

VIRGINIA. HISTORY, SERVICE

THE ROAD TO
INDEPENDENCE: VIRGINIA
1763-1783

Virginia. History, Government,
and Geography Service

**The Road to Independence:
Virginia 1763-1783**

«Public Domain»

Virginia. History, Government, and Geography Service

The Road to Independence: Virginia 1763-1783 / Virginia. History, Government, and Geography Service — «Public Domain»,

Содержание

Foreword	5
Introduction	6
The Road to Independence:	7
Part I:	7
Part II:	17
Конец ознакомительного фрагмента.	24

and Geography Service Government Virginia. History The Road to Independence: Virginia 1763-1783

Foreword

In the public schools of Virginia, various courses deal with American history, and consideration and study is given to the Colonial Period from kindergarten through grade twelve. The publication entitled, THE ROAD TO INDEPENDENCE: VIRGINIA 1763-1783, offers teachers in the secondary schools of Virginia a special challenge to select important areas of emphasis for the period 1763-1783 that will provide an improved perspective for students to see new meaning in familiar events. The teacher should present the material in a broader context so as to enable young Americans to comprehend the ideas, events, and personalities of the period. It is hoped that this publication will help to accomplish this goal.

W. E. Campbell

*State Superintendent of
Public Instruction*

Introduction

This publication was prepared to assist teachers in developing topics of study relating to the American Revolution and Virginia's role in the winning of independence and to help students develop deeper appreciation for the rich heritage that is theirs as citizens of the Commonwealth. The Virginia tradition was created by responsible men and women who believed in the inherent dignity of the individual, the role of government as a servant of the people, the value of freedom, justice, equality, and the concept of "rule of law." These ideals and beliefs remain the hallmark of Virginia and the nation.

Important objectives of this publication are:

To emphasize the study of Virginia history during the period from 1763 to 1783 when the state exerted influential leadership and wisdom in the winning of American independence;

To develop a deeper understanding of the meaning of freedom and basic principles and traditions which have nourished and sustained the American way of life;

To further the students' understanding of individual rights and responsibilities in a free society;

To further acquaint students with their heritage of freedom and the importance of perpetuating democratic traditions; and

To further students' understanding of the concept of self-government and the American way of life.

It is hoped that this publication will assist in achieving these objectives.

The Road to Independence: Virginia 1763-1783

Part I: 1763: The Aftermath of Victory

Virginia in 1763 appeared to stand on the edge of a new era of greatness. The Peace of Paris signed that year confirmed the total victory of the British in North America during the long French and Indian War (1754-1763). Virginia's natural enemies were subdued: the French were driven from Canada, the Forks of the Ohio, the Illinois Country, and Louisiana; the Spanish were forced to give up Florida; and the Indians, now without any allies, were defeated or banished beyond the Appalachians. Virginians were free to continue their remarkable growth of the past 40 years during which they had left the Tidewater, pushed up the James, Rappahannock, Appomattox, and Potomac river basins, and joined thousands of Scotch-Irish and Germans pushing southward out of Pennsylvania into the Valley of Virginia. Although they were halted temporarily in 1755 when Braddock's disastrous defeat in Pennsylvania and the massacre of frontier pioneer James Patton at Draper's Meadow (Blacksburg) encouraged the Indians to resist the white man's advance, Virginians eagerly eyed the lands in southwestern Virginia along the Holston, Clinch, and French Lick Rivers and those that lay beyond the mountains along the Ohio. This territory, from which was carved the states of Kentucky and West Virginia, made Virginia, even without considering her strong claim to all the lands north of the Ohio, the largest of the American colonies.

"He has refused to
assent to laws the most
wholesome and necessary
for the public good...."

Following the end of the French and Indian war, Virginians expected to recapture the economic prosperity that had been interrupted by the conflict. In 1763, they were the most affluent and the most populous white colonists. There were at least 350,000 settlers, including 140,000 slaves, in Virginia. Pennsylvania, the next largest colony, had 200,000 residents. If the past was any indication, the numbers of Virginians surely would multiply. In 1720 there were 88,000 colonists in Virginia, 26,000 of whom were black. The years between 1720 and 1750 had been very fruitful ones and were to be remembered as "the Golden Age" of Colonial Virginia. Virginia and Maryland were ideal colonies for the British. The Chesapeake colonies produced a raw material (tobacco) which the British sold to European customers, and they bought vast quantities of finished products from craftsmen and manufacturers in the mother country. These were years when the English mercantile system worked well. There was lax enforcement of the Navigation Acts, liberal credit from English and Scots merchants, generous land grants from the crown, a minimum of interference in Virginia's government, and peace within the empire. Both mother country and colony were happy with the arrangement. With peace would come a renewal of those "good old days." Or so Virginians thought. But it was not to be so.

It is never possible to return to the **status quo ante bellum**. It would not be possible for Great Britain to do it in 1763. The British ended the Seven Years War (the French and Indian War 1756 became a general world war) as the dominant country in Europe, triumphant over France in India, the West Indies, and North America, and owners of Spanish Florida. Yet victory had its price and its problems. The wars had to be paid for; a policy for governing the new territories had to be formulated;

the Indian tribes beyond the Appalachians had to be pacified and protected; and Britain had to remain "at the ready" to defend her newly-won position of power.

Neither France, nor Spain, was about to give in easily. The French, particularly, were awaiting the chance to challenge the British. For that reason, the Peace of Paris was only a truce in a series of wars which began in the 1740's and did not end until the defeat of Napoleon in 1814. The eager French support of the American Revolution was based on more than the attraction of young aristocrats like Lafayette to the republican ideals of a war for independence. French self-interest and revenge also were heavily involved.

The foremost task facing Britain was meeting the costs of victory. To gain and maintain the new empire cost great sums of money which the crown knew it could not extract from British taxpayers already overburdened with levies on land, imports, exports, windows, carriages, deeds, newspapers, advertisements, cards and dice, and a hundred other items of daily use. The land tax, for instance, was 20 percent of land value. These were taxes parliament had levied on residents in Great Britain but not on the colonists. Many taxes had been in effect since an earlier war in the 1740's (King George's War). With the national debt at a staggering £146,000,000, much of it the result of defending interests in the New World, and several million pounds owed to American colonies as reimbursement for maintaining troops during the war, British taxpayers, rich and poor alike, expected relief. In fact, these war debts forced parliament to impose additional taxes in 1763, including a much-despised excise tax on cider. It is hardly surprising to find most Britons agreed that in the future the Americans should be responsible for those expenses directly attributable to maintaining the empire in America. That future costs were to be shared seemed politically expedient and the reasonable thing to do. Every ministry which came to power in Britain after 1763 understood this as a national mandate it could not ignore.

The French and Indian War produced a rather curious and very significant by-product: the English literally rediscovered America and Virginia. Since the late 17th Century there had been very little personal contact between Englishmen in authority and the colony. From 1710 to 1750, the years when all was running so well, the only contact Virginia had with English government was through her royal governor. Most of the other royal officials in Virginia were Virginians, not Englishmen. And, as events turned out, even the royal governors were a thin line of communication. Governor Alexander Spotswood (1710-1722) became a Virginia planter rather than go home to Britain; Governor Hugh Drysdale (1722-1726) died in Williamsburg; and Governor William Gooch (1727-1749) served in the colony for 22 years without once visiting England. Moreover, fewer young Virginians were going to England for their schooling, preferring to attend the College of William and Mary or the recently opened College of New Jersey (Princeton). There were, of course, London and Bristol tobacco merchants who knew Virginia well, but the great increase in Virginia wealth after 1720 was partially obscured from Englishmen because it was the Scots merchants, not the English, who came to control much of the Chesapeake tobacco trade.

English politicians and citizens alike had a very incomplete understanding of the great strides made by Virginia. They still thought of Virginians as provincials, struggling in the wilderness, or as impoverished Scots, Irish, and Germans living in the back-country. Hundreds of English military officers, many of whom would achieve positions of political influence in the 1760's and 1770's, were surprised to find Virginia and other American colonies to be economically prosperous, socially mature, and attractive places in which to live. Englishman after Englishman wrote about Virginians who lived in a style befitting English country gentry and London merchants. Over and over again they noted the near absence of poverty, even on the frontier. Their discoveries matched English political needs. Not only was it necessary for the Americans to assume a greater share of the financial burdens, Englishmen now knew they could do it.

These Englishmen also made another major discovery—the colonies were violating the English constitution. They had grown independent of the crown and the mother country. They paid little attention to parliamentary laws and the Navigation Acts; they smuggled extensively and bribed

customs officials; and they traded with the enemy in wartime. They had developed political practices which conflicted with the constitution as the British knew it. Legislatures ignored the king's instructions, often refused to support the war efforts until they had forced concessions from the governors, and had taken royal and executive prerogatives unto themselves. Worse yet, royal governors like Robert Dinwiddie and Francis Fauquier yielded to the demands of the House of Burgesses and accepted laws explicitly contrary to their royal instructions. What these Englishmen discovered was the collapse of the imperial system as set forth in the creation of the Board of Trade in 1696. In its place there had been substituted, quite unnoticed by British officials, the House of Burgesses which thought of itself as a miniature House of Commons.¹

Once the British made the discovery about these constitutional changes they quite understandably believed such conditions could not be ignored. Quite understandably, the Virginians were not willing to give up rights and privileges which they believed were theirs, or the semiautonomy they had enjoyed the previous 30 years.

The New Generation in Politics: Britain and Virginia

There came to power in the 1760's an entirely new political leadership in England. The most important change was the kingship itself. George II, who had come to the throne in 1727, died in 1760 and was succeeded by his grandson, George III. Unlike his grandfather and his great-grandfather, George I (1715-1727), both of whom were essentially Hanoverians, George III "gloried in the name of Briton" and believed it was essential for the king to be his own "prime" minister and for the king to be active in managing the crown's political affairs in parliament. Unlike the first two Georges, the third George could not achieve the political stability which Robert Walpole and the Duke of Newcastle had imposed on parliament from 1720 to 1754. It is well known that George had a congenital disease which pushed him into periods of apparent insanity during his long reign (he died in 1820). Present day medical scholars now believe that this illness was perhaps porphyria or some type of metabolic illness, which could now be treated and controlled by diet and medication. Such illness does not appear to have been a major factor in his actions prior to the Revolution, the first significant attack not occurring until 1788. Instead, the stolid and often plodding king tended to rely upon men like the unimaginative Lord Bute or his somewhat stodgy wife, Charlotte of Mecklenberg (for whom two Virginia counties and the town of Charlottesville are named.) The breakdown of the once-powerful Whig political coalition also added to the king's problems.

About the time George ascended the throne, the English Whigs who had dominated English politics since 1720 fell victim to their own excesses. Walpole and Newcastle had controlled and directed parliament and the ministry through the "judicious" use of patronage and government contracts and contacts. Nevertheless they had done so with a consistent governmental program in mind and in a period of peace. By the 1760's the Whigs had deteriorated into factions quarreling over patronage, spoils, and contracts, not policy. They became thoroughly corrupt and interested in power primarily for personal gain. Consequently, the king could not find anyone whom he could trust who could also provide leadership and hold together a coalition capable of doing his business in the House of Commons. He tried Whigs George Grenville (1763-1765), Lord Rockingham (1765-1766), Lord Chatham, the former William Pitt (1766-1768), and the Duke of Grafton (1768-1770). Finally, in 1770, he turned to Lord North and the Tories. North held on until 1782.

What these frequent changes suggest is that at the height of the American crisis in the 1760's, when the real seeds of the Revolution were being sown, the instability of the British parliamentary government precluded a consistent and rational approach to American problems. Lacking internal

¹ An excellent summary of the ways in which the Virginia burgesses and their counterparts in North and South Carolina and Georgia quietly gained the upper hand by mid-century, see Jack P. Greene, **Quest for Power** (University of North Carolina Press, 1963).

cohesion, the English government could not meet the threat of external division. It also means that the colonists, especially the Virginians, saw parliament as being thoroughly corrupt and the king surrounded by what even the mild-mannered Edmund Pendleton called "a rotten, wicked administration". Not until the eve of independence in 1776 were Virginians to think of George as a tyrant and despot. In fact, he was neither. He was a dedicated man of limited abilities in an age demanding greatness if the separation of the American colonies from the empire was to have been prevented. Perhaps even greatness could not have prevented what some have come to believe was inevitable. (For a sympathetic study, see **King George III**, by John Brooke, McGraw-Hill, New York, 1972).

Leadership also changed dramatically in Virginia in the 1760's. This was partially due to changing economic conditions. Prosperity did not return as rapidly as expected. The long war probably masked a basic flaw in the Virginia economy which Virginians believed they had solved—they were too reliant on tobacco. The great Virginia fortunes of the mid-18th Century were built on extensive credit from Britain, the efficient operation of the mercantile system, the initiative and enterprise of Scots merchants who had succeeded in marketing in Europe nearly all the tobacco produced by the new planters in the Piedmont and Northern Neck, and by the prudence of the planters themselves.

Such a favorable balance of economic factors did not exist in the 1760's. The European market could not absorb continued annual increases in the good, cheap tobacco Virginia produced. Prices fell. With an oversupply of tobacco in the warehouses, English and Scots merchants limited further credit extensions and called for repayment of long-outstanding loans. Within Virginia the centers of tobacco production shifted from the older, worn-out Tidewater lands to the newer, richer soils along the Fall Line, on the Piedmont, and in the Northern Neck. A few men like George Washington switched from tobacco to wheat, corn, barley, and rye. Most Tidewater planters did not realize fully what was happening to them, presuming at first that they were just in another swing of the unpredictable tobacco business cycle, and were not caught in a situation which would be permanent. Eventually the total debt of Virginians, most of it owned by Tidewater planters, to Scots and English merchant houses reached £2,000,000, equalling the total private debts of the other 12 colonies.

One other economic factor was apparent to many Virginians—they were living beyond their means, building fine houses, furnishing them with exquisite taste, wearing the latest fashions, riding in expensive carriages, and occasionally over-extending themselves at the gaming tables and race courses. Although these personal extravagances added to the debt structure, they would not have been so significant if they had not been accompanied by a lack of business ability among some of the younger Tidewater planters. The sons did not seem to have inherited the same business acumen and hard-driving business instincts of their fathers and grandfathers. Having grown up in a period of affluence, they were eternally optimistic that it would continue, that their setbacks were temporary, and their social positions were secure. Like men everywhere when their private world begins to break down, they tended to strike out at those closest to them—the merchants who extended the credit, the tobacco buyers who would not pay top prices, and the politicians in power. It was not the best of times for London to be asking some Virginians to pay new and quite different taxes.

Had the opposition to taxes been led mainly by those who faced bleak economic futures or the loss of once-powerful positions and declining family status, one could agree with those who say that the reaction of Virginians to the Currency, Sugar, Stamp, or Tea Acts was primarily economic. However, there were many other rising young leaders, families which had managed their estates, and men who lived within their means, paid attention to their debts, and resisted credit extensions until their tobacco was harvested and cured. They also took violent exception to crown and parliamentary solutions to imperial problems. The growing personal indebtedness caused Virginians to rethink their

economic ties to the empire, it did not cause them to seek independence in order to avoid paying their bills.²

Political leadership changed during the 18th Century from the council to the House of Burgesses and from a few great families to a broad-based gentry. In the early 18th Century several great families directed Virginia politics. Mostly members of the Governor's Council, they not only won power and wealth for themselves, they challenged the power of the royal governors and managed to defeat or neutralize several strong-willed governors, including Governor Francis Nicholson (1698-1705) and Governor Alexander Spotswood. They even converted Spotswood into a Virginia planter. The council reached its height of power in the 1720's and then lost its influence as the great planters passed on. Robert "King" Carter died in 1732, Commissary James Blair in 1743, William Byrd II in 1744, Thomas Lee in 1750, and Lewis Burwell in 1751. Only Thomas Lee successfully passed on his political position to his heir, Richard Henry Lee. Unlike his father, Lee achieved his power in the House of Burgesses.

The day of the House of Burgesses had come. Its leader was John Robinson, of King and Queen County, whose father and uncle had been councilors. From the day in 1738 when he became Speaker of the House and Treasurer of Virginia until his death in 1766, Robinson quietly and efficiently built the power and influence of the burgesses. He took as his watchword the promise of his predecessor as speaker, Sir John Randolph, to the burgesses:

The Honour of the House of Burgesses hath of late been raised higher than can be observed in former Times; and I am persuaded you will not suffer it to be lessened under your Management.

I will be watchful of your Privileges, without which we should be no more than a dead Body; and advertise you of every Incident that may have the least tendency to destroy or diminish them. . .³

Robinson never flagged in his devotion to protecting and advancing the privileges of the house.

Robinson correctly understood the times. By the 1730's the number of affluent families numbered well over 100 and could no longer be effectively represented by the 12-member council. Many burgesses not only were as wealthy as councilors, they were their social equals. Quite commonly they were their brothers or nephews. As the burgesses gained the ascendancy over the council, the house became, in the words of Carl Bridenbaugh, "the tobacco gentry club". There sat the new generation of Randolphs, Harrisons, Nelsons, Robinsons, and Lees.

There developed around Robinson and his cousin, Attorney-General Peyton Randolph, a group of like-minded gentry known in Virginia politics as the "Robinson-Randolph Clique." Mostly planters and burgesses from the James and York river basins, they included a few of their heirs who had built substantial plantations on the Piedmont. Their principal rivals had been northern Tidewater and Northern Neck planters led by Councilor Thomas Lee and then by Richard Henry Lee. Although these rival gentry groups might compete for choice lands in western Virginia and the Ohio Valley and for royal offices and positions of influence, they did not differ in political philosophy. Nor did they deny house leadership to men with talent. Unlike their counterparts in the House of Commons they did not differ on matters of English policy—political and economic decisions were to be made in Virginia by Virginians and not by royal governors, the Board of Trade, the crown, or the English Parliament. Above all it was not to be made by parliament. They were the parliament for Virginia.

In the 1760's three new groups joined the prevailing Robinson-Randolph leadership. The first was the generation born in the 1730's and 1740's which would reach maturity in the 1760's and be waiting to enter the "tobacco club" as a matter of birth. The second was a generation of men who had achieved wealth and influence, mainly in the Piedmont, whose fathers and brothers had not been in the first rank of planter gentry. The third was a new element—burgesses from recently

² For differing views of the debt situation see Lawrence H. Gipson, **The Coming of the Revolution** (Harper and Row: New York, 1954), 40-54, and Emory G. Evans, Planter Indebtedness and the Coming of the Revolution in Virginia, **William and Mary Quarterly**, 3rd. series, XIX (1962), 511-33. Evans holds an anti-debt position.

³ Journal of House of Burgesses, 5 August 1736.

established frontier counties who had the ambition, drive, and determination to make good which were characteristics of the late 17th Century founders of the great families. Rarely did these men want to overturn the prevailing political leadership, they wanted to join it. The declining fortunes of the Tidewater planters and the crises of the 1760's accelerated the rise to power of all three of these new elements in the House of Burgesses.

The Political Philosophy of Virginia, 1763

From that moment on September 2, 1774, when the Virginians appeared at the First Continental Congress in Philadelphia, and John Adams recorded in his diary, "The gentlemen from Virginia appear to be the most spirited and consistent of any", until Chief Justice John Marshall died in 1835, Americans marveled at the quality, quantity, and political brilliance of this generation of revolutionary Virginians. And we have marveled since. It was not just the towering national figures like Patrick Henry, Richard Henry Lee, George Washington, Thomas Jefferson, James Madison, James Monroe, and John Marshall, or the great state leaders like Peyton Randolph, Richard Bland, George Wythe, or Edmund Pendleton who astounded contemporaries. It was the fact that they knew of other men in Virginia as capable—Thomas Nelson, Jr., Benjamin Harrison, Severn Eyre, Francis Lightfoot Lee, John Page, John Blair, Jr., Robert Carter Nicholas, or Dr. Thomas Walker.

The key to the political sagacity of these revolutionary Virginians is found in the willingness of an elite group of planter gentry to serve government and to serve it well and in the acceptance of their leadership by the rest of the Virginians. It is found in the enlightened attitudes these leaders had about their responsibilities as officeholders to the people. It is found in the day-to-day operations of government in the county and the General Assembly not just in the great crises of the Stamp Act, the Coercive Acts, and Lexington and Concord. Liberty and freedom do not spring full-blown into life only in times of trial, they are nurtured carefully and often unknowingly over the years. They demand, as Jefferson said, "eternal vigilance". Certainly, liberty and freedom were not allowed to atrophy and become weak in colonial Virginia. Instead, it was the English who had not been vigilant and who had allowed a particularly strong concept of liberty to grow strong in Virginians.

How could a planter elite become the fount of republicanism.⁴ First, the common bond of land and tobacco farming gave the large and small planters similar economic interests and a homogeneous society, at least east of the Blue Ridge Mountains. Second, the less-affluent farmer naturally elected his more prosperous neighbors to the House of Burgesses. The poorly run plantation was no recommendation for a public office whose main responsibility was promoting agricultural prosperity. Third, the hard-working small farmers lacked the time and money to serve in public office. Virginia had a long tradition of voluntary service in local government and only a small per diem allowance for attending the House of Burgesses. Finally, social mobility was fairly fluid in a fast-growing society, and the standard of living among the lower classes had improved visibly in pre-Revolutionary Virginia. The independent farmers and small slaveholders saw no reason to oust or destroy the power of the larger planters. They wanted to emulate them and they fully expected to be able to do so.

The liberal humanism of the planter gentry did much to assure the people that they had little to fear from their "betters". The gentry served because they believed in **noblesse oblige**—with power and privilege went responsibility. Honor, duty, and devotion to public and class interest called them to office, and they took that call seriously. They alone had the time, the financial resources, and the education necessary for public office. As social leaders they were expected to set an example in manners and public morals, to uphold the church, to be generous with benevolences, to serve

⁴ See D. Alan Williams, "The Virginia Gentry and the Democratic Myth", **Main Problems in American History**, 3rd. ed. (Dorsey Press, Homewood, Illinois, 1971), 22-36.

with enlightened self-interest, and to be paragons of duty and dignity. With a certain amount of condescension and considerable truth, they thought colonial Virginia would be ill-served if they refused to lead and government was run by those who were less qualified to hold office. They set a standard which has remained the benchmark of Virginia political ethics.

Though they remembered their own interests, the burgesses believed they were bound to respect and protect those of others. This was a fundamental part of Virginia public ethics and was one reason for the absence of extensive political corruption. They held that sovereignty was vested in the people, who delegated certain powers to government. This they believed long before the Revolution. As early as 1736 Sir John Randolph reminded the burgesses:

We must consider ourselves chosen by all the People; sent hither to represent them, to give their Consent in the weightiest of their Concerns; and to bind them by Laws which may advance their Common Good. Herein they trust you with all that they have, place the greatest Confidence in your Wisdoms and Discretions, and testify the highest Opinion of your virtue.⁵

When Randolph made these remarks, he was telling the burgesses what they already knew and at a time when there were no pressing public issues. It was this abiding interrelationship between electorate and representatives which was the strength of the Virginia political system. The gentry extolled republicanism not only because it seemed the right and just attitude but also because it worked.

The small farmers and slaveholders acted as a restraint upon any tendency toward oligarchy which the gentry might have entertained. The small farmers were in the majority and they had the right to vote. The percentage of white males who voted in the 18th Century elections was quite high. True, the colonial voters elected only the burgesses, but that single choice was an important guarantee of their rights, since the House of Burgesses was the strongest political body in Virginia. Thomas Jefferson once remarked that the election process itself tended to eliminate class conflicts and extremism: the planter aristocrat with no concern for the small farmer was not apt to be elected, and the man who demagogically courted the popular vote was ostracized by the gentry. Therefore, the House of Burgesses became, at the same time, the center of planter rule and of popular government.⁶

The constitutional philosophy of the House of Burgesses proclaimed in response to the Grenville revenue program in 1764 was not new. When Patrick Henry electrified the burgesses with his Stamp Act Resolves in May 1765, he was not setting forth a new concept of government, he was reaffirming, in a most dramatic form, constitutional positions the burgesses themselves well understood. The burgesses had developed their constitutional positions during the 1750's in response to a series of minor, isolated events—royal disallowance, the Pistole Fee Controversy, and the Two-Penny Act.

After trying for years to codify and reform laws long in use, the General Assembly in 1748 completed a general revision of the laws. Included in these revisions were several laws already in force and approved by the crown. The assembly did not include a suspending clause with these acts, (holding up their implementation until the crown had an opportunity to approve them). While a suspending clause was supposed to be attached, the assembly had not done so regularly for years and the governors had not challenged them, nor had the crown complained. In 1752, however, the crown disallowed half-a-dozen laws, claiming the assembly had intruded upon the king's rights and ignored the governor's instructions. Angered, the assembly protested this "new" behavior by the crown and asserted they could not remember when the king had vetoed laws which were of no consequence to the crown, nor contrary to parliamentary law, but which were of importance to Virginia. It was the beginning of a long struggle.

⁵ Journal of House of Burgesses, 5 August 1736.

⁶ For a short well-written discussion of the election process see Charles S. Sydnor, **Gentlemen Freeholders: Political Practices in Washington's Virginia** (University of North Carolina, 1952, reprinted in paperback as **Revolutionaries in the Making: Political Practices in Washington's Virginia**.

In 1752 there also occurred a second and more decisive dispute—the Pistole Fee Controversy. One of the frequently overlooked events in Virginia, this debate between the royal governor and the House of Burgesses brought forth the classic constitutional defense by the house of its right, and its right alone, to tax Virginians. The burgesses' powers, as proclaimed by Richard Bland, became the fundamental argument by Virginians against royal encroachment upon what they believed were their rights.

Shortly after his arrival in Virginia Governor Robert Dinwiddie announced his intention to charge one pistole (a Spanish coin worth about \$3.50) for applying the governor's seal to all land grants. The council, believing this was a routine fee for a service rendered, concurred. The storm of protest which followed amazed Dinwiddie. The burgesses accused Dinwiddie of usurping a right not his in order to line his pockets. This was not a fee, it was a tax, and only the burgesses could initiate a tax on Virginians. Dinwiddie denied that the fee was solely for his personal remuneration. Instead, he maintained his aim was to return to the tax rolls millions of acres of land withheld by Virginians in order to prevent collection of the annual quit-rent on the land which every Virginia landowner paid the crown. In the heated debates which followed, both parties built their cases around the rights and privileges each claimed was its own. The ultimate outcome, which resulted in a compromise by the crown, satisfactory to both Dinwiddie and the burgesses, is not as important as the constitutional argument put forth by the burgesses.

The house resolutions included ringing phrases which would become familiar in the 1760's:

The Rights of the Subject are so secured by Law, that they cannot be deprived of the least Part of their Property, but by their own Consent; Upon this excellent Principle is our Constitution founded ... That the said Demand is illegal and arbitrary, contrary to the Charters of this Colony, to his Majesty's and his Royal Predecessor's Instructions to the several Governors, and the Express Order of his Majesty King William of Glorious Memory ... That whoever shall hereafter pay a Pistole ... shall be deemed a betrayer of the Rights and Privileges of the People.⁷

The author of these resolves was Richard Bland, a tough-minded burgess from Prince George County, descendant of one of the colony's oldest families. One of the earliest graduates of the College of William and Mary to achieve a major position in the burgesses, he was one of the most widely read. He held four beliefs common to the revolutionary generations, beliefs he translated into major works during the Pistole Fee Controversy, the Parsons' Cause, the Stamp Act, and the later revenue crises:

the eternal validity of the natural-law doctrines most cogently stated by John Locke;

the superiority over all other forms of government of the English Constitution, of which an uncorrupted model or extension was the peculiar property of the Virginians;

the like superiority of those unique rights and liberties which were the heritage of the free-born Englishman; and

the conviction that the good state rests on the devotion of men of virtue, wisdom, integrity, and justice.⁸

In addition to the house resolutions, Bland wrote a closely reasoned essay attacking the Pistole Fee, **A Modest and True State of the Case** (1753). Only a portion survives and is known as **A Fragment Against the Pistole Fee**. His underlying principle, one which the British ignored and Virginians never forget, is cogently set forth.

The Rights of the Subjects are so secured by Law that they cannot be deprived of the least part of their property without their own consent. Upon this Principle of Law, the Liberty and Property of every Person who has the felicity to live under a British Government is founded. The question then

⁷ Journal of House of Burgesses, 1752-1758, 143, 154-155.

⁸ : Clinton Rossiter, **Six Characters in Search of a Republic** (Harcourt, Brace: New York, 1964), chap. 5, "Richard Bland, the Whig in America", 184).

ought not to be the smallness of the demand but the Lawfulness of it. For if it is against Law, the same Power which imposes one Pistole may impose a Hundred ...

LIBERTY & PROPERTY are like those precious Vessels whose soundness is destroyed by the least flaw and whose use is lost by the smallest hole.

Virginians never deviated from this view.

In 1818 John Adams, when asked what was the Revolution, replied, "the Revolution was effected before the war commenced. The Revolution was in the minds and hearts of the people ... This radical change in the principles, sentiments, and affections of the people, was the real American Revolution." In Virginia, the Revolution began in the minds and hearts of the House of Burgesses with the Pistole Fee. Its author was Richard Bland.

The third event was the Parsons' Cause. This event reached the people, and in it the people found a spokesman—Patrick Henry. The Parsons' Cause was an outgrowth of the Two-Penny Acts. Nearly all Virginia salaries and most taxes were paid in tobacco, rather than specie (hard money). Many officials, including the clergy, had their salaries set by acts of the assembly at a specified number of pounds of tobacco per year. In the case of the clergy this was a minimum of 16,000 lbs. per year. In the 1750's a series of droughts and other natural disasters brought crop shortages in some areas, driving tobacco prices well beyond normal levels. In 1753 and again in 1755 the assembly allowed taxpayers to pay taxes in either tobacco or specie at the rate of two pennies per pound of tobacco owed. On one hand this seemed eminently fair. The crop shortages worked a double penalty on the planter—he had little tobacco because of the weather, but he was forced to pay his taxes in valuable tobacco he did not have. On the other hand, the clergy and others protested they received no relief when tobacco was in oversupply and the price was low. More importantly, they had a contract which had been enacted into law and approved by the king. No assembly could repeal a law approved by the king without his approval. In 1753 and 1755 the issue faded away.

Then in 1758 the assembly passed another Two-Penny Act, applying throughout the colony and to all officials and even to private debts. Governor Francis Fauquier, although knowing that he could not put such a law into effect until the king had given his approval, decided he would do the politically expedient thing and signed the bill.

Fauquier reckoned without the tenacity of the clergy led by the Rev. John Camm, a William and Mary college professor and parish pastor. Camm, whom Fauquier called "a Man of Abilities but a Turbulent Man who Delights to live in a Flame", later became President of the college, rector of Bruton Parish Church, and a member of the council.

In 1759 he was determined to receive what he believed was his guaranteed salary. Camm believed the law unconstitutional on two grounds: the assembly had passed a law repealing one already approved by the king, and Fauquier had permitted the law to go into effect without the suspending clause period taking place. At the behest of many Anglican clergy, Camm went to England. Presenting the parsons' case to the Bishop of London, who in turn forwarded the case to the Privy Council, Camm succeeded. The king declared the law unconstitutional.

Virginians were outraged. Unlike the Pistole Fee, which touched most directly the larger planters and the burgesses, the Parsons' Cause enflamed the entire populace. Camm and a number of clergymen sued in county courts for back salary. They received little satisfaction. Several county courts went so far as to declare the Two-Penny Act legal despite the king's disallowance.

Hanover County Court took a different tack. There the Rev. James Maury, Jefferson's field school teacher and hard-pressed father of 11 children, sued the vestry of Fredericksville Parish for his salary. The county court upheld his right to sue for claims and called for a jury trial to set the damages. Ironically, one of the clergymen who would benefit from a favorable verdict for Maury was the Rev. Patrick Henry. Presiding over the county court on December 1, 1763, was his brother, John Henry. Defending the parish vestry was his nephew and namesake, and the son of the justice, Patrick Henry. Hanover County was a center of Presbyterianism and in the jury box undoubtedly sat men

who already had a dislike for Anglican clergymen whose salaries they were compelled to pay but whose churches they did not attend.

Young Patrick Henry, in his first prominent trial, launched immediately into a scathing attack on the established clergy, calling them "rapacious harpies", men who would "snatch from the hearth of their honest parishioners his last hoe-cake, from the widow and her orphan children their last milch cow; the last bed, nay, the last blanket from the lyin-in woman". Having stunned his audience into silence, Henry turned his invective upon the king. Although the constitutionality of the law was not an issue, because the county court had already decided it was constitutional, Henry proceeded to excoriate the king himself for violating the English constitution. His biographer, Robert Meade, notes:

Henry insisted on the relationship and reciprocal duties of the King and his subjects. Advancing the doctrine of John Locke as popularized by Richard Bland and other colonial leaders, he contended that government is a conditional compact, composed of mutually dependent agreements 'of which the violation by one party discharged the other'. He bravely argued that the disregard of the pressing wants of the colony was 'an instance of royal misrule', which had thus far dissolved the political compact, and left the people at liberty to consult their own safety.⁹

The jury retired, and then returned with its verdict—one penny damages for Parson Maury. Henry had lost the legal case, he had won the battle for their minds and hearts.

Out of the Parsons' Cause in 1763 came four important developments: the Anglican clergy suffered an irreparable setback and loss of status; the House of Burgesses now closely scrutinized the instructions from king to governor; the suspending clause was seen as a direct challenge to colonial legislative rights; and Patrick Henry burst forth as the popular spokesman for Virginia rights, winning a seat in the 1765 election to the House of Burgesses. In 1763 few people were willing to accept his premise that the king had been guilty of "royal misrule". In a dozen years they would.

Thus, by 1763 the fundamental political principles which would bring Virginia to independence already had been proclaimed. They were not developed in response to British actions, but Virginia experiences. They awaited only the specific challenges before they would be transformed into inalienable rights. Within a few months those challenges tumbled forth from Britain.

⁹ Robert D. Meade, **Patriot in the Making** (Patrick Henry) (Lippincott: Philadelphia, 1957), 132.

Part II: The Road to Revolution, 1763-1775

The Grenville Program, 1763-1765

In April 1763 George III had to abandon his chief minister and confidant, the hated Lord Bute, and turn the government over to George Grenville, leader of the largest Whig block in parliament and brother-in-law of William Pitt. Grenville's strengths were his knowledge of trade and public finance, a penchant for hard work and administrative detail, a systematic mind, and, in an era of corruption, integrity. His weaknesses were a cold personality and a limited conception of broad political and constitutional issues. It was said that Grenville lost the American colonies because he read the dispatches from America and was well acquainted with the growing economic maturation and apparent ability of the colonies to bear heavier taxes. George III, who disliked Grenville immensely, the more so because he had been forced to accept the Whigs, described him as a man "whose opinions are seldom formed from any other motives than such as may be expected to originate in the mind of a clerk in a counting house." An astute observer might have told George that with the national debt at £146,000,000 and rising, a man with the logical mind of a counting clerk might be the answer. Still it was this logical mind "*For imposing taxes on us without our consent....*" which was Grenville's undoing. As British historian Ian Christie notes, "all the various provisions of the years 1763 to 1765 made up a logical, interlocking system. Its one fatal flaw was that it lacked the essential basis of colonial consent."¹⁰

Three overriding colonial problems faced Grenville: a new governmental policy for the former French and Spanish North American territories; a means to defend these territories from the avowed intentions of the French and Spanish to reestablish control; and a means to pay the costs of imperial government and defense.

Western Lands and Defense

There was an immediate need for English government in the former English and French lands. In October 1763 the Board of Trade proposed, and the king in council established, a temporary program for western lands. Under the Proclamation of 1763 a governor-general would run Quebec (an attempt to get the French colonists to use an elected assembly failed), the French were confirmed in their land grants, and the Roman Catholic Church was retained. East and West Florida became separate colonies. In the disputed lands beyond the Appalachians into which English settlers had moved as soon as General Forbes occupied Fort Duquesne in 1758 and where the Indians under Chief Pontiac were in rebellion against these incursions, no English settlers were allowed until permanent treaties could be worked out with tribes owning the lands.

The Grenville ministry had several aims for its western lands policy. The Proclamation of 1763 would separate the Indians and whites while preventing costly frontier wars. Once contained east of the mountains, the colonials would redirect their natural expansionist tendencies southward into the Carolinas, Georgia, and Florida, and northward into Nova Scotia. Strong English colonies in former Spanish and French territories would be powerful deterrents to future colonial wars. There is no

¹⁰ Ian R. Christie, *Crisis of Empire, Great Britain and the American Colonies, 1754-1783* (Norton: New York, 1966), 54. The King's comment on Grenville is cited on p. 39.

indication Grenville believed the Americans would be more easily governed if contained east of the mountains. His prime aim was orderly, controlled, peaceful, and inexpensive growth.

The Proclamation of 1763 hurt Virginia land speculators more than individual colonists. For the Ohio Land Company whose stockholders were mostly Northern Neck and Maryland gentry, including the Washingtons and Lees, it was a crushing blow to their hopes for regaining the Forks of the Ohio and lands on the southern bank of the Ohio granted to them by the crown in 1749. The rival Loyal Land Company led by Speaker Robinson, Attorney-General Randolph, and the Nelsons, lost their claims to the Greenbriar region, but with less invested, they had less to lose. Also dashed were the hopes of many French and Indian War veterans who had been paid in western land warrants for their service. Many veterans ignored the proclamation, went over the mountains, squatted on the lands, and stayed there with the concurrence of amiable Governor Fauquier. Most Virginians were little injured by the order for they fit into Grenville's plan for colonial growth. The general flow of Virginia migration after 1740 was southward along the Piedmont into the Carolinas or southwestward through the Valley of Virginia, not north and northwest to the Forks of the Ohio. In 1768 and 1770 by the treaties of Fort Stanwix (N.Y.) and Fort Lochaber (S.C.) the Six Nations and Cherokee Indians gave up their claims to the Kentucky country as far west as the Tennessee River. The Virginian occupation, led by John Donelson and Daniel Boone, quickly moved in through the Cumberland Gap. Not until the Quebec Act of 1774 thwarted their claims to land north of the Ohio did Virginians react strongly against British land policy.

To defend the new territories and maintain the old, Grenville proposed retaining 10,000 British troops in America, stationing them mainly in Halifax, Boston, New York, Philadelphia, and the West Indies from which they could be moved to trouble spots as needed. The British had learned from the unpredictable response by the colonies during the French and Indian War and the nearly disastrous Pontiac Rebellion in early 1763 that the colonies would not, or could not, provide cooperatively for their own defense even in the face of clear danger. There were too many inter-colonial rivalries and there was stubborn adherence to the English tradition that local militia was not to serve outside its own jurisdiction or for long periods of time. Moreover, the western lands were primarily an imperial responsibility. Thus, the decision was made to station British troops in America.¹¹

In April 1765 parliament passed the Quartering Act, similar to one in England, requiring colonies, if requested, to provide quarters in barracks, taverns, inns, or empty private buildings. Although the act did not apply directly to them, Virginians sided with the hard-hit New Yorkers who bitterly denounced it as another form of taxation without representation. So strong was the reaction in New York that her assembly virtually shut down rather than acquiesce. Finally the New Yorkers gave in, making the Quartering Act to New York what the Stamp Act was to Virginia, a symbol of "oppression and slavery." What parliament could do to one colony she could do to all.

A New Revenue Program

At the heart of the Grenville program were his financial schemes. The program had three parts: 1) to strengthen and enforce existing Acts of Trade; 2) to ease inflation and stabilize colonial trade with a uniform currency act; and 3) to raise additional revenue by applying stamp taxes to the colonies. Even then Grenville expected to raise only about one-half the expenses the new empire required. The rest would have to come from British sources.

¹¹ There are those who suggest the troops were sent to America on a pretext. The ministry, knowing it could not reduce the army to peacetime size in face of French threats, also knew there was strong English resentment against "a standing army" in England. The colonial condition offered an excuse for retaining the men in arms. See Bernhard Knollenberg, **Origin of the American Revolution, 1759-1766** (New York, 1960), chapters 5-9).

To close the loopholes in the Navigation Acts and make them profitable, Grenville submitted the American Revenue Act of 1764, popularly known as the Sugar Act. Although the sugar trade provisions were the most dramatic example of a redirection in the Navigation Acts, the American Revenue Act contained radical departures from past attitudes and practices. Heavy duties were applied to foreign goods allowed to enter the colonies directly, including white sugar, Madeira wine, and coffee. Many goods formerly allowed to enter the colonies directly were placed on the list of enumerated articles which must pass through England before being shipped to the colonies. The act, although slightly reducing the duty on French West Indian foreign molasses, contained strict provisions for its collection omitted from the laxly enforced Molasses Act of 1733. The British fleet was stationed along the American coast to assist the customs service in enforcing the act.

Parliament created a new vice-admiralty court to sit at Halifax without a jury as an alternative to the colonial vice-admiralty courts whose juries were notoriously biased against the customs officers and whose judges often were colonials engaged in illicit trade.

In the Sugar Act, Grenville and parliament took the existing Navigation Acts and reasserted parliamentary authority over imperial trade, reaffirmed the 17th Century colonial philosophy that the colonies existed to promote the welfare of the mother country and the empire, granted trade monopolies to British merchants and manufacturers where none existed before, and discriminated in favor of one set of colonies, the British West Indies, and against another set, the North American colonies. To this was added a new principle—the Navigation Acts should not only regulate trade, they should produce revenue. Cleverly designed within the constitutional system, the Sugar Act brought howls of protests from New England and Middle Colony traders, smugglers and legitimate operators alike, who had flourished under the benevolence of "salutary neglect" for the past half-century. For many Americans the new act with its favoritism to British and West Indian merchants, its use of the navy as law enforcer, and the founding of a vice-admiralty court in Nova Scotia with jurisdiction over all America was an abuse of parliament's power. As events developed the Sugar Act was a failure. The old act designed for regulatory purposes, cost approximately three times as much to enforce as the revenues collected; the new act, expected to produce annual revenues of about £100,000, averaged about £20,000 in revenues at an annual cost of over £200,000.

The Currency Act of 1764

Virginians, only indirectly effected by the Sugar Act, were deeply effected by the second part of the Grenville program—the Currency Act of 1764. During the French and Indian War Virginia had printed several paper money issues to finance the war and provide currency in the specie-short colony. The various issues, eventually totaling over £500,000, circulated for a fixed number of years and then were to be redeemed upon presentation to the treasurer, Speaker John Robinson. As the war lengthened and the number of paper money issues increased, considerable confusion developed over the amount of money outstanding, the rate of exchange, and its use as legal tender for personal debts as well as public taxes. Although backed by the "good will" of the General Assembly, this money (called "current money") was discounted when used to pay debts contracted in pounds sterling. Although the official exchange rate set by the assembly was £125, Virginia current money equalled £130-£165 per £100 sterling, averaging £155-£160 in 1763 and early 1764. The citizens were compelled by law to accept inflated Virginia paper currency as legal tender for debts which they had contracted in pounds sterling. The fiscal problems were most critical in Virginia, but they also existed in most colonies outside New England whose colonies parliament restricted under a currency act in 1751. In response to pleas from London merchants, Grenville devised and parliament passed the Currency Act of 1764, prohibiting the issuing of any more paper money and commanding all money in circulation to be called in and redeemed.

The result in Virginia was sheer consternation, especially among the hard-pressed Tidewater planters. In the process of calling in the money a severe currency shortage developed and some financial hardship occurred at the same time the Stamp Act took effect. More significant than the economic impact was the political impact of the Currency Act on Virginia politics and the political fortunes of key Virginians. Among the many Virginians caught up in the Currency Act none was more involved than Speaker John Robinson. At his death in May 1766 an audit revealed massive shortages in his treasurer's account books resulting from heavy loans to many Tidewater gentry and political associates. The Robinson scandal brought about a redistribution of political leadership in Virginia and brought into the leadership circle the Northern Neck and Piedmont planters who formerly were excluded.¹²

The third facet of the Grenville revenue plan was the infamous Stamp Act. Grenville and his aides perceived the tax bill as a routine piece of legislation which would extend to the colonies a tax long used in Britain. Grenville announced in March 1764 the ministry's intention to present to the commons a stamp tax bill at the February 1765 session of parliament. He "hoped that the power and sovereignty of parliament, over every part of the British dominions, for the purpose of raising or collecting any tax, would not be disputed. That if there was a single man doubted it, he would take the sense of the House...." As another observer put it, "Mr. Grenville strongly urg'd not only the power but the right of parliament to tax the colonys and hop'd in Gods Name as his Expression was that none would dare dispute their Sovereignty."¹³ The House of Commons, as quick as the Virginia House of Burgesses to proclaim its sovereignty rose to Grenville's bait and declared in a resolution of March 17, 1764 that "toward defending, protecting, and securing the British colonies and Plantations in America, it may be proper to charge certain Stamp Duties in the said Colonies and Plantations...." In that simple phrase parliament declared its full sovereignty over the colonies and from it never retreated.

Virginia and the Stamp Act, 1764

That Grenville might have hoped that the "power and sovereignty of Parliament ... would not be disputed" suggests the degree to which he did not comprehend 18th Century colonial constitutional developments. Virginia reaction was immediate, clear, unequivocal, and illustrative of just how deeply ingrained were Virginia's constitutional positions about the limits of parliamentary authority. In 1759 the General Assembly had elected a joint committee to correspond regularly with its London agent and to instruct him on matters of policy and legislation pending in England. This committee was meeting on July 28, 1764, in Williamsburg drafting instructions to agent Edward Montagu on the Sugar Act when word arrived from Montagu about the commons resolution. The Committee of Correspondence's reply was instantaneous:

That no subjects of the King of great Britain can be justly made **subservient** to Laws without either their personal Consent, or their Consent by their representatives we take to be the most vital Principle of the British Constitution; it cannot be denied that the Parliament has from Time to Time ... made such Laws as were thought sufficient to restrain such Trade to what was judg'd its proper Channel, neither can it be denied that, the Parliament, out the same **Plentitude of its Power**, has gone a little Step farther and imposed some Duties upon our Exports....

¹² For a favorable and convincing view of Virginia's motives in passing the paper money bills, see Joseph Ernst, "Genesis of the Currency Act of 1764, Virginia Paper Money and the Protection of British Investments", *William and Mary Quarterly*, 3rd ser., XXII, 3-32, and "The Robinson Scandal Redivivus", *Virginia Magazine of History and Biography*, LXXVII, 146-173. Ernst is critical of Robinson's political use of the funds. For a more charitable view of Robinson's actions, see the outstanding biography by David Mays, *Edmund Pendleton 1721-1803* (Harvard Press, 1952), 2 vols. Pendleton was the executor of the Robinson estate.

¹³ Both quotes cited in Edmund and Helen Morgan, *The Stamp Act Crisis* paperback edition (Collier Books: New York, 1962), 76. This is the standard work on the Stamp Act.

P.S. Since writing the foregoing Part ... we have received your letter of the parliam'ts Intention to lay an Inland Duty upon us gives us fresh Apprehension of the fatal Consequences that may arise to Posterity from such a precedent.... We conceive that no Man or Body of Men, however invested with power, have a Right to do anything that is contrary to Reason and Justice, or that can tend to the Destruction of the Constitution.¹⁴

Navigation Acts were acceptable, Stamp Acts were a "Destruction of the Constitution."

In May Grenville met with the colonial agents in London and possibly suggested (his intent has been disputed) that a stamp tax might not be imposed if the colonial legislatures came up with alternative taxes. At least Montagu thought this is what Grenville suggested. The Virginia committee even told Montagu in its July letter, "if a reasonable apportionm't be laid before the Legislature of this Country, their past Compliance with his Majesty's several Requisitions during the late expensive War, leaves no room to doubt that they will do everything that can be reasonably expected of them." It made no difference, for even before the agents could receive replies from their various colonies, Grenville had fixed upon the stamp act itself. This was probably just as well for the Virginians, once they reflected on the requisition scheme, came to believe that taxes imposed by the General Assembly to offset a threatened tax by parliament were as unpalatable and unconstitutional as a tax passed by parliament.

On December 18, 1765, the Virginia General Assembly confirmed the constitutional stance taken by its committee in July. Unanimously the House of Burgesses and the council sent a polite address to the king, an humble memorial to the House of Lords, and a firm remonstrance to the commons. The commons' resolution of March 17 was against "British Liberty that Laws imposing Taxes on the People ought not be made without the Consent of Representatives chosen by themselves; who at the same time that they are acquainted with the Circumstances of their Constituents, sustain a Proportion of the Burthen laid upon them."¹⁵ From this position, Virginia never retreated.

By the time parliament took up the Stamp Act in February 1765, the die was already cast. Members of parliament were outraged by the presumptuous claims of the colonial assemblies to sovereignty co-equal with itself. Only a few members questioned the wisdom of the act. Issac Barré won fame as a patriot member of parliament for his eloquent defense of the colonies as he called on the Commons to "remember I this Day told you so, that same Spirit of Freedom which actuated that people at first, will accompany them still." Yet even Barré would not deny parliament's right to pass the tax. The House of Commons refused even to receive the petitions from the colonial legislatures and passed the act into law on March 22, 1765.

Covering over 25 pages in the statute book, the Stamp Act imposed a tax on documents and paper products ranging from nearly all court documents, shipping papers, and mortgages, deeds, and land patents to cards, dice, almanacs, and newspapers, including the advertisements in them. Charges ranged from 3d to 10s, with a few as high as £10, all to be paid in specie. Virtually no free man in Virginia was left untouched by the tax. Edmund Pendleton, upon hearing of its passage, lamented "Poor America".

The law was to become effective on November 1, 1765.

¹⁴ **Virginia Magazine of History and Biography**, XII, 10, 13. Comprising the committee were Councilors John Blair, William Nelson, Thomas Nelson, Sr., Robert Carter, and Burgesses Peyton Randolph, George Wyth, Robert Carter Nicholas, and Dudley Digges.

¹⁵ William Van Schreeven and Robert Scribner, **Revolutionary Virginia: The Road to Independence, Vol. I. A. Documentary Record** (University Press of Virginia: Charlottesville, 1973), 9-14. This volume contains the main revolutionary statements of the assembly, conventions, and certain county and quasi-legal local gatherings, 1763-1774.

The Stamp Act Resolves, May 1765

That the May 1765 session of the Virginia General Assembly became one of the most famous in the state's history was totally unanticipated by all political experts. The only reason Governor Fauquier called the session was to amend the frequently revised tobacco planting and inspection law. The Stamp Act already had been taken care of by the remonstrance in December. A new issue did develop when Governor Fauquier announced that all outstanding Virginia paper currency must be redeemed by March 1st, after which it no longer would be legal tender. As the money poured into the treasurer's office, it rapidly became apparent what Richard Henry Lee had suspected as early as 1763 and what many debt-ridden Tidewater planter-burgesses personally knew—Robinson was tens of thousands of pounds short in his accounts. The shortage, which turned out to be £106,000, derived from the speaker-treasurer's habit of lending his fellow planters tax funds to pay private debts to British merchants. The speaker, whom Jefferson called "an excellent man, liberal, friendly, and rich", had anticipated improvement in the economic climate would bring the money in. Meanwhile he could always rely on his own great private fortune. He failed to count on the continued economic depression, the passage of the Currency Act, or the living standards of his debtors. Something had to be done and quickly.

While the tobacco revision was working its way through committees, the speaker and his debtor-burgess friends devised a public loan office plan to take up the debts, provide an alternative source for funds, and relieve Robinson of his burden. Such a plan would have raised the ire of Richard Henry Lee, but the burgess from Westmoreland was sitting out this supposedly "short, uneventful meeting." He had made a monumental error in political judgment, having applied to the crown to be the Stamp Act agent in Virginia. Robinson knew this and quietly warned Lee that he should stay home. Robinson did not anticipate the unlikely duo which would bring down the public loan office. Leading the opposition in the House was Patrick Henry, first-term burgess from Louisa County. Directing his attack against favoritism and special interest legislation, Henry, who had developed a thriving legal trade representing creditors against debtors, knew whereof he spoke when he exclaimed, "What, sir, is it proposed then to reclaim the spendthrift from his dissipation and extravagance, by filling his pockets with money?" Robinson had the votes and carried the house, but lost in the council whose members disliked all public finance schemes. Chief opponent was Richard Corbin, wealthy, receiver-general of royal revenues and later Tory. In words nearly identical to Henry's, Corbin noted, "To Tax People that are not in Debt to lend to those that are is highly unjust, it is in Fact to tax the honest, frugal, industrious Man, in order to encourage the idle, the profligate, the Extravagant, and the Gamester". Council defeated the loan plan. With the tobacco laws revised and the loan scheme defeated and only routine legislation in committee, most burgesses left town.

Exactly when or why Patrick Henry, George Johnston of Fairfax, and John Fleming of Cumberland decided to offer the Stamp Act Resolves is lost in obscurity. Our sources are principally Thomas Jefferson, then a college student at William and Mary, Paul Carrington, a pro-Henry burgess from Charlotte County, and an unknown French traveler who stood with Jefferson at the house chamber doors. Jefferson and Carrington did not record their thoughts until a half-century later, during which the sequence of events became blurred by time. The Frenchman, who stood with Jefferson at the house chamber doors, missed the subtleties of the language and parliamentary procedure. One thing is clear—men who heard Patrick Henry never forgot the impression he made on them.

Governor Fauquier suggested that many burgesses were not satisfied with the remonstrance against the Stamp Act in December. Although he described the remonstrance as "very warm and indecent", he told the Board of Trade the original version was much more inflammatory and its language was "mollified" so that the Assembly could convey its opposition to the Stamp Tax

without giving the "least offense" to crown and parliament. Fauquier also observed that economic uncertainties had made Virginians "uneasy, peevish, and ready to murmur at every Occurrence." Henry suggests that he drew up the Resolves when he found no one else was willing to do so after hearing of the actual passage of the Tax Act. Whatever the reason, Henry and his associates were ready to abandon the niceties of formal address and constitutional subtleties and to give "offense", especially in view of parliament's refusal to hear the remonstrance.

Only 39 of the 119 elected burgesses were sitting on May 29, 1765 when Patrick Henry introduced and George Johnston seconded seven resolutions for consideration by the house. The first five stated:

Resolved, That the first Adventurers and Settlers of this his Majesty's Colony and Dominion brought with them and transmitted to their Posterity and all other his Majesty's Subjects since inhabiting in this his Majesty's said Colony, all the Privileges, Franchises and Immunities that have at any time been held, enjoyed, and possessed by the people of Great Britain.

Resolved, That by two royal Charters granted by King James first the Colonists aforesaid are declared intituled to all the Privileges, Liberties, and Immunities of Denizens and natural-born Subjects, to all Intents and Purposes as if they had been abiding and born within the Realm of England.

Resolved, That the Taxation of the People by themselves or by Persons chosen by themselves to represent them, who can only know what Taxes the People are able to bear, and the easiest Mode of raising them, and are equally affected by such Taxes Themselves, is the distinguishing Characteristic of British Freedom and without which the ancient Constitution cannot subsist.

Конец ознакомительного фрагмента.

Текст предоставлен ООО «ЛитРес».

Прочитайте эту книгу целиком, [купив полную легальную версию](#) на ЛитРес.

Безопасно оплатить книгу можно банковской картой Visa, MasterCard, Maestro, со счета мобильного телефона, с платежного терминала, в салоне МТС или Связной, через PayPal, WebMoney, Яндекс.Деньги, QIWI Кошелек, бонусными картами или другим удобным Вам способом.