

FOUND IN THE ARCHIVES, no. 43 – May 2018

Fairfax Circuit Court Historic Records Center



At the Historic Records Center, one of the best parts of our work is learning about our patrons' research interests. Sometimes, the topics can spur us to explore more about Fairfax County and local history. One recent topic has concerned 18th century ships. We hold an interesting case concerning rum smuggling. This month's *Found in the Archives* delves into the circumstances leading to the event, the principle players, and the results of their actions.

GREAT BRIDGE, December 10, 1775.
" I must apologize for the hurry in which I wrote you yesterday, since which nothing of moment has happened but the abandoning of the fort by the enemy. We have taken possession of it this morning, and found therein the stores mentioned in the enclosed list, to wit. 7 guas, 4 of them sorry, 1 bayonet, 29 spades, 2 shovels, 6 cannon, a few shot, some bedding, part of a hogshed of rum, 2 or more barrels, the contents unknown, but supposed to be rum, 2 barrels of bread, about 20 quarters of beef, half a box of candles, 4

[Virginia Gazette, December 13, 1775, p. 2](#)

an abandoned British fort in Great Bridge, Virginia. The inventory lists rum above all other foodstuffs ('part of a hogshed of rum, 2 or more barrels, contents unknown, but supposed to be rum') which implies that rum was quite important to the colonial military forces.

WILLIAMSBURG, MARCH 26.
A LARGE ship, two brigs, and a schooner, are arrived in Hampton road, with a flag of truce from New York, they bring clothing, baggage, rum, wine, tea, sugar, and ten thousand one hundred and fifty guineas, for the officers and soldiers that were made prisoners with General Burgoyne at Saratoga.

[Virginia Gazette, March 26, 1779, p. 2](#)

followed by wine, tea, and sugar. The British army considered these supplies necessary for the soldiers' comfort.

In the 18th century, rum was imported from the British West Indies in the Caribbean. Rum was an indispensable part of the 18th century English and colonial person's diet, as can be seen from newspaper reports of the time. At the beginning of the American Revolution, the *Virginia Gazette* published a report of an inventory of stores from of

A report from 1779 in the *Virginia Gazette* describes the supplies brought to Hampton Roads by British ships for British prisoners-of-war, an action allowable under the 'flag of truce.' Again, rum was listed first,

ROBERDEAU & JACKSON
Have for sale at their new distillery, in the
town of Alexandria, on the river Potow-
mack, in the colony of Virginia,
ALEXANDRIA RUM,
WHICH they engage equal in quality,
either in strength, agreeable smell,
and good flavour, to any made on this
continent. They will be much obliged to

[Virginia Gazette, April 14, 1775, p. 3](#)

In the colonial period, rum was taxed less than foreign liquors, to encourage consumption. Foreign rum was prohibited from importation into British North America; however, rum from the West Indies was not considered 'foreign' as it was produced in the British colonies. This tactic of smaller tariffs on rum was also used by the British during the Revolutionary War to dissuade West Indies' sugarcane planters from staging their own revolt. During the war, the newly-independent United States placed a ban on the importation of British products, and rum was distilled in great quantities in North America. The above advertisement for 'Alexandria Rum' appeared in the *Virginia Gazette*. The distillers Roberdeau and Jackson promised a rum 'equal in quality, either in strength, agreeable smell, and good flavour, to any made on this continent.' The date of this advertisement, April 1775, shows that American distillers wasted no time in setting up rum production after the prohibition on British rum.

After the conclusion of the Revolution, and the lifting of the British import ban, Virginia legislators began to reformulate aspects of the Virginia Code to do with trade and tariffs on imported goods. *Hening's Statutes at Large, Vol. 11*, contains the various laws enacted between 1782 and 1784. During this time, the tariff on imported rum, and all imported spirits, was 4p (pence) per gallon. Ships also had to pay a tariff on tonnage, which is the cubic capacity, in tons, of the ship, calculated by multiplying the length of the ship by its width and depth. This standard of measurement is still in use today, and indicates how much freight a ship can carry, and, depending on the cargo, how much money she might make.

According to *Hening's Statutes at Large, Vol. 12*, a new law took effect in January 1787 that made importation of foreign rum even more expensive, with the additional tariff of 2p per gallon, on imported spirits. Young America made an exception for her recent Revolutionary ally; no additional tax on spirits imported from France, French Colonies, or shipped within French-owned or U. S.-owned ships.

At the same time, the Virginia legislature also decided there should be more rigorous patrolling of ships importing goods. This duty, previously done by the Navy, was now supplemented by the establishment of the Office of Searcher, appointed to each customs house and commissioned by the Governor of the Commonwealth. The Searcher had to post a large £1000 bond, payable to the Governor, in case the Searcher neglected his duty. The

Searcher's duty was to oversee the taxable cargo unloaded from ships, and to board and search ships that hadn't declared their cargo.

To aid the Searcher, the law stated that 'the searchers at the ports of....Alexandria, shall and may appoint so many assistants....[and] shall be answerable for the conduct of their....Assistants.' If a ship's crew refused to let the Searcher conduct his duties, the law provided a solution: 'when any officer of the customs....shall meet with obstruction in the execution of his office, such officer is hereby authorized....to summon any person....for his assistance.' Any person refusing to help the Searcher, without giving a reasonable excuse, was fined £20.



The changing laws reflected the fact that smuggling was rife in early Federal Virginia. Port cities, such as Alexandria, were obvious points of entry for ships engaged in legitimate and illegitimate trade. One such ship was the schooner *Dart*, commanded by Captain James Dodds. The ship's owners lived on St. Kitts (then also known as St. Christopher's) which was part of the British Caribbean holdings. In 1623, St. Kitts was home to the first British settlement in the Caribbean.

[British Topsail Schooner](#), courtesy of [Wikimedia Commons](#)

Unsurprisingly, the *Dart* was carrying, among other goods, a large quantity of rum. A contemporary description of the schooner describes it as having '80 or 90 Tons burthen, two topmasts, standing foretopsail, long high Quarter Deck, yellow Sides, black Bends, and dark-coloured bottom.' Eighty tons burthen or burden (another word for tonnage) would have been a fairly small boat, compared to merchant ships at over 200 tons burthen. As the *Dart* was smaller, she would have been lighter and faster, and be less noticeable than a merchant ship, all of which made her ideal for smuggling.

In late June 1787, Captain Dodds entered the United States at Georgetown (then a part of Maryland), and registered his ship and cargo there. During the night of June 25, the crew of the *Dart* started rowing quantities of rum ashore in Alexandria, helped by men of the town. Upon hearing of this, the Alexandria Searcher boarded the schooner and 'made seizure of the vessel.' He then returned to shore to impress several men to help him secure the boat. He couldn't find many willing to help him: 'I endeavoured to get assistance....by summoning

several persons....which all refused, and appeared more ready to assist the Violators.’ On the Searcher’s return to the schooner, Captain Dodds ‘Resisted, and having arm’d himself and others with handspikes....prevented me for some time taking possession of the vessel.’ Once he had regained control of the *Dart*, the Searcher placed three men on board to secure it and returned to shore to prepare a report. At this time, some Alexandrian citizens boarded the *Dart* and helped Captain Dodds sail to Georgetown, having put two of the Searcher’s men back on shore.

During these events, the Searcher had been consulting with the Naval Officer for the South Potowmack, Charles Lee. Lee obtained warrants for the Captain, crew & schooner’s arrest, but couldn’t serve them as the *Dart* had been ‘made fast to the Maryland shore,’ and was therefore under Maryland’s jurisdiction. The state of Maryland refused to prosecute the Captain or allow Virginia to prosecute.

JAMES M. MCCREA,* SEARCHER, TO GOV. RANDOLPH.	1787.
Sir :	
A few days ago the Schooner <i>Dart</i> , Capt. —, arrived here from St. Kitt's and entered in Maryland, as sea vessels have usually done since the removal of the naval office from this place. Last night I had information of some Rum being privately Landed from on board the said Schooner in the night time, which Rum was never Enter'd in this State, in consequence of which I went on Board and made seizure of the vessel. Being weak handed I went on shore to collect more to assist in unmooring and bring the vessel to the wharf, but then Capt. the Resisted, and having arm'd himself and others with handspikes, &c., prevented me for some time taking possession of the vessel. The vessel being a second time put in	June 26th Alexandria, Va

[Letter from James McCrea to Governor Beverly Randolph, June 26, 1787, Calendar of Virginia State Papers IV, p. 301](#)

Almost everything we know about this event comes from a series of letters from the Searcher, James Mease McCrea, and the Naval Officer Charles Lee, to the acting Governor, Beverly Randolph. The letters reveal the difficulties of policing smuggling in the newly sovereign Commonwealth and across state lines.

The first letter, dated June 26, 1787, from McCrea to Governor Randolph, stressed the importance of taking the *Dart* while she was still on open waters: ‘Under these circumstances I was advised by Mr. Lee, our naval officer, to lay the matter before the Executive immediately, that they might, if they judged proper, order out one of the armed State vessels to endeavor to take her on the bay or River if possible.’ McCrea went further to address future events like this: ‘The difficulties attending seizures at this place will make the office of Searcher a very disagreeable one, if the officer is not better supported than heretofore.’ McCrea also describes the difficulty in obtaining help from Fairfax County militia: ‘The County Lieutenant showed every disposition to assist, but nothing is yet done in Embodying the militia of this County.’

The misdemeanor of Capt. Dodds in resisting the officer in the first instance, and his violent taking and carrying away the vessel out of the possession of Robert Evans and others, after she had been lawfully seized and formally delivered into the hands of the officers of the Commonwealth, were, in my consideration, offences for which every exertion ought to be made, in order that their punishment might be exemplary. Expecting to find the vessel off Georgetown in the stream and Capt. Dodds on

[Letter from Charles Lee to Governor Beverly Randolph, June 29th, 1787, Calendar of Virginia State Papers IV, p. 309](#)

On June 29, Charles Lee wrote to Governor Randolph corroborating and elaborating on McCrea's letter. He stated that the first offence was 'putting into craft and landing in Virginia, in the night time, West India rum, upon which the duties had not been paid or secured in the Commonwealth.' But to Lee, the greatest offense was Captain Dodds' use of physical intimidation to evade capture, and his language grows more passionate as he describes these actions: 'I observed to Capt. Dodds that he had misbehaved in resisting an officer in the legal execution of his office. He seemed embarrassed, and excused himself by saying that he should not have done it if the people on our wharf had not cried out to him to resist.' Lee called for swift and decisive action by the law: 'The misdemeanor of Capt. Dodds in resisting the officer in the first instance, and his violent taking and carrying away of the vessel [were] offences for which every exertion ought to be made, in order that their punishment might be exemplary.' Lee summarized his views with this prediction: 'Should Capt. Dodds and his vessel, which belongs to some inhabitants of St. Christopher's, escape without even a trial, it will be an evil example to others, and the laws and officers of the Commonwealth will not only be opposed and evaded, but treated with contempt.'

By July 2, 1787, the State Executive had clearly not yet given orders of how to apprehend the Schooner *Dart*, as McCrea again wrote to the acting Governor: 'The Schooner is still at George Town nearly loaded, and will probably take the first fair wind and pass this place in the night, if some steps are not taken to secure her.' He also identified James Woodward as one of the townsmen who 'assisted in Rescuing the Vessel.' James Woodward was later brought to trial.

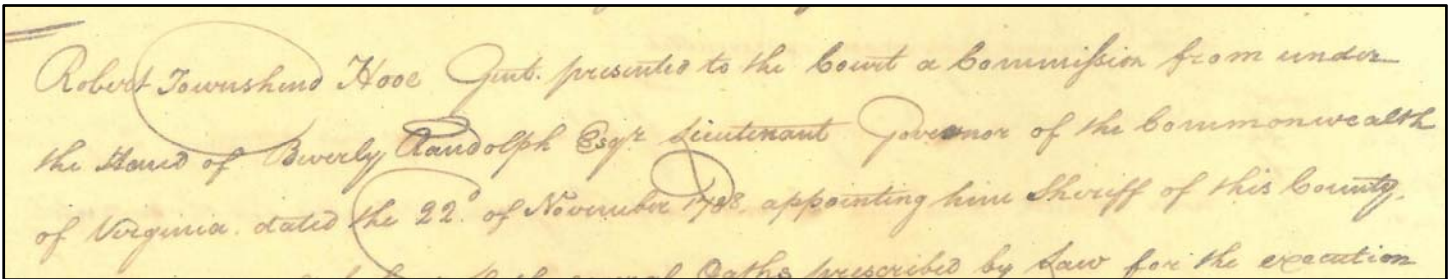
I am informed that Colo. Hooe, who is well known, did countenance the opposition made by the Crew of the Schooner Dart, and said they shou'd knock me down and not allow me to make the Seizure. The countenance of such a man as Colo. Hooe wou'd have great weight among the lower class of people, who wou'd think they wou'd thereby be justified in committing every outrage.

[Letter from James McCrea to Governor Beverly Randolph, July 2nd, 1787, Calendar of Virginia State Papers IV, p. 314](#)

McCrea's letter to Beverly Randolph on July 11 states that 'Since I had the honor of addressing you last, the Schooner *Dart* has sailed from George Town and passed this place in the night time.' McCrea's hopes of bringing the boat and her crew to trial dashed, he turned his attention to other events that resulted from the smugglers' actions. The letter describes how two Alexandrians, suspected by the town of informing the Searcher about the

Dart, were attacked by townsmen: 'a most violent outrage was committed on the person of William Berry' and 'David Motley was....attacked by three men, who wounded him in many places with the point of a Sword.' McCrea considered it his duty to tell the Executive how the Town of Alexandria proposed to handle these crimes: 'None of the persons guilty of these enormities are known, and the Common Council of this Town thought proper to enquire into the matter, and have come to a determination to offer a Reward of Forty Dollars for their discovery.'

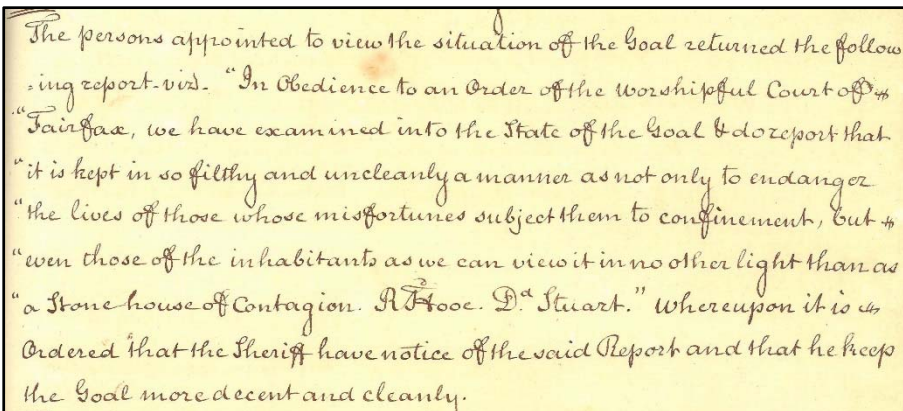
McCrea was able to identify a highly prominent townsman, Colonel Hooe, as being a major instigator in the effort to allow the Schooner *Dart* to escape. The final letter in this series, written on August 24, 1787, relates that "It was proven also that Colo. Hooe gave countenance to the resistance of the Capt. and crew of the dart [sic] when the attempt to seize her under the law was made, and that he used the words, 'Knock the Damn'd Imperious Raskal down and don't suffer him to make Seizure, & c.'"



Robert Townsend Hooe Just. presents to the Court a Commission from under the Hand of Beverly Randolph Esq: Lieutenant Governor of the Commonwealth of Virginia. dated the 22^d of November 1788 appointing him Sheriff of this County.

Robert T. Hooe's Commission as Sheriff of Fairfax County, Fairfax Court Order Book 1788, p. 74, December 15, 1788

Colonel Robert Townsend Hooe was a notable member of Alexandria and Fairfax society. During the Revolutionary War, he served as a Lieutenant Colonel, and in 1776, he was a member of the Maryland Convention, which laid out the State's government. Hooe appears repeatedly in the Fairfax Court Order Books fulfilling court and county functions. At various times he served as Sheriff, Commissioner of Taxes, a Justice of the Peace, adjusted the County



The persons appointed to view the situation of the Goal returned the following report. vid. "In Obedience to an Order of the Worshipful Court of Fairfax, we have examined into the State of the Goal & do report that "it is kept in so filthy and uncleanly a manner as not only to endanger "the lives of those whose misfortunes subject them to confinement, but "even those of the inhabitants as we can view it in no other light than as "a Stone house of Contagion. R. Hooe. D. Stuart." Whereupon it is Ordered that the Sheriff have notice of the said Report and that he keep the Goal more decent and cleanly.

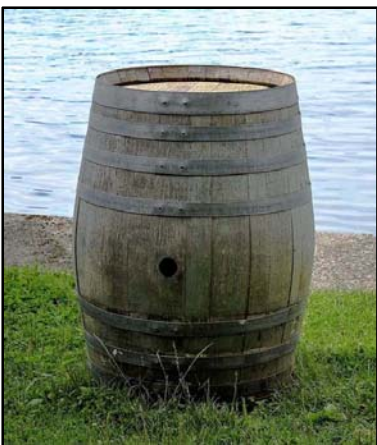
State of the Fairfax County Gaol Report by R. Hooe & D. Stuart, Fairfax Court Order Book 1783, p. 249, 17th July 1786

weights and scales in Alexandria, administered repairs to the Alexandria tobacco warehouse, reported on the courthouse and prison's condition and administered repairs, and supervised several court inquests.

As a prominent Alexandria citizen, Hooe served as the first mayor of

the incorporated City of Alexandria. In 1787 he was one of the freeholders of Alexandria on the committee concerning approval of the Federal Constitution, and in December 1789, he was part of the Alexandria committee which published a broadside advertising the economic possibilities of the Potomac area, and proposing the new national capital be built on the shores of the Potomac River. Other locally important roles included being a trustee of the Alexandria Lottery, which purpose was to pave the streets within the town, and also a founding member and director of the Marine Insurance Company. Hooe was even personally acquainted with George Washington, whose diaries list dining at Hooe's no fewer than three times.

In his business life, Hooe operated a ferry, a wharf, and a warehouse all known by his name on Duke Street on the river; he also owned and rented many lots in Alexandria. Hooe's name was so well known that his house at 200 Prince Street was often used as a reference point in relation to other houses and businesses.



A rum barrel

At the time of the smuggling incident, Hooe was partnered with Richard Harrison in a merchants' firm entitled Hooe & Harrison. Rum would have been a regular part of Hooe's warehouse inventory, as evidenced by an advertisement that the company took out in the *Virginia Journal & Alexandria Advertiser* in 1785, offering 'rum, sugar, choice demerara spirits' for sale. In a letter that Hooe wrote to his Philadelphia supplier in March 1789, he heavily criticized the quality of the rum: 'The rum you sent to Port Tobacco was so extremely bad that it will not sell, it is not better than our country made.'

Another letter written by Hooe in March 1789 to merchants Lynch & Bellemy laments the icing over of the Alexandria harbor, and also states that the shifting national and state political scenery is having an impact on trade and supply: 'Our new Congress is assembling and when the regulations ... are published an established judgement may be formed.' Hooe's business correspondence demonstrates that he had a motive to help the rum smugglers of the *Dart*: he needed good quality, yet affordable, rum.

The Commonwealth
against
Robert F. Hooe. Deft. } Judgment for profane
swearing -
is this day discontinued

Hooe Charged with Profane Swearing, Fairfax Court Order Book 1799, p. 32, June 18, 1799

As for whether Hooe was likely to have aided the smugglers, he only appears once in our Court Order Books under a charge for wrongdoing. In 1799, Hooe was charged by the Commonwealth for ‘profane swearing,’ something that is still an offense under Virginia law. The charge against Hooe was dropped.

In the end, Robert Townshend Hooe was never prosecuted for his alleged involvement in the *Dart* smuggling episode, likely due to his high social and political standing in Alexandria and Fairfax County.

The Commonwealth of Virginia
against
Evan McLean Def. } The said Evan having been required
by James McCrea searcher for the port of Alexandria to aid and assist
in seizing the Schooner Dart James Dodd master and refusing and
failing to render his assistance. On the motion of the said James
Judgment is granted the Commonwealth against the said Evan
McLean for Twenty pounds current money, to be applied to the use of
the County of Fairfax. It appearing to the Court that the said Evan
had legal notice of this motion.

Commonwealth vs. Evan McLean, Fairfax Court Order Book 1783, p. 426, July 17, 1787

On James McCrea’s evidence, the Commonwealth of Virginia brought four men to trial for refusing to help McCrea during the smuggling event. On July 17, 1787, Evan McLean, James Woodward, John Wheaton and James Purdie attended court on charges for refusing to assist the Searcher in searching the

Schooner *Dart* and actively assisting the vessel to make its escape. They were each fined £20, and the case was dismissed in September. On the same page of the Court Order Book wherein these four men were charged, Colonel Hooe was recommended to the Governor for the office of Sheriff.

After September 1787, the Schooner *Dart* and her cargo of rum disappear from record.

For more information on these and other records held at the Fairfax Circuit Court Historic Records Center, please call 703-246-4168 or email CCRHistoricRecords@fairfaxcounty.gov.

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