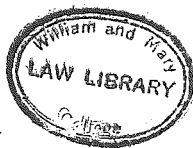


JOURNAL
OF THE
HOUSE OF DELEGATES
OF
VIRGINIA

SESSION
WHICH COMMENCED AT THE STATE CAPITOL
ON
WEDNESDAY, JANUARY 8, 1930

RICHMOND:
DIVISION OF PURCHASE AND PRINTING
1930



Report on the Great Seal of Virginia

To the General Assembly of Virginia:

Pursuant to the provisions of a joint resolution adopted the third day of February, 1930, providing for a commission to inquire into the matter of the correct form and type of the seal of Virginia, which joint resolution is as follows:

Whereas, it appears that, from time to time, several different forms have been used for the State seal, and a doubt has arisen as to which one, if any, of the forms so used, is the correct form and type for said seal; now, therefore,

Resolved by the Senate, the House of Delegates concurring (a majority of the members elected to each house agreeing thereto), that a commission of five be appointed, one from the Senate by the President of the Senate, and one from the House of Delegates, by the Speaker of the House, and three by the Governor, whose duty shall be to inquire into and examine the records, and report to the present session of the General Assembly the correct form and type of the State seal as adopted by the Constitutional Convention of seventeen hundred and seventy-six.—

—the undersigned were named, to-wit:

LLOYD E. WARREN, by the President of the Senate.

ROBERT A. MCINTYRE, by the Speaker of the House
of Delegates.

HENRY R. McILWAINE, }
E. G. SWEM, } by the Governor.
H. J. ECKENRODE, }

The shortness of the time allowed the Commission in which to do its work has made it impossible for its members to reach a unanimity of opinion as to the absolute accuracy of all the historical details given in this report, and it is only with a reservation based on this fact that the report is unanimously agreed to. As to the recommendations, however, made in this report, an agreement has fortunately been reached.

The Commission met on the twelfth day of February, 1930, in the office of H. R. McIlwaine, State Librarian, in the Library building, in Richmond, elected Dr. McIlwaine chairman, Senator Lloyd E. Warren secretary, and proceeded at once with the work. Representatives of the Daughters of the American Revolution appeared and filed the objections which their organization had to the seal in use by Virginia and as displayed on the flag of the State. These ladies reported the fact that the Daughters had been fighting for action on this most im-

portant subject for several years; and authorized this Commission to tender the financial assistance of that organization, if needed, to restore the true seal of the Commonwealth.

The Commission collected whatever books and information were available, the principal printed sources being Joseph Spence's "Polymetis," Journal of the Convention of 1776, Journal of the House of Delegates of Virginia for the October, 1779, session, the Acts of the Assembly of Virginia for various years, the 1919 Code of Virginia, Report on the Seal made by Sherwin McRae to Governor William E. Cameron in 1884, and Edward S. Evans's "The Seals of Virginia," and, after careful comparison of conflicting evidence and undisputed data, it reports as follows:

The first great seal designed after the Declaration of Independence, for the State of Virginia, is linked with the names of Richard Henry Lee, George Mason, George Wythe, Robert C. Nicholas, John Page, Thomas Jefferson, and William and Arthur Lee. The first four named were appointed by the Virginia Convention of 1776 a committee to prepare a design. Immediately after this committee made its report, which was on July 5, 1776, the Convention named George Wythe and John Page a committee to superintend the engraving of the seal in accordance with the design chosen. Thomas Jefferson, in Philadelphia, and, later, William and Arthur Lee, in Europe, were delegated to secure artists qualified to execute the work.

It was George Mason who, on July 5, 1776, made the report of the first committee, as follows:

"*Virtus*, the genius of the Commonwealth, dressed like an Amazon, resting on a spear with one hand and holding a sword in the other, and treading on Tyranny, represented by a man prostrate, a crown fallen from his head, a broken chain in his left hand, and a scourge in his right. In the exergon, the word Virginia over the head of *Virtus*; and underneath, the words, SIC SEMPER TYRANNIS. On the reverse, a group: *Libertas* with her wand and pileus; on one side of her, *Ceres*, with the cornucopia in one hand and an ear of wheat in the other; on the other side, *Aeternitas* with the globe and phoenix. In the exergon, these words, DEUS NOBIS HAEC OTIA FECIT."

A great seal designed in accordance with Mason's report would be the only satisfactory seal of the Commonwealth, the lesser seal to be of the same design, only smaller in size. On this all authorities agree. The Commission's duty is, therefore, reduced to the inquiry, what was the conception of George Mason and his associates? That question settled, there should be no further doubt.

The description of the seal in the report of that committee was not sufficiently specific to force the same conception on all. It does not say, for instance, in which hand the spear is to be held or in which hand the sword, or whether the sword is to be drawn or sheathed, etc. The probable explanation of this meagreness of description is that the committee, undoubtedly having in mind the representation of *Virtus* appearing in Spence's "Polymetis" (an authority with which

they were familiar and the copy of which used in their deliberations is now, in our opinion, in the Virginia State Library), and thinking that the engraver would also have access to a copy, deemed a more detailed description unnecessary.

The Roman goddess *Virtus*, or *Fortitudo*, is usually represented as holding in the left hand a parazonium, a peculiar sword worn as a badge of honor and not as a weapon, sheathed and having the point upward; as having her right hand holding loosely a spear, the point of which rests on the earth; her head erect; her left foot on a globe—to indicate her conquest of the world. Her robe is flowing. Her posture indicates completed victory. The struggle is ended. Thus is the goddess represented in the "Polymetis"; and the only changes that Mason and his colleagues provided for her in his description were to have her dressed like an Amazon (a dress that was sometimes given her in Roman sculpture) and to have her foot on a conquered tyrant instead of on a globe.

No suitable engraver could be found in Virginia in July, 1776, at the close of the Convention, when George Wythe and John Page set about the execution of the task imposed on them. This we learn from a letter written by John Page to the Speaker of the House of Delegates on October 27, 1776, explaining the delay. The Virginia engravers qualified for such work were engaged in engraving plates for the paper money which was to be issued. Recourse had to be had to Thomas Jefferson in Philadelphia, in attendance on the sessions of the Continental Congress, who secured an artist. Page had written a letter to Jefferson on July 20th. In this letter, Page says that the artist might refer to Spence's "Polymetis" for his model of *Virtus*. Unfortunately, the artist secured by Mr. Jefferson either did not refer to a copy of "Polymetis," or, failing to understand the conception there set forth of *Virtus*, preferred to substitute the figure of a fighting Amazon, with drawn sword in her right hand, for that of a goddess whose posture indicates consciousness of victory completed. The errors introduced by this first artist, whose seal was not delivered until April, 1778, have persisted in one form or another until the present time.

Even before the seal had been delivered from Philadelphia, an effort had been made to secure one from Paris. William Lee, then agent for Virginia in France, had been asked by John Page, then Lieutenant-governor of Virginia, to see that the work was done. His letter was dated December 2, 1777. Both William Lee and his brother Arthur Lee interested themselves, but nothing was accomplished. After the receipt by William Lee of his commission with the Virginia seal on it, he adopted the erroneous conception exhibited in this seal. This we know from a letter written by him to his brother Arthur on the 8th of October, 1778. Still nothing was done, the prices charged by engravers being, more likely than not, prohibitive.

However, on October 4, 1779, the General Assembly of Virginia passed an act providing for a great seal of the Commonwealth and directing that the one then in use—the Philadelphia seal—be called the

lesser seal, and named the documents in connection with which it should be used. Furthermore, this act provided that the motto on the reverse of the seal should be changed from DEUS NOBIS HAEC OTIA FECIT to PERSEVERANDO.

When this Commission began its work, several of its members—probably the majority—were of the opinion that, since it was intended to have the seal of Virginia conform in every respect with the conception of those who first devised it, the original motto on the reverse should be restored. When, however, an examination of the Journal of the House of Delegates showed that it was George Mason himself who drafted the act of 1779 changing the motto, it was determined to recommend the retention of PERSEVERANDO, in which we have Mason's amendment of his own work.

Dearth of records prevents the discovery of information as to when or where the great seal called for by the Act of 1779 was made. The records do show, however, that John Carter, of Richmond, made both a great seal and a lesser seal in 1809, following, supposedly, the Act of 1779, since no more recent Act had been passed.

These two seals lasted until 1856, when Alexander Galt, the distinguished sculptor, was engaged to engrave new ones. Specimens of impressions of the great seal engraved by John Carter show that he did not realize the conception of *Virtus* as intended by Mason and Wythe and their colleagues, but was led astray by the conception of the maker of the Philadelphia seal. The virgin, his representation of *Virtus*, is a belligerent Amazon, with drawn sword in right hand, and not a triumphant one.

Alexander Galt, following drawings said to have been made by the celebrated Benjamin West, produced a work of great artistic merit, but still one not in strict conformity with the original conception. The sword is in the correct hand, namely, the left, but it is drawn, not sheathed; it is a sword for action and not one whose use was merely as a badge of honor. The tyrant's crown is *falling* and not *fallen*.

This seal, with its imperfections, was used to the end of the War between the States, when still greater confusion followed. Aliens took possession of the government of the State of Virginia. Venerated traditions and the glorious history of the Commonwealth were treated with contempt. The great seal was converted into an instrument of humiliation to the proud but defeated people of Virginia. When Richmond was evacuated in 1865, the Galt-West seals, while being removed to Lynchburg, were seized by the Federals. These seals were afterwards delivered to Governor Pierpont, when the seat of government was removed from Alexandria to Richmond. Immediately, Pierpont had new seals made, on which were added the motto LIBERTY AND UNION to both the obverse and the reverse. In this period, the seal of defeated Virginia was a copy of the Galt seal with the words LIBERTY AND UNION added. This seal remained in use till 1873, by which time native and true Virginians had again come into control of their State government. In the session of 1872-73, the General Assem-

bly of Virginia had passed an act eliminating the objectionable additions made to the mottoes—objectionable because the words were thrust into places in which they did not belong, and called to the attention of every beholder that liberty had been provided for a portion of our population and union forced on all. This act transferred the sword to the right hand of *Virtus* and the spear to her left. Thus was totally destroyed the significance of the conception of the fathers.

In 1876, Governor Holliday had Colonel Sherwin McRae ascertain what was the correct seal of Virginia. His work was completed, and was transmitted by Governor William E. Cameron to the Speaker of the House of Delegates February 25, 1884. Colonel McRae had also been requested by Governor Cameron to superintend the making of a new great seal. Colonel McRae reported that the discs had been made and that they carried out the original conception of 1776, as perfected, so far as mottoes were concerned, by the law of 1779. His report contained a much clearer statement of the details, especially as to *Virtus*, than did the report of Mason to the Convention of 1776. However, we have further proofs of how extremely difficult it is to describe the seal with the accuracy so desirable and necessary. It is especially interesting to note that a perfect impression of this seal may be found on the credentials of Senator John W. Daniel, signed by Governor Cameron, December 29, 1885, on file in the records of the United States Senate.

The seal was now correct according to Mason's report of 1776 and the law of 1779, but was in conflict with the law of 1873. With the purpose of removing the conflict, a law was passed in 1903. However, in that law the description of *Virtus* is defective and indefinite. No direction is given as to the position of the spear (which should be pointed downward and touching the earth); there is no direction as to how the parazonium should be held, whether sheathed or not; and the crown is described as *falling* from the Tyrant's head, when the proper word is *fallen*. It is rather entertaining to learn that the Secretary of the Commonwealth decided that the figure of the virgin engraved on the first seal provided under this law was too masculine in appearance, and he had the engraver put the breasts of a woman on it after the seal had been in use for some time. Whence comes the fact that, within a few months, the public acts of Virginia bear the stamp of a masculine and a female figure. This remained the great seal of Virginia until Governor Mann's very remarkable seal was proclaimed in 1912, which was a new and different design from all others theretofore adopted by law. His was quite a belligerent *Virtus*, and wholly different from the conception adopted by the Convention of 1776 and the General Assembly of 1779. This is now in use in the office of the Secretary of the Commonwealth.

Fortunately, the able Virginians who compiled the Code of 1919 reverted to the classic conception of 1776 and 1779, and included in section 27 substantially the same description of the obverse and of the reverse of the great seal contained in George Mason's report to the Convention, the 5th day of July, 1776; but this description is open to

misunderstanding, and several seals differing in form and meaning could be designed in conformity with it. There is no fixed position for the spear in the right hand of *Virtus*. The author should have included the words "point downward and resting on the earth." Further, the sword in her left hand should be described as "sheathed and pointing upward." The very palpable error is continued in the words "a crown *falling* from his head." *Falling* should be *fallen*. The use of the present instead of the past participle in this description changes the entire significance of the seal. *Virtus* has completed her labors, she is resting on her inverted spear, she is holding the sheathed sword in her left hand, the symbol of honor. Thus to have the crown not fallen and her work not complete sounds a discordant note in the grand anthem of victory.

Your Commission has discovered and reports that the seal adopted by law in the Code of 1919 is not in use and has not appeared on any of the public papers of this Commonwealth. The members of the General Assembly will not find the legal seal of Virginia on the stationery supplied for their use during the current session, nor on the beautiful manual in daily use distributed among them. No correct copy of the original seal of Virginia appears in this Capitol except on its door-knobs and south portals. Indeed, the Secretary of the Commonwealth informs this Commission that no seal in conformity with the Code of 1919, section 27, has ever been engraved.

The Commission Recommends:

1. That a great seal and a lesser seal of the Commonwealth, in faithful conformity with the description approved in this report, be made at the earliest possible time, as hereinafter provided.
2. That the services of artists of superior talent and distinction be engaged to assist in the execution of the work; and that a contract for engraving the seal shall be given to engravers of first rank in their profession; but that the work of the artist and engraver be submitted to the Art Commission of Virginia for approval.
3. That a sum not in excess of \$500.00 be appropriated to meet the necessary expenses of carrying these recommendations into effect, to be taken from the contingent funds of the Senate and House of Delegates equally.
4. That such seals as are in use in the office of the Secretary of the Commonwealth be, by an Act of the Assembly, adopted temporarily, and used only until the permanent seals shall be completed; and that all official acts done in the name of the State of Virginia, under the seals heretofore in use, shall be validated.
5. That the temporary seals so provided shall be canceled after the permanent seals have been completed and put into use as provided by law, by quartering the same with two straight lines crossing at right angles at the center of the discs, and cut at least as deep as the figures thereon; which seals so canceled shall be safely kept in the office of the Secretary of the Commonwealth, and at least three clear impressions

filed with the State Librarian to be by him duly indexed and safely kept in a suitable place.

6. That the permanent seals of the Commonwealth, when completed, shall be kept and used as provided by law, and at least three clear impressions shall be made and filed with the State Librarian, to be by him kept displayed in some suitable place in the State Library, for public inspection; that these seals should be accepted as the sign of Virginia's sovereignty and forever respected as the symbol of all that is glorious in her history.

7. That an act be passed amending sections 27 and 31 of the Code of 1919, so as to require the flag of the State to bear the permanent great seal so adopted.

8. That the Governor of Virginia be authorized and directed to carry these recommendations into effect, on or before the first day of September, 1930, and to make proclamation of the permanent seals of the Commonwealth when completed, in which proclamation shall be included a full description of both the obverse and reverse thereof, with pictures of the same; that, if he may think it feasible, a copy of such proclamation be posted in every public school in the Commonwealth.

Following common usage, your Committee has in this report used the word "seal" from time to time in at least three different senses. The word sometimes means the stamp (technically called the matrix) which makes the impression, it sometimes means the impression made by the matrix, and it sometimes means the concept arising in the mind when the word is used in some such expression as "the true seal of Virginia" or "Mason's idea as to what the seal should be." It has not been found feasible to confine the meaning to any one of these senses. The context shows in every instance, however, what sense is intended. If the word had been used throughout in any one sense, it would have been extremely difficult and awkward to express the ideas conveyed by the word when used in the other senses. In the following description, however, greater exactness of language is aimed at. In the Virginia laws the seal of Virginia has always been the stamp, or matrix, making the impression, but the descriptions have been of the impressions made. The two (the matrix and the impression) necessarily have their figures reversed. This fact, it is believed, has contributed to the general confusion on this subject which the subjoined description aims to relieve.

In conclusion, the Commission reports that it has reviewed the highest authorities from 1776 to 1930 on the question of what should be the true seal of Virginia and that, after careful consideration of the models in Spence's "Polymetis" and of the entire history of the subject, the following, composed by Robert A. McIntyre, of Fauquier county, a member of this Commission, is submitted as an accurate and faithful description of the great seal of this Commonwealth, as it was intended to be by Mason and Wythe and their associates. This description should be approved and adopted by law.

**Description of the Great Seal of the
Commonwealth of Virginia**

The Great Seal of the Commonwealth of Virginia shall consist of two metallic discs, two inches and one-fourth in diameter, with an ornamental border one-fourth of an inch wide, with such words and figures engraved thereon as will, when used, produce impressions to be described as follows:

On the obverse, *Virtus*, the genius of the Commonwealth, dressed as an Amazon, resting on a spear in her right hand, point downward, touching the earth; and holding in her left hand a sheathed sword, or parazonium, pointing upward; her head erect and face up-turned; her left foot on the form of Tyranny represented by the prostrate body of a man, with his head to her left, his fallen crown near by, a broken chain in his left hand, and a scourge in his right. Above the group and within the border conforming therewith, shall be the word Virginia, and, in the space below, on a curved line, shall be the motto, SIC SEMPER TYRANNIS. On the reverse, shall be placed a group consisting of *Libertas*, holding a wand and pileus in her right hand; on her right, *Æternitas*, with a globe and phoenix in her right hand; on the left of *Libertas*, *Ceres*, with a cornucopia in her left hand, and an ear of wheat in her right; over this device, in a curved line, the word PERSEVERANDO.

Respectfully submitted this the twentieth day of February, 1930.

H. R. McILWAINE, *Chairman*
H. J. ECKENRODE
E. G. SWEM
ROBERT A. McINTYRE
LLOYD E. WARREN.

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