanawha River rises in Watauga, Ashe, and Alleghany counties, N. C., flows northwestward through Va. and W. Va., and joins the Ohio at Point Pleasant, W. Va. In its upper course it is known as the New River. . . . The main river cuts the Alleghany front just below Pearisburg, Va., thence the course of the river lies through a narrow valley of W. Va., over a rough bed with many falls and rapids. . . . Below the junction with the Gauley the river is known as the Kanawha," *vide*, Grover and Bolster, *Hydrography of Virginia, Geological Series, Bulletin no. iii* (Published by Va. Board of Agriculture and Immigration, 1906), p. 213.

to the Ohio, and in its larger aspect, from the Atlantic to the Mississippi and its tributaries. It was a great ideal, worthy to engage the best thought and endeavor of the statesmen of the time.

Prior to 1785 the Virginia Assembly had passed several acts with reference to the improvement of the James above Richmond, but it appears that these remained a dead letter, though the idea persisted.[1] On Nov. 15, 1784, Washington arrived in Richmond to meet Lafayette and to promote his project for internal improvement as outlined in his letter to Governor Harrison. On the morning after his arrival he was waited upon by a committee of the Assembly, headed by Patrick Henry, bearing greetings from that body. In compliance with the suggestion of Washington, the Assembly proceeded to appoint a commission to make the requisite surveys, and Washington returned to Mount Vernon, accompanied by Lafayette.[2] On December 15, 1784, it was ordered in the House that leave be given for bringing in a bill for opening and extending the navigation of James River, "and that Messrs. Madison, Southall, Carrington, Johnston, Wilson Carry Nicholas, and Benjamin Harrison, do prepare and bring in the same."[3] The bill duly passed through its various stages and became a law Jan. 5, 1785, and was signed on the same day by John Tyler, Speaker of the House, together with the bills incorporating the Potomac

[1] The House of Burgesses passed an act Dec. 27, 1765, for improving the navigation of James River, and authorized certain men to receive subscriptions for that purpose. Hening, W. W., *The Statutes-at-Large* (Phila. and N. Y., 1823), vol. viii, pp. 148-50, *cf. Journal H. of B.*, 1761-5, p. 355; also act of Feb., 1772 "for opening the Falls of James River by subscription, etc.," Hening, vol. viii, pp. 564-70, *cf. Journal H. of B.*, 1770-72, p. 303.

[2] Article "Canals," by R. A. Brock, in *Richmond Standard*, Feb. 15, 1879; also Madison's letter to Jefferson, *Hunt's Madison*, vol. ii, pp. 104-07.

[3] *Journal H. of D.*, 1781-86, p. 70.

Company and for "vesting in George Washington a certain interest in the companies established for opening and extending said rivers".[1]

The act of Jan. 14, 1785, declares that:[2]

Whereas the clearing and extending the navigation of James river from tide-water upwards, to the highest practicable point on the main branch thereof, will be of great public utility, and many persons are willing to subscribe large sums of money to effect so laudable and beneficial a work; and it is just and reasonable that they . . . . should be empowered to receive reasonable tolls for the money advanced by them in carrying the work into execution. and for the risk they run; and,

Whereas it may be necessary to cut canals and erect locks or other works on the sides of the said river,[3]

Be it enacted by the General Assembly that it shall . . . . be lawful to open books in the city of Richmond, the borough of Norfolk, at Botetourt court house, at the town of Lewisburg, in Greenbrier county, and at Charles Irving's store, in Albemarle, for receiving and entering subscriptions to the amount of one hundred thousand dollars, for the said undertaking, under the management of Turner Southall and James Buchanan, in the city of Richmond; of Robert Taylor, Jno. Kearnes, and Thos. Newton, Jr., in the borough of Norfolk; of Wm. Cabell and Charles Irving at Irving's store; Patrick Lockhart and Geo. Skellern, at Botetourt Courthouse; Geo. Clendinen and Andrew Donolly, at Lewisburg. . . .[4]

The act further provided that the books should be opened for receiving subscriptions from Feb. 1, 1785, to Aug. 10, 1785; that on Aug. 20th there should be a general meeting

[1] *Journal H. of D.*, 1781-86, pp. 108-10; also Hening, vol. xi, pp. 450-62; and Brock, *op. cit.*, *supra*.

[2] For this act, *vide* Hening, vol. xi, pp. 450-62.

[3] The preamble is section 1, of the bill.

[4] Section 2.

of the subscribers at Richmond; and that the capital sum should be divided into five hundred shares of two hundred dollars each.[1] Section three provided that in case half of the capital sum should be subscribed, the subscribers should be incorporated into a company "by the name of the 'James River Company'", and authorized them to effect an organization by the election of a president and four directors. After investing the company with all the rights and powers necessary to the carrying out of the purposes of incorporation, section eighteen of the act declares that:

> The tolls herein before allowed to be demanded shall be paid on condition only, that the said "James River Company" shall make the river well capable of being navigated in dry seasons by vessels drawing one foot of water at least, from the highest place practicable to the great falls, beginning at Westham, and shall at or near the said falls, make such cut or cuts, canal or canals, with sufficient locks, if necessary, each of eighty feet in length, and sixteen feet in breadth, as will open a navigation to tidewater, in all places at least twenty-five feet wide, except at such locks, and capable of conveying vessels or rafts drawing four feet of water at least, into tidewater, or shall render such part of the river navigable in the natural course.

The act further provided that if the company failed to begin work within one year after its organization, or to complete the work within ten years, its charter should be forfeited.[2] Section twenty empowered the commonwealth to subscribe to one hundred shares of the capital stock, to be paid as required.

[1] Sections ii and iii.

[2] Section xix. According to Ringwalt this charter was the first under which active operations were prosecuted in this country for the improving of river navigation. See J. L. Ringwalt, *Development of Transportation Systems in the United States* (Phila., 1888), p. 41.

In conformity to the act of incorporation, books were opened for receiving subscriptions at the places designed in the charter on Feb. 1, 1785, and continued open until Aug. 20, 1785; following which a meeting of subscribers was held in Richmond Aug. 20, 1785.[1] It was found that nearly the whole number of shares required was completed by subscriptions made in Richmond alone, and it appearing from advices received of subscriptions elsewhere that the capital sum was over-subscribed, the stockholders proceeded on the following day, Aug. 21, to perfect an organization by the election of a president and four directors. George Washington was elected president; and John Harvie, David Ross, Wm. Cabell, and Edmund Randolph, directors. The regular annual meeting was held in Oct., 1785, when the same officers were elected for a term of three years. At a subsequent meeting of directors, James Buchanan was elected treasurer, James Harris manager, and James Brindley clerk.[2] Thus was constituted the James River Company, which continued under the existing charter until 1820, when it underwent radical changes at the hands of the Legislature.

Washington, whose primary interest was in the Potomac Company, of which he became the active president, did not desire the presidency of the James River Company since he knew he could not assume its active duties; but his interest in the success of the enterprise was such that he was prevailed upon to allow his name to stand as head of the company with the understanding that he would not serve actively in that capacity.[3] Edmund Randolph wrote Wash-

[1] *Correspondence of the President of the James River and Kanawha Company with an Association of French Capitalists*, p. 9.

[2] *Ibid.*, p. 9; also Mordecai, S., *Richmond in Bygone Days* (Richmond, 1830, 1860), p. 297.

[3] Marshall, *Life of Washington*, vol. v, p. 24.