

and Patrick Henry live in the American memory as the proud exemplars of a supremely confident gentry class. Historians have long assumed it was that very confidence that emboldened Virginia gentlemen to lead their colony—and twelve of her sisters—out of the British Empire.

The gentry's self-assurance, we are told, rested on a firm foundation: gentlemen such as Washington and Jefferson "exercised almost unchallenged hegemony" over other classes in the province. They had established authority over the poorest 40 percent of Virginians by enslaving them.⁶ Native Americans might slow, but they could not halt, the colony's westward advance. Even the gentry's relationship with British merchants, about which Jefferson and others frequently complained, has been presented in modern scholarship as more beneficial to gentlemen than they were willing to admit. Their British "friends"—for such they called them in their correspondence—marketed their tobacco, filled their invoices by making the rounds of the London tradesmen, and even loaned them money.

From that viewpoint, the key to the Virginia gentlemen's secure position at the top of the social pyramid was their remarkably cordial relationship with small farmers. Elsewhere in eighteenth-century America—in the Hudson Valley, with its vast landed estates, in both Carolinas, and especially in the great northern seaports—elites often seemed besieged by farmers, tenants, artisans, and sailors. But the Virginia gentleman that courted with his lower-class neighbors was greeted with deference, historians tell us. The gentry and smallholder classes were united by their mutual interest in growing tobacco and in controlling slaves and women.⁷ Altogether, with the help

6. "The blacks' cultural disorientation made them less difficult to control than the white servants." See T. H. Breen, *Puritans and Adventurers: Change and Persistence in Early America* (New York, 1980), 150; Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York, 1975), 380–381; Samuel M. Rosenblatt, "The Significance of Credit in the Tobacco Consignment Trade: A Study of John Norton and Sons, 1768–1775," *WMQ*, 3d Ser., XIX (1962), 383–399; Jacob M. Price, *Capital and Credit in British Overseas Trade: The View from the Chesapeake, 1700–1776* (Cambridge, Mass., 1980), 16–19.

7. On South Carolina, see Rachel N. Klein, *Unification of a Slave State: The Rise of the Planter Class in the South Carolina Backcountry, 1760–1808* (Chapel Hill, N.C., 1990); Joyce E. Chaplin, *An Anxious Pursuit: Agricultural Innovation and Modernity in the Lower South, 1730–1815* (Chapel Hill, N.C., 1993). On North Carolina, see Marjoleine Kars, "'Breaking Loose Together': Religion and Rebellion in the North Carolina Piedmont, 1730–1790" (Ph.D. diss., Duke University, 1994); Marvin L. Michael Kay, "The North Carolina Regulation, 1766–1776: A Class Conflict," in Alfred F. Young, ed., *The American Revolution: Explorations in the History of American Radicalism* (DeKalb, Ill., 1976), 71–123. On Maryland, see Ronald Hoffman, *A Spirit of Dissension: Economics, Politics, and the Revolution in Maryland* (Baltimore, 1973). On Philadelphia, see Richard Alan Ryerson, *The Revolution is*

of his junior partners among the yeomanry, the Virginia gentleman seems to have controlled the movements of Indians, merchants, slaves, and smallholders almost as if they were puppets. Little wonder, then, that gentlemen felt secure enough to take the Old Dominion into the American Revolution.

Starting in the 1960s, those two notions—that the gentry was brimming with confidence, and that it was in complete control of its relations with Indians, smallholders, slaves, and even British merchants—were challenged. Some historians found that the gentry's confidence was laced with anxiety.⁸ Others have shown that, although the old image of gentlemen exerting enormous influence over those groups was not false, none of them was the gentry's puppet. In fact, each had its own ability to pull strings. One arena in which they powerfully influenced gentlemen was imperial politics. In complex ways and without intending to, Indians, merchants, and slaves helped drive gentlemen like Jacob Hite and smallholders like Murty Handley into the rebellion against Britain. In addition, small farmers exerted direct and deliberate pro-Independence pressure upon gentlemen.

That particular web of influences helping to push Virginia into the War of Independence is the subject of this work. From 1763 to 1776, Indians, mer-

Now Begun: The Radical Committees of Philadelphia, 1765–1776 (Philadelphia, 1978). On New York, see Edward Countryman, *A People in Revolution: The American Revolution and Political Society in New York, 1760–1790* (Baltimore, 1981); Staughton Lynd, *Anti-Federalism in Dutchess County, New York: A Study of Democracy and Class Conflict in the Revolutionary Era* (Chicago, 1962). On Boston, see Barbara Clark Smith, "Food Rioters and the American Revolution," *WMQ*, 3d Ser., LI (1994), 3–38; Dirk Hoerder, *Crowd Action in Revolutionary Massachusetts, 1765–1780* (New York, 1977). On all three seaports, see Gary B. Nash, *The Urban Crucible: Social Change, Political Consciousness, and the Origins of the American Revolution* (Cambridge, Mass., 1979). See also Morgan, *American Slavery, American Freedom*, chap. 18; Edward Countryman, *Americans: A Collision of Histories* (New York, 1996), 16; Jack P. Greene, *Pursuits of Happiness: The Social Development of Early Modern British Colonies and the Formation of American Culture* (Chapel Hill, N.C., 1988), 94; Pauline Maier, *The Old Revolutionaries: Political Lives in the Age of Samuel Adams* (New York, 1980), 182.

8. According to Bernard Bailyn, elite Americans of the eighteenth century "looked ahead with anxiety rather than with confidence" (*The Ideological Origins of the American Revolution* [Cambridge, Mass., 1967], 79). Jack P. Greene has noted the Virginia gentry's "peculiar combination of anxiety and confidence" ("Society, Ideology, and Politics: An Analysis of the Political Culture of Mid-Eighteenth-Century Virginia," in Greene, Richard L. Bushman, and Michael Kammen, *Society, Freedom, and Conscience: The American Revolution in Virginia, Massachusetts, and New York*, ed. Richard M. Jellison [New York, 1976], 76). Kathleen M. Brown notes that "Virginia's elite planters were never able to allay self-doubts about the security and legitimacy of their position" (*Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia* [Chapel Hill, N.C., 1996], 319, 365). See also Gordon S. Wood, "Rhetoric and Reality in the American Revolution," *WMQ*, 3d Ser., XXIII (1966), 3–32.

Historiography

Main Point

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chants, slaves, and debtors helped propel free Virginians into the Independence movement in three distinct ways. First, the free Virginians' efforts to influence imperial policy were contested by Native Americans, British merchants, and enslaved Virginians. The elimination of the government as an instrument or ally of merchants, Indians, and slaves was one reason for white Virginians to rebel against Britain. Second, free Virginians were attracted to the most important resistance strategy of the prewar period—the commercial boycott against Britain—because it seemed likely not only to compel Parliament to repeal laws considered oppressive by white Americans but also to reduce the Virginians' debts to British merchants. Third, the thoroughgoing boycott adopted by the First Continental Congress in October 1774 transformed Virginia's society and economy in unexpected ways. It presented opportunities to enslaved Virginians and put extraordinary pressure upon the colony's small farmers. In responding to those opportunities and pressures, slaves and farmers challenged the authority of the provincial gentry. Those challenges indirectly helped induce gentlemen to turn the protests of 1774 into the Independence movement of 1776.

Who were the members of the pre-Revolutionary gentry? And how was the gentry related to other groups within and beyond Virginia? The two questions call forth the same answer, since it was the gentry's relations with Indians, British merchants, slaves, and smallholders that defined it as a class. Satirist James Reid declared in the 1760s that a Virginian qualified as a gentleman as soon as he acquired "Money, Negroes and Land enough." Other definitions of the gentry would isolate essentially the same people. Gentlemen sat in the House of Burgesses, on the Executive Council, and on the benches of the county courts. Although nearly half of white Virginians owned one or two field slaves, almost all of the domestic slaves—along with most of the brick houses, imported luxuries like books, and the most fertile tidewater lands—were owned by members of the gentry. Gentlemen and gentlewomen were the wealthiest 10 percent of free Virginians; they owned one-half of Virginia's property.⁹ Most Virginia tobacco growers sold their crops in the colony, but gentlemen consigned theirs to British merchants.

9. James Reid, in Greene, "Society, Ideology, and Politics," in Greene, Bushman, and Kammen, *Society, Freedom, and Conscience*, ed. Jellison, 15; John E. Selby, *The Revolution in Virginia, 1775–1783* (Charlottesville, Va., 1988), 24; Allan Kulikoff, *Tobacco and Slaves: The Development of Southern Cultures in the Chesapeake, 1680–1800* (Chapel Hill, N.C., 1986), 262; Herbert Sloan and Peter Onuf, "Politics, Culture, and the Revolution in Virginia: A Review of Recent Work," *VMHB*, XCI (1983), 269. Many scholars have followed Jack P. Greene in defining the gentry culturally. See Greene, "Society, Ideology, and Politics," 18; T. H. Breen, *Tobacco Culture: The Mentality of the Great Tidewater Planters on the Eve of Revolution* (Princeton, N.J., 1985), 36.

Although all of those definitions of the gentry are useful, none is as precise as James Reid's; he knew that what set elite Virginians apart was not simply the amount of property they owned but also the type. Reid's "Money, Negroes and land" were essentially the factors of production: capital, labor, and land. Gentlemen struggled for control of each factor against other groups—against British merchants over capital, against agricultural workers (both enslaved and free) over the fruits of their labor, and against Indians over their land.

Just as the gentry was defined as a class by its relations with Indians, merchants, and free and enslaved laboring-class Virginians, those other groups may be defined in relation to the gentry. Gentry-Indian relations underwent a major transformation after 1750, when free Virginians began to covet the land west of the Appalachian Mountains. That was the fruitful hunting territory of the Upper Ohio nations—principally the Mingos, Shawnees, and Delawares. The Upper Ohioans' most fertile territory beyond the mountains, Kentucky, was also the hunting land of the Cherokees. Although Cherokees and Upper Ohioans disagreed about who owned Kentucky, they agreed that Britain did not. When Virginia land speculators began staking claims to Kentucky, they courted conflicts with settlers, Indians, and British bureaucrats.

Another group that came into conflict with the gentry, and with smallholders as well, comprised the tobacco merchants of England and Scotland. By the time of the American Revolution, tobacco growers large and small owed huge debts to the British merchants; during the preceding century, Virginia's per capita debt had nearly doubled.¹⁰ Growers blamed their debts partly on the Navigation Acts, which gave British merchants a monopoly of their trade. Although by the 1760s free Virginians had submitted to the Navigation Acts for more than a century, they deeply resented them, and they resolutely refused to endure any additional burden. When the British government tried to impose just such a new burden—taxes—the Americans were irate. The conflict between Virginia debtors and British merchant-creditors aggravated the imperial struggle in another way as well: it was partly to reduce their debts to British merchants that free Virginians participated in the patriotic nonimportation and nonexportation associations.

The eighteenth-century tobacco trade was complex, and, in order to be clear at all times about what type of merchant I am referring to, I make some

10. As a proportion of its annual imports from Britain, Virginia's debt load had nearly tripled between 1664 and 1776. See Price, *Capital and Credit*, 13–14; Robert E. Brown and B. Katherine Brown, *Virginia, 1705–1786: Democracy or Aristocracy?* (East Lansing, Mich., 1964), 97.

distinctions between the word *merchants* and its synonyms that eighteenth-century Virginians would not have recognized. The mercantile firms and transatlantic slave traders in Glasgow, London, and other British ports will be called *merchants*. The employees of those merchants that were located in the Chesapeake will be denoted *storekeepers* or *factors*. Such employees may be distinguished from a third group, independent Virginia entrepreneurs, who shall be designated *traders*.

Another relationship that changed radically in the eighteenth century was that between slaveowners and the people they owned. The enslaved portion of Virginia's population grew from less than 9 percent at the turn of the century to 40 percent in 1775, by which time an estimated 186,000 Virginians were black. Natural increase, which had begun by 1730, was good news for slaveowners not only financially but also because it allowed the House of Burgesses to exclude the workers that were considered most dangerous, newly enslaved Africans, from the province. But if Afro-Virginia demography worked in the slaveholders' favor, British politics did not. When the House of Burgesses tried to impose prohibitive duties on every African brought to Virginia, British merchants persuaded the Privy Council (Britain's executive body) to veto the duties. Where, in other cases, the power that merchants wielded over the London government hurt gentry Virginians financially, here—in combination with the threat that slaves posed—it also endangered their lives. The lure of political independence grew as a consequence.

Starting in late 1774, enslaved Virginians did even more to hasten the growth of patriotic sentiment. By drawing the last royal governor into an alliance with them, freedom-seeking Afro-Virginians helped estrange white Virginians from the royal government and prepare them for Independence.

So far, this summary of political and social relations in pre-Revolutionary Virginia has focused on gentlemen and taken note of areas, such as the conflict against enslaved Virginians, where the interests of the gentry converged with those of smallholders. Actually, one of the most important relationships in the colony was that between gentlemen and smallholders. Among an estimated 280,000 white Virginians in 1775, no more than 10 percent were gentlemen; perhaps another 10 percent were artisans, traders, and overseers of slaves. That leaves well over 200,000 people in the yeomanry. Small farmers came under tremendous pressure in 1775, when the nonexportation provisions of the Continental Association deprived them of their export income and nonimportation subjected them to severe shortages. Those pressures drew forth an agrarian response that, in complex

ways, contributed to the gentry's decision to make a formal declaration of Independence.¹¹

Here another descriptive distinction needs to be made. Eighteenth-century Virginians sometimes applied the term *planters* to small-scale tobacco growers; at other times it meant everyone that grew tobacco, including gentlemen. By the middle of the nineteenth century, census takers would introduce yet another definition of *planters*; they were people that owned twenty or more slaves. In order to avoid all that confusion, this book eschews the term *planters* altogether (except in quotations). Instead, *gentlemen* will be distinguished from *small farmers* (also called *smallholders*). On many of the issues discussed here, the interests of smallholders were similar to those of long-term tenants, so for brevity's sake *smallholders* must be stretched to include both groups. On occasions when the interests of tobacco-growing smallholders and gentlemen converged, I will refer to the two groups together as *tobacco growers*.

Since this work argues that nonelites powerfully influenced Revolutionary politics, the reader may well ask how it is possible to know very much about those people when the majority of them could not write and the few that could left few records. I did not find using gentry sources to study nongentlemen as difficult as I had feared, for it quickly became obvious that gentlemen were very interested in the actions of Indians, slaves, and smallholders (as well as British merchants, who left plenty of records of their own). To cite only one example, even in July 1776, Landon Carter showed less interest in imperial affairs than in recovering a group of slaves that had escaped his custody.¹² To be sure, nonelites often deceived elites, and elites' biases often distorted their reporting. But if used with care, top-down sources can in fact be effectively used for bottom-up history.

It seems wise to underscore at the outset that this book is rather narrowly focused. Although I suspect that elite patriots in other colonies were influenced by nonelites just as much as Virginia gentlemen were, this work is only about the Old Dominion. It is not a comprehensive social history of pre-Revolutionary Virginia but a study of some (not all) of the causes (not the effects) of Virginia's Revolution. The story told here reveals that, when Virginia gentlemen launched their struggle to preserve and extend their freedom, they were powerfully influenced by other freedom struggles—movements put together by Indians, debtors, merchants, slaves, and smallholders.

11. Peter H. Wood, "The Changing Population of the Colonial South: An Overview by Race and Region, 1685–1790," in Wood, Gregory A. Waselkov, and M. Thomas Hatley, eds., *Powhatan's Mantle: Indians in the Colonial Southeast* (Lincoln, Nebr., 1989), 38.

12. Jack P. Greene, ed., *The Diary of Colonel Landon Carter of Sabine Hall, 1752–1778* (Charlottesville, Va., 1965), II, 1052–1066.

*He has endeavoured to
prevent the Population of
these States; for that Purpose . . .
raising the Conditions of new
Appropriations of Lands.
—Declaration of Independence*

I

LAND SPECULATORS

VERSUS INDIANS AND

THE PRIVY COUNCIL

During the winter of 1768–1769, Thomas Jefferson set about obtaining government patents for seven thousand acres of land to the west of the Appalachian Mountains. Jefferson actually had no plans to move west. About the time of his birth in 1743, however, a wave of westward expansion had breached the Blue Ridge Mountains of Virginia and joined another wave sweeping south along the Shenandoah Valley from Pennsylvania. By 1769, frontier families were already moving west of the Appalachians. Jefferson knew that, as soon as he could obtain his land patents and divide them into farmsteads of about two hundred acres each, he would find numerous customers for them.¹

Jefferson's hunger for western wealth was shared by other Virginia gentlemen. George Washington recognized that "the greatest Estates we have in this Colony were made . . . by taking up and purchasing at very low rates the rich back Lands which were thought nothing of in those days, but are now the most valuable Lands we possess." Washington gazed with equal parts

1. William P. Palmer, ed., *Calendar of Virginia State Papers and Other Manuscripts*, I, 1652–1781 (Richmond, Va., 1875), 262 (hereafter cited as CVSP); Thomas Nelson et al. and George Rogers et al., petitions for land [1768–1769], Virginia Colonial Papers, folder 47, LVA; Feb. 18, 1769, Nov. 29, 1773, in James A. Bear, Jr., and Lucia C. Stanton, eds., *Jefferson's Memorandum Books: Accounts, with Legal Records and Miscellany, 1767–1826* (Princeton, N.J., 1997), I, 138–139, 350, *The Papers of Thomas Jefferson*, 2d Ser.

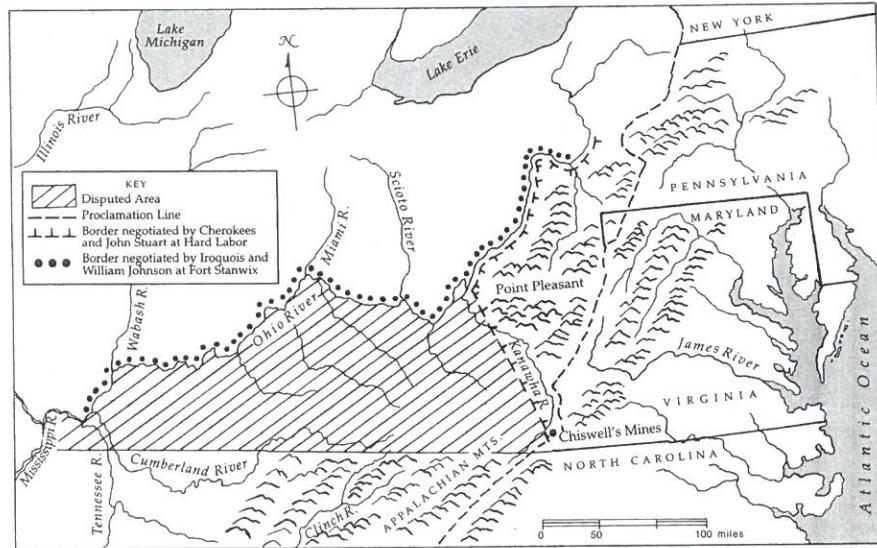


FIGURE 1. Conflicting Indian Boundaries of 1768.
Drawn by Richard Stinely (based on a map by Werner Sensbach)

envy and admiration toward the Shenandoah Valley, where “the Hite’s and [other] first takers up of those Lands” had made “Fortunes.”²

The ability of gentlemen such as Jefferson and Washington to profit from the sale of western land depended not only upon their entrepreneurial skills but also upon their political influence. In October 1768, shortly before Jefferson began applying for his western grants, the Cherokee Indians negotiated a treaty with the British government in which they retained every acre that Jefferson claimed. The agreement (known as the Treaty of Hard Labor) also interfered with Washington’s land speculation, so it was evidently with some enthusiasm that the owners of Mount Vernon and Monticello joined every other member of the Virginia House of Burgesses in asking the imperial government to revoke it. The burgesses’ petition, adopted in December 1769, asked London’s permission for Virginia to annex Kentucky and all of the land north to the mouth of the Kanawha River.³ The government’s response

2. George Washington to John Posey, June 24, 1767, in W. W. Abbot et al., eds., *The Papers of George Washington*, Colonial Series (Charlottesville, Va., 1983–), VIII, 3; Philip Alexander Bruce, *Virginia: Rebirth of the Old Dominion*, I (Chicago, 1929), 343; David Alan Williams, “Political Alignments in Colonial Virginia Politics, 1698–1750” (Ph.D. diss., Northwestern University, 1959), 329; Turk McCleskey, “Rich Land, Poor Prospects: Real Estate and the Formation of a Social Elite in Augusta County, Virginia, 1738–1770,” *VMHB*, XCVIII (1990), 449–486.

3. House of Burgesses, memorial to Botetourt, Dec. 13, 1769, *JHB*, 1766–1769, 335–336.

to the burgesses’ petition would powerfully influence the financial standings of gentlemen like Jefferson and Washington. Ultimately, it would also affect their allegiance to Britain (see Figure 1).

The fate of the House of Burgesses’ petition rested with British officials whose visions of the west incorporated the Indians that lived there. In the 1760s, Kentucky was the principal hunting ground both for the Cherokees (about 7,200 people) and for the Upper Ohio Valley nations: the Mingos (600), Shawnees (1,800), and Delawares (3,500). As one Cherokee put it in 1775, Indians “looked upon their Cattle or Game in [Kentucky] to be as beneficial to them as the tame Cattle were to the white People.” Peltry was vital to these nations not only in itself but also as a cash crop, for they imported a higher percentage of their clothing and tools than many back-country whites. Indeed, long before Europeans arrived in North America, hunters there had known that they could rise in status by achieving success as traders. After America’s commercial network was linked to Europe’s, successful trading became increasingly important to Indian men’s identity. One Cherokee, Old Hop, told a visiting European that a fresh supply of red cloth would enable him “to appear like a man.”⁴

The reason that the Indians’ desire to preserve their Kentucky hunting territory attracted the attention of imperial officials in London was not that officials felt any moral obligation to the Indians, nor even that they were determined to maintain the flow of deerskins into British ports. What did worry statesmen in the mother country was the likelihood that, if Virginians occupied Kentucky, Indians would attack them, and the British army might have to come to the rescue at great cost to the imperial treasury. The danger was not imaginary. Upon learning of the burgesses’ bid for Kentucky, the British agent that had negotiated the Hard Labor treaty recalled that a 1763 Indian attack—inappropriately termed “Pontiac’s Rebellion”—had proved “expensive and destructive to his Majesty’s Subjects” and to his government. Because the government was so determined to prevent another uprising, the natives’ effort to preserve their Kentucky hunting territory helped to produce an imperial land policy that protected their interests but at the same

4. Tom Hatley, *The Dividing Paths: Cherokees and South Carolinians through the Era of Revolution* (New York, 1993), 9–10; Statement to Richard Henderson, March 1775, paraphrased in deposition of John Lowry, [1777–1778], in Julian P. Boyd et al., eds., *The Papers of Thomas Jefferson* (Princeton, N.J., 1950–), II, 95 (my thanks to Richard Durschlag for this reference); Michael N. McConnell, *A Country Between: The Upper Ohio Valley and Its Peoples, 1724–1774* (Lincoln, Nebr., 1992), 262; Kathryn E. Holland Braund, *Deerskins and Duffels: The Creek Indian Trade with Anglo-America, 1685–1815* (Lincoln, Nebr., 1993), 10.

time poisoned the relationship between Virginia gentlemen and the government of Britain.⁵

I

Six and a half years before the House of Burgesses drew up its petition for Kentucky, Indians had signaled their determination to defend their land. As Virginian Peter Fontaine reported in August 1763, warriors of the Upper Ohio Valley, Wabash River, and Great Lakes nations “entered into a combination against us, resolved it seems to prevent our settling any farther than we have, viz., much about the main Blue Ridge of mountains.”⁶ Thus participants in Pontiac’s Rebellion raided twelve British forts and numerous settlements as far east as Winchester, Virginia. At the time of the uprising, royal officials in London were already studying a proposal to confine Britain’s North American colonies behind a western boundary. They had two principal goals: one was to keep the colonists within Britain’s economic and political orbit, the other to halt colonial encroachments on Indian land in order to prevent a costly Anglo-Indian war. The boundary idea came too late to prevent the uprising but carried the day when news of Pontiac’s Rebellion

5. Stuart to Botetourt, Jan. 13, 1770, in K. G. Davies, ed., *Documents of the American Revolution, 1770–1783*, Colonial Office Series (Shannon, Ireland, 1972–1981), II, 27. The most accurate information on this subject is in Jack M. Sosin, *Whitehall and the Wilderness: The Middle West in British Colonial Policy, 1760–1775* (Lincoln, Nebr., 1961), 193–195; Randolph C. Downes, *Council Fires on the Upper Ohio: A Narrative of Indian Affairs in the Upper Ohio Valley until 1795* (Pittsburgh, 1940), 144–145; Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650–1815* (Cambridge, 1991), 354; Gregory Evans Dowd, *A Spirited Resistance: The North American Indian Struggle for Unity, 1745–1815* (Baltimore, 1992), 42–45; McConnell, *Country Between*, 248–268; Eric Hinderaker, *Elusive Empires: Constructing Colonialism in the Ohio Valley, 1673–1800* (Cambridge, 1997), 169. However, none of those scholars focuses on the narrow question of whether Indian coalition-building and consequent British limits on land speculation helped induce colonial Americans to rebel against Britain. The most extensive discussion of the topic is Dorothy V. Jones, *License for Empire: Colonialism by Treaty in Early America* (Chicago, 1982), 101–104.

6. Peter Fontaine to Moses and John Fontaine and Daniel Torin, Aug. 7, 1763, in Ann Maury, trans. and comp., *Memoirs of a Huguenot Family* (New York, 1853), 372. In assessing the causes of Pontiac’s Rebellion, Howard H. Peckham focuses on the cutoff of British subsidies to the Indians (*Pontiac and the Indian Uprising* [Princeton, N.J., 1947], 101). That might have been the paramount concern around Detroit, where Peckham focuses his attention, but, on the Virginia and Pennsylvania frontiers, “The Chief cause of all the late Wars was about Lands,” as an Onondaga speaker told William Johnson in 1765. See Congress between William Johnson, the Six Nations, and the Delawares, May 4, 1765, in E. B. O’Callaghan and B. Fernow, eds., *Documents relative to the Colonial History of the State of New-York . . .* (Albany, 1856–1887), VII, 726 (hereafter cited as DRCH); Dowd, *Spirited Resistance*, 33–36; White, *Middle Ground*, 269–314; McConnell, *Country Between*, 181–206.

reached London. On October 7, 1763, British officials drew a line along the watershed between rivers flowing east into the Atlantic and those flowing west into the Mississippi. American governors were prohibited from issuing any land grants beyond this line.⁷

Most historians deny that the so-called Proclamation of 1763 was a cause of the American Revolution. They ask how the proclamation could have angered colonists when it was only a “paper blockade” that failed to prevent settlers from simply crossing the Appalachian Mountains and establishing farms. Indeed, as a *Virginia Gazette* essayist pointed out in 1773, “not even a second Chinese wall, unless guarded by a million of soldiers, could prevent the settlement of the lands on Ohio and its dependencies.” The ease with which yeomen families slipped across the imaginary Proclamation Line has led scholars, particularly “pro-Indian” historians, to assume that the barrier was also ineffective against speculators.⁸

That assumption is wrong. Speculators must be distinguished from settlers as a separate class with very different interests. Speculators could not sell land until they secured clear title to it. Starting back in 1745, the gentry-dominated Executive Council of Virginia gave gentry-owned land companies preliminary grants to millions of acres west of the Appalachian Mountains. Then the land firms’ effort to acquire and sell this land was interrupted, first by the start of the Seven Years’ War in 1754, and then by the

7. Royle’s VG, Nov. 4, 1763; “Proclamation of 1763,” in SAL, VII, 663–669. “By a happy coincidence of circumstances,” the government’s economic and political goals met “together in the same point”—the Proclamation of 1763 (“Mr. Pownall’s Sketch of a Report,” in R. A. Humphreys, “Lord Shelburne and the Proclamation of 1763,” *English Historical Review*, XLIX [1934], 259). See also Peter D. G. Thomas, “The Grenville Program, 1763–1765,” in Jack P. Greene and J. R. Pole, eds., *The Blackwell Encyclopedia of the American Revolution* (Cambridge, Mass., 1991), 107; John Mack Faragher, ed., *The Encyclopedia of Colonial and Revolutionary America* (New York, 1990), 334–335.

8. Theda Perdue and Michael D. Green, eds., *The Cherokee Removal: A Brief History with Documents* (Boston, 1995), 6; “A Friend to the True Interest of Britain in America,” Rind’s VG, Jan. 14, 1773; Herbert Sloan and Peter Onuf, “Politics, Culture, and the Revolution in Virginia: A Review of Recent Work,” VMHB, XCI (1983), 265; Freeman Hansford Hart, *The Valley of Virginia in the American Revolution, 1763–1789* (Chapel Hill, N.C., 1942), 69–70; Thad W. Tate, “The Coming of the Revolution in Virginia: Britain’s Challenge to Virginia’s Ruling Class, 1763–1776,” WMQ, 3d Ser., XIX (1962), 338; Norman K. Risjord, *Jefferson’s America, 1760–1815* (Madison, Wis., 1991), 79; James A. Clifton, *The Prairie People: Continuity and Change in Potawatomi Indian Culture, 1665–1965* (Lawrence, Kan., 1977), 135; Georgiana C. Nammack, *Fraud, Politics, and the Dispossession of the Indians: The Iroquois Frontier in the Colonial Period* (Norman, Okla., 1969), 93; McConnell, *Country Between*, 243–244; Daniel M. Friedenberg, *Life, Liberty, and the Pursuit of Land: The Plunder of Early America* (Buffalo, 1992), chap. 12.

1758 Treaty of Easton, which reserved the area west of the Appalachian Mountains for the Indians. During this time, the Virginia land firms' preliminary grants expired, which prevented most of them from securing title to the land they claimed. The companies were barred from renewing their preliminary grants by the Proclamation of 1763. Many years later, a lawyer for two land firms pronounced the proclamation a species of "tyranny" that was "sufficient to prevent the operations of the companies."⁹

The Proclamation of 1763 infuriated Virginia land speculators. "I shall call upon you some Time next Week and condole with you in your late Misfortune," Virginian David Robinson wrote fellow speculator William Thompson when he learned of the new boundary. "Colo. Buchanan is going to London to redress his Grievances." Robinson found widespread opposition to the British government's policy of giving the Indians land—*their* land—for peace. "Capt. Sayers has been damning this Month about the Loss of the Dunkard's Bottom and is not yet reconciled," he told Thompson. "'Tis a great Mercy that Roanoak [River] has not in like Manner been given as a Compliment to our good Friends and faithfull Allies, the Shanee Indians." Anglican minister Jonathan Boucher reported that a friend had planned to settle west of the Appalachian Mountains, "But This is put a Stop to by a very impolitic, as well as unjust Proclama'n, forbidding any of the King's Subjects to settle Lands so far back." Arthur Lee spent much of the 1760s searching

9. Apr. 26, 1745, July 12, 1749, in H. R. McIlwaine, Wilmer L. Hall, and Benjamin J. Hillman, eds., *Executive Journals of the Council of Colonial Virginia* (Richmond, Va., 1925–1966), V, 172–173, 296–297 (hereafter cited as *Executive Journals of the Council*); Warren M. Billings, John E. Selby, and Thad W. Tate, *Colonial Virginia: A History* (White Plains, N.Y., 1986), 252. Like the Proclamation of 1763, the 1758 Treaty of Easton was intended to halt an Indian war—in this case, a wave of attacks that had begun in 1755. The Treaty of Easton inaugurated an anti-expansionist imperial policy that prevented Ohio Valley Indians from attacking the British colonies until 1763, when illegal settler encroachments provoked Pontiac's Rebellion (Woody Holton, "The Revolt of the Ruling Class: The Influence of Indians, Merchants, and Laborers on the Virginia Gentry's Break with England" [Ph.D. diss., Duke University, 1990], 34–50). On the Proclamation of 1763 and its effect on the Virginia land firms, see John Taylor, plea, "Case of the Loyal and Greenbrier Companies," May 1783, in Daniel Call, reporter, *Reports of Cases Argued and Decided in the Court of Appeals of Virginia*, IV (Richmond, Va., 1833), 29; Isaac Samuel Harrell, *Loyalism in Virginia: Chapters in the Economic History of the Revolution* (Durham, N.C., 1926), 16–18. Although most modern historians play down the importance of the Proclamation of 1763 to the American Revolutionaries, the Revolutionaries that wrote their own histories considered it a crucial document. See Thomas Jefferson, *Notes on the State of Virginia*, ed. William Peden (Chapel Hill, N.C., 1954), 195; Edmund Randolph, *History of Virginia*, ed. Arthur H. Shaffer, VHS Documents, IX (Charlottesville, Va., 1970), 166. Cf. "Jno. Heavin's Bond," July 8, 1776, Campbell-Preston-Floyd Family Papers, 1741–1925, I, Manuscripts Division, LC.

Westminster for a British official willing to approve a 2,500,000-acre, trans-Appalachian grant to the Mississippi Land Company, which he had formed along with four of his brothers and thirty-eight other Virginia gentlemen. Lee's lobbying proved unsuccessful, and by 1768 he had decided that "the present Ministry, is truly antiamerican; and very averse to making Grants, except . . . in small portions."¹⁰

One of Lee's Mississippi Company partners, George Washington, was more optimistic. In September 1767, he assured a friend that the Proclamation of 1763 would prove to be nothing more than "a temporary expedien[t] to quiet the Minds of the Indians." Scarcely a year later, however, Cherokee headmen and British Indian agent John Stuart negotiated the Treaty of Hard Labor, leaving the region that is now Kentucky, southwest Virginia, and southern West Virginia in Cherokee country. The Hard Labor treaty was no more popular among Virginia land speculators than the Proclamation of 1763. "Both Intendant and Indians are on a wrong s[c]ent, at least one very Dif[fer]ent from what we Intend," Thomas Lewis, the chief government surveyor for Augusta County on the Virginia frontier, told his deputy and fellow land jobber, William Preston, in January 1769.¹¹

10. David Robinson to William Thompson, Feb. 18, 1764, Draper Manuscripts, document 2QQ44 (microfilm), State Historical Society of Wisconsin, Madison, 1980 (hereafter Jonathan Boucher," *MHM*, VII (1912), 344; Arthur Lee to Richard Parker and Richard Henry Lee, Dec. 23, 1768, in Paul P. Hoffman, ed., *The Lee Family Papers, 1742–1795* (microfilm, Charlottesville, Va., 1966); Mississippi Land Company, petition to Privy Council, [December 1768], in Abbot et al., eds., *Papers of Washington*, Colonial Series, VIII, 149–153; Francis Fauquier to Board of Trade, Feb. 13, 1764, Board of Trade to Fauquier, July 13, 1764, 1758–1768 (Charlottesville, Va., 1980–1983), III, 1076–1079, 1125; John Blair to Hillsborough, Sept. 27, 1768, C.O. 5/1346, 191, P.R.O., VCRP; William Herbert to William Byrd III, Mar. 6, 1764, in Marion Tinling, ed., *The Correspondence of the Three William Byrds of Westover, Virginia, 1684–1776* (Charlottesville, Va., 1977), II, 768; John Mercer to Charlton Palmer, Apr. 17, 1764, in Lois Mulkearn, ed., *George Mercer Papers Relating to the Ohio Company of Virginia* ([Pittsburgh], 1954), 184–185; Augusta County freeholders, petition, Nov. 24, 1766, House of Burgesses, resolution, Dec. 13, 1766, *JHB*, 1766–1769, 37, 69; Patricia Givens Johnson, *William Preston and the Allegheny Patriots* (Pulaski, Va., 1976), 81, 89; Alfred Procter James, *George Mercer of the Ohio Company: A Study in Frustration* ([Pittsburgh], 1963), 59; Williams, "Political Alignments," 337; Feb. 10, 1764, in Adelaide L. Fries et al., eds., *Records of the Moravians in North Carolina*, I, 1752–1771 (Raleigh, 1922), 285. The chorus of complaints from Virginia land speculators against the Proclamation of 1763 belies the statement in the standard survey of colonial Virginia that "no one seemed disposed to fight" the proclamation (Billings, Selby, and Tate, *Colonial Virginia*, 291).

11. Washington to William Crawford, Sept. [17], 1767, in Abbot et al., eds., *Papers of*

The Hard Labor treaty did not drive Virginia land speculators to despair and resignation. In fact, one of them, Patrick Henry, chose this very time to invest in the disputed area. Henry bought 3,334 acres of land on the Holston and Clinch Rivers from his insolvent father-in-law. He recalled later that the boundary the Cherokee headmen had negotiated with Stuart "would have cut off the said lands on Hols[t]on and Clinch, and under that risque I purchased it, hoping that line would be altered." Many Virginia land speculators did more than hope. They launched a campaign to persuade the Privy Council to let them have Kentucky and the area north to the forks of the Ohio. The speculators had some powerful allies: northern Indian agent William Johnson and Johnson's own allies and adoptive kinsmen, the headmen of the Six Nations of the Iroquois. Less than a month after John Stuart and the Cherokees negotiated the Hard Labor treaty, the Iroquois met Johnson at Fort Stanwix, New York, and sold the same area to Virginia. The Iroquois almost never hunted in Kentucky. Thus their claim to it, which was based upon their status as the diplomatic "elder Brethren" of some of the nations that did hunt there, was not very sound. Iroquois leaders nonetheless insisted (at the covert request of Johnson, one suspects) that Britain accept the vast territory described in the Treaty of Fort Stanwix. Since the Iroquois confederacy had long been the British Empire's most important Indian ally, Johnson and the Virginia land speculators felt confident that imperial officials would have no choice but to accept the Fort Stanwix cession, void the Hard Labor treaty, and let Virginia have Kentucky. For their part, the Iroquois left the November 1768 Stanwix congress with a promise of goods worth ten thousand pounds—the largest amount Britain had ever paid Indians for land. They also hoped that the Stanwix cession would divert the flow of European and African colonists from their own land.¹²

Washington, Colonial Series, VIII, 28; Thomas Lewis to William Preston, Jan. 14, 1769, Draper MSS., 2QQ106.

12. Patrick Henry, fee book, in William Wirt Henry, *Patrick Henry: Life, Correspondence, and Speeches* (New York, 1891), I, 121; Thomas Gage to William Johnson, Apr. 3, 1769, John Stuart to William Johnson, [Apr. 14, 1769], Red Hawk, speech, all enclosed in McKee to Croghan, Feb. 20, 1770, *The Papers of Sir William Johnson* (Albany, 1921–1965), VI, 694, VII, 407, XII, 709; Patricia Givens Johnson, *General Andrew Lewis of Roanoke and Greenbrier* (Christiansburg, Va., 1980), 141–153; Congress between William Johnson, the Six Nations, and other nations, Fort Stanwix, Oct. 24–Nov. 6, 1768, DRCH, VIII, 111–134; Peter Marshall, "Sir William Johnson and the Treaty of Fort Stanwix, 1768," *Journal of American Studies*, I (October 1967), 149–179; Sosin, *Whitehall and the Wilderness*, 171–177; McConnell, *Country Between*, 248–253. By the time of Fort Stanwix, the Iroquois had several decades' worth of goods and to divert colonial settlement from the areas where they themselves lived and hunted (Francis Jennings, *The Ambiguous Iroquois Empire: The Covenant Chain Confederation of Indian Tribes with English Colonies from Its Beginnings to the Lancaster Treaty of 1744* (New York, 1984), 325–346, 388–397).



FIGURE 2. Sir William Johnson's Indian Testimonial, c. 1770, detail.
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Many British colonists believed that the British government would not only ratify the Fort Stanwix cession but also repeal the Proclamation of 1763. Stanwix thus set off a land rush. Veterans of the Seven Years' War, led by George Washington, asked the Executive Council for land bounties that the government had promised them after the war. Colonel Washington also began buying up his fellow veterans' bounty rights. He advised his brother Charles to approach veterans "in a joking way, rather than in earnest at first" in order to "see what value they seem to set upon their Lands." If Charles Washington could obtain the veterans' grants for seven pounds or less per thousand acres, he was directed to do so. Thomas Walker of Albemarle County—whose great-grandson considered him "as great a land-monger as Genl. Washington"—reactivated the dormant Loyal Land Company. Between November 1768 and April 1769, he persuaded government surveyors

goods and to divert colonial settlement from the areas where they themselves lived and hunted (Francis Jennings, *The Ambiguous Iroquois Empire: The Covenant Chain Confederation of Indian Tribes with English Colonies from Its Beginnings to the Lancaster Treaty of 1744* (New York, 1984), 325–346, 388–397).

to mark off hundreds of homesteads within the Loyal Company's ill-defined preliminary grant.¹³ In February 1769, Walker's neighbor Thomas Jefferson, whose late father had been a Loyal Company member, asked the company for five thousand acres. Jefferson also joined two new syndicates seeking land; his share in each was to be one thousand acres. In joining two different land companies (something that few if any other Virginians did at this time), Jefferson hoped to evade an instruction adopted in 1754 by the Privy Council that prohibited any person from taking more than one thousand acres of Indian land.¹⁴

13. George Washington to Charles Washington, Jan. 31, 1770, in Abbot et al., eds., *Papers of Washington*, Colonial Series, VIII, 301; Francis Jennings, *Empire of Fortune: Crowns, Colonies and Tribes in the Seven Years War in America* (New York, 1988), 62–63 n. 48; "Proclamation of 1763," in SAL, VII, 666; William Byrd to Virginia Executive Council, Dec. 15, 1768, summarized Dec. 19, 1768, executive order, Apr. 25, 1769, both in *Executive Journals of the Council*, VI, 310, 314; David Robinson to William Preston, May 1, 1769, Draper MSS., 2Q109; David Ross to John Cameron, Dec. 20, 1768, enclosed in John Stuart Hillsborough, Jan. 20, 1770, C.O. 5/71, 129–131; Lewis Preston Summers, *History of Southwest Virginia, 1746–1786*, *Washington County, 1777–1870* (Richmond, Va., 1903; reprint, Baltimore, 1966), 93; McConnell, *Country Between*, 257. Stanwix also set off land rushes in New York and Pennsylvania. See July 18, 1769, New York Council Minutes, XXVI, 153–154, New York State Archives, in Francis Jennings, ed., *Iroquois Indians: A Documentary History of the Diplomacy of the Six Nations and Their League* (microfilm, Woodbridge, Conn., 1984); Henry Moore to Hillsborough, Jan. 27, 1769, DRCH, VIII, 149. On Thomas Walker and the Loyal Land Company, see Franklin Minor to Lyman Draper, Mar. 23, 1852, Draper MSS., 13ZZ.; Loyal Company and Greenbrier Company surveys in Augusta County, [November 1768–May 1769], Virginia Land Office Records, LVA; [William Preston], survey for Anne Grayson, Mar. 20, 1769, William Preston, survey book, [1768–1769], Preston Family Papers (1727–1896), folders 581, 589, VHS; William Preston, receipt to Josiah Ramsay, Apr. 13, 1769, Wyndham Robertson Papers (Manuscripts Department, University of Chicago library; microfilm at LVA), folder 5; John Norton to Thomas Walker, July 8, 1769, Thomas Walker Papers (part of the William Cabell Rives Papers), container 162, LC.

14. Jefferson's activities disprove his later claim that he did not speculate in western land before 1776. See Jefferson to James Madison, Nov. 11, 1784, Jan. 30, 1787, in Boyd et al., eds., *Papers of Jefferson*, VII, 503–504, XI, 93; CVSP, I, 262; Thomas Nelson et al. and George Rogers et al., petitions for land, [1768–1769], Virginia Colonial Papers, folder 47, LVA; entries, Feb. 18, 1769, Nov. 29, 1773, in Bear and Stanton, eds., *Jefferson's Memorandum Books*, I, 138–139, 350; Miscellaneous Accounts, 1764–1779 [#5572], Jefferson Papers, Henry E. Huntington Library.

In his role as an attorney, Jefferson agreed to seek several hundred acres of trans-Appalachian land for George Davidson. Under their agreement, if Jefferson managed to acquire up to sixteen hundred acres, he was to receive half of the land. If he could obtain more than sixteen hundred acres, all of the additional land would be his ("Lands claimed by ... in 1772," in *Jefferson's Memorandum Books*, 279–281). Nothing came of the

Early in 1769, at the height of the land rush that followed the Stanwix congress, the British government signaled its intention to keep its promise to leave Kentucky on the western side of the Anglo-Cherokee border. By April 1769, the Virginia Executive Council had no choice but to void the hundreds of surveys that had been done for Virginia speculators and to put a halt to further surveying. This setback only intensified the speculators' effort to persuade the government to let them have Kentucky and the adjacent region. The same Executive Council that reluctantly voided the trans-Appalachian surveys declared at the same time that the Hard Labor boundary "would be highly injurious to this Colony, and to the Crown of Great Britain, by giving to the Indians, an extensive tract of Land." In December, the House of Burgesses adopted the petition for Kentucky mentioned above. In the region west of the Hard Labor boundary, Virginia land speculators had received preliminary grants totaling six to seven million acres. The disputed area also contained nearly fifty thousand square miles of additional land that would be available to speculators to sell in the future. Virginia would, if the Privy Council honored the petition, nearly double its land area.¹⁵

II

The fate of the assembly's petition for Kentucky hinged upon the Privy Council's acceptance of its contention that, with the relinquishment by the Iroquois of their claim to Kentucky and the adjacent region, "no Tribe of Indians, at present, sets up any Pretensions" to the area.¹⁶ Actually, the

scheme, most likely because the land in question was west of the Proclamation Line. My thanks to Anthony F. C. Wallace for sharing his research on this topic with me.

15. Hillsborough to Johnson, Jan. 4, 1769, DRCH, VIII, 145; Dec. 16, 1768, Apr. 25, 1769, *Executive Journals of the Council*, VI, 309, 314–315. The council also began, at that time, to refuse to issue trans-Appalachian patents to people suing original patentees to obtain grants new patents in 1759 (in compliance with the Treaty of Easton) but had repatented six forfeited tracts between 1762 and 1769 (Patent Books XXXIV, 335, XXXVIII, 623, Virginia Colonial Land Office Records). With the exception of bounty grants to Seven Years' War veterans, Virginia issued only two more trans-Appalachian patents before Independence (Patent Book XLI, 325, 438–439). On the speculators' plans to obtain the region west of the Hard Labor boundary, see George Washington to Charles Washington, Jan. 31, 1770, in Abbot et al., eds., *Papers of Washington*, Colonial Series, VIII, 300–301; Jefferson, *Notes on Virginia*, ed. Peden, 4.

16. House of Burgesses, memorial to Botetourt, Dec. 13, 1769, JHB, 1766–1769, 335. The burgesses persuaded Governor Botetourt to lobby his government colleagues to give Kentucky to Virginia (Botetourt to Hillsborough, Botetourt to Stuart, Dec. 18, 1769, C.O. 5/1348, 63, 87). See also Thomas Walker and Andrew Lewis to Botetourt, Dec. 14, 1768, Botetourt to

nations that hunted in Kentucky denied the right of the Iroquois to sell it. The Shawnees acknowledged the “Six Nations as our elder Brethren and as such have listened to them while we found their advice good,” Shawnee headman Red Hawk told British officials, “but their power extends no further with us.” Alexander McKee, whose mother was Shawnee, was a British agent charged with monitoring the Upper Ohio Valley Indians. McKee wrote that the “numbers of White people and Surveyors that come out” to the Ohio River in the spring of 1769 “to Settle and Survey the Country about Fort Pitt [Pittsburgh] and down [the] Ohio has set all their Warriors in a rage.”¹⁷

No Indian nation acting alone could do the British much damage. The natives’ power depended upon their ability to unify across national borders. In June 1765, warriors from two of the nations that had participated in Pontiac’s Rebellion, the Mascoutens and Kickapoos, killed three diplomats representing a third, the Shawnees. “The killing those three Shanna Deputys has Intierly broake up [the anti-British] Confedrecie,” Indian agent George Croghan reported the following month. The attack placed the Shawnees and their Upper Ohio allies the Delawares in a virtual state of war with the Mascoutens, Kickapoos, and their allies on the Wabash River, the Miamis, Piankashaws, and Weas.¹⁸

Stuart, Botetourt to Walker and Lewis, Dec. 20, 1768, all enclosed in Botetourt to Hillsborough, Dec. 24, 1768, C.O. 5/1347, 63–65, 91–92, 95–97; Thomas Lewis to William Preston, Jan. 14, 1769, Draper MSS., 2QQ106; Gage to Hillsborough, Apr. 1, 1769, in Clarence Edwin Carter, ed., *The Correspondence of General Thomas Gage with the Secretaries of State, 1763–1775* (New Haven, Conn., 1931–1933), I, 222.

17. McKee journal, [summer 1769], enclosed in McKee to William Johnson, Sept. 18, 1769, Red Hawk, speech, enclosed in McKee to Croghan, Feb. 20, 1770, *Papers of William Johnson*, VII, 185, 407. The Upper Ohio Valley nations viewed the Iroquois in the same way that the British colonists viewed the British government—they were willing to acknowledge the sovereignty of the Iroquois, but only so long as the Iroquois did not try to exercise it (Gage to Hillsborough, Jan. 6, 1770, *Papers of William Johnson*, VII, 332).

18. Croghan to Johnson, July 12, 1765, *Papers of William Johnson*, XI, 838; John Reid to George Croghan, Alexander McKee to Croghan, Sept. 1, 1765, Cadwalader Family Collection, George Croghan section, boxes 6 (file labeled “McKee”), 7 (file labeled “Reid”), Historical Society of Pennsylvania (hereafter cited as HSP); Dorothy Libby, “An Anthropological Report on the Piankashaw Indians,” in Libby and David B. Stout, *Piankashaw and Kaskaskia Indians* (New York, 1974), 102. The three Shawnees that were killed were part of a delegation of Upper Ohio diplomats that accompanied British Indian agent George Croghan when he went down the Ohio River in 1765 to try to negotiate an end to Pontiac’s Rebellion. Three Britons were also killed in the attack. Although the Kickapoo and Mascouten warrior-dot claimed they had mistaken the Indians in the party for their Cherokee enemies, it is possible

In 1769, on the heels of the Stanwix land deal and in the midst of the ensuing Virginia land rush, the Wabash River and Upper Ohio confederacies launched an effort to settle their differences. As a Shawnee headman later recalled, Wabash headmen metaphorically approached him and his colleagues “with Tears . . . asking pardon, Acknowledging the fault they had Committed against the Shawnee—the wives of their Chiefs have likewise askt pardon, of Ours.” Although the Wabash headmen’s peace message apparently elicited no reply, when the headwomen’s message arrived in Shawnee country, a male sachem later reported, “our Wives heard it with pleasure, and they pass’d it to the Delawares, where all the Wives of Chiefs Received it in the same manner, and [it] was pass’d to all the Different Villages.” Later the Shawnees would make a large wampum belt and state that “all the Wives of as many Tribes as there is Marks upon the Belt Received” the Wabash women’s peace initiative “with pleasure.”¹⁹

Among the Upper Ohio nations, when a female village sachem (known as a “peace woman”) asked a male war sachem to break off a planned attack, “she seldom fail[ed] to dissuade him,” American Indian agent C. C. Trowbridge reported in 1824. The headwomen on the Upper Ohio persuaded their male counterparts “to listen to the Speech of the Wives of the Ouabach [Wabash], and to forget all the Insults given them by these Nations,” a Shawnee headman later reported. This Shawnee speaker made a compelling appeal to the diverse Indian nations threatened by “the Cession of Lands made to the English by the Six Nations,” British general Thomas Gage learned. “Be always united,” the Shawnee diplomat said.²⁰ Heeding this ad-

abandon the rebel coalition. It is also possible that a second source of friction between the Wabash River and Upper Ohio nations was created in 1768, when the Upper Ohio nations made peace with the Cherokees, who were until that time the enemies of both the Wabash River and Upper Ohio nations. After 1768, the Cherokees continued to attack the Wabash River nations. The killings might have been the reason that, in 1767, when several headmen tried to reassemble the old league, the plan fizzled like a damp fuse. See Peckham, *Pontiac and the Indian Uprising*, 279–281; Dowd, *Spirited Resistance*, 42; Nicholas B. Wainwright, *George Croghan, Wilderness Diplomat* (Chapel Hill, N.C., 1959), 220–221, 244–247.

19. The Wabash River messages were conveyed through the Hurons, who were the diplomatic “grandfathers” of all the nations in modern-day Ohio, and their allies the Chippewas, Ottawas, and Potawatomis. See unnamed Shawnee chief, council with Great Lakes nations and George Turnbull, Sept. 25, 1769, enclosed in Turnbull to Gage, Sept. 30, 1769, Thomas Gage Papers, William L. Clements Library, University of Michigan, Ann Arbor; Martin W. Walsh, “The ‘Heathen Party’: Methodist Observation of the Ohio Wyan-

20. Trowbridge referred specifically to the Shawnees. See *Shawnee Traditions*, ed. Verne J. Knobell (Ann Arbor, Mich., 1939), 13; unnamed Shawnee chief,

vice, the Upper Ohio and Wabash nations revived the coalition that had rebelled against the British in 1763.

At the same time that the Shawnee and Delaware headmen made peace with the Wabash nations, they began to seek members for the anti-British league among the nations south of the Ohio River. This was a momentous step, for the southern nations were quite numerous. As of 1760, in addition to 7,000 Cherokees, there were about 13,000 Creeks, and the Chickasaws and Choctaws had a combined population of about 15,000. None of these powerful southern nations had participated in Pontiac's Rebellion. If any of them now joined the anti-British coalition—and if all of the nations that had taken up arms in 1763–1764 agreed to fight again—the new league would be more powerful than any that Anglo-Americans had ever faced.²¹ Yet the insurgents' chances of recruiting any southern nations for the league seemed slim indeed. Any effort to bring them into the league would be hampered by long-standing animosities among them. Nor was this the only obstacle. The hostility between the white northerners and southerners that would face each other across the Ohio River exactly a century later would scarcely surpass the mutual animosity of the Indian nations that inhabited the opposite banks of the same river in the 1760s. In one of the more bitter and

council with Great Lakes nations and George Turnbull, Sept. 25, 1769, enclosed in Turnbull to Gage, Sept. 30, 1769, Gage Papers; Gage to Hillsborough, Jan. 6, 1770, *Papers of William Johnson*, VII, 332. The Wabash River (Miami, Wea, Kickapoo, Mascouten, and Piankashaw) and Upper Ohio Valley (Shawnee, Delaware, and Mingo) confederacies had attempted reconciliation three times before, in 1766, in 1767, and in May 1769. But it was not until the Wabash female sachems' peace initiative of mid-1769 that the "Wabash Confed[eracy]" was "reconcilled [to] the Shawanese." See Alexander McKee to George Croghan, Feb. 20, 1770, McKee journal, enclosed in McKee to Johnson, Sept. 18, 1769, in *Shawnese Traditions*, 184, 405; William Johnson, "State of the Trade, Politicks, and Proceedings of the Indians in the Northern District," [Sept. 22, 1767], in Clarence Walworth Alvord and Clarence Edwin Carter, eds., *Trade and Politics, 1767–1769* (Springfield, Ill., 1921), 46; Croghan to Johnson, Aug. 8, 1769, *Papers of William Johnson*, VII, 78. For additional details of the Wabash–Upper Ohio negotiations, see Woody Holton, "The Ohio Indians and the Coming of the American Revolution in Virginia," *JSH*, LX (1994), 462–463.

21. Peter H. Wood, "The Changing Population of the Colonial South: An Overview by Race and Region, 1685–1790," in Wood, Gregory A. Waselkov, and M. Thomas Hatley, eds., *Powhatan's Mantle: Indians in the Colonial Southeast* (Lincoln, Nebr., 1989), 38; Clarence E. Carter, "British Policy towards the American Indians in the South, 1763–8," *English Historical Review*, XXXIII (1918), 37–56. Although historians of the American Revolution that mention Indians tend to focus upon the Iroquois, by the late 1780s British officials recognized that they needed to devote at least as much attention to the Indians of the

enduring trans-Ohio conflicts, the Shawnees, Delawares, and Mingos battled the Cherokees.²²

Then the Cherokee–Upper Ohio war took an unexpected turn. In April 1765, Nocoknowa, a headman of the Overhill branch of the Cherokees, decided to lead a war party against the Upper Ohio nations. Nocoknowa and nine other Overhills followed the "warrior's path" in a generally northeastward direction through the valley between the Blue Ridge and Allegheny Mountains. This route took them through Augusta County, Virginia, but they easily obtained a safe-conduct pass, for Virginia and the Cherokees were at peace. At dawn on May 8, as the Overhills slept in a barn near Staunton, they were attacked by a group of twenty to thirty Virginians. Five members of the Overhill party, including Nocoknowa, were killed instantly. The other five escaped, but two were injured, and one of these died.

The unprovoked attack against the Overhills horrified leading Virginians, who were certain that the Cherokees would launch revenge raids. Instead, Cherokee headmen informed Virginia lieutenant governor Francis Fauquier

22. For instance, the Creeks battled the Choctaws in a war that claimed at least six hundred lives between 1765 and 1771. See Richard White, *The Roots of Dependency: Subsistence, Environment, and Social Change among the Choctaws, Pawnees, and Navajos* (Lincoln, Nebr., 1983), 76–78; Braund, *Deerskins and Duffels*, 133–135; John Richard Alden, *General Gage in America: Being Principally a History of His Role in the American Revolution* (Baton Rouge, Louis., 1948), 136–137.

The Cherokees were involved in a struggle against the Iroquois that was similar to the 1760s trans-Ohio conflict. See Johnson to Board of Trade, Nov. 16, 1765, *DRCH*, VII, 777–778; Theda Perdue, "Cherokee Relations with the Iroquois in the Eighteenth Century," in Daniel K. Richter and James H. Merrell, eds., *Beyond the Covenant Chain: The Iroquois and Their Neighbors in Indian North America, 1600–1800* (Syracuse, N.Y., 1987), 137; Daniel K. Richter, *The Ordeal of the Longhouse: The Peoples of the Iroquois League in the Era of European Colonization* (Chapel Hill, N.C., 1992), 237–238; R. David Edmunds, *The Potawatomis, Keepers of the Fire* (Norman, Okla., 1978), 97; Arrell M. Gibson, *The Chickasaws* (Norman, Okla., 1971), 48, 51; Peckham, *Pontiac and the Indian Uprising*, 279–281. British colonists recognized that the raids and counterraids Indian nations directed at each other back and forth across the Ohio River were their best protection against a devastating general Indian attack. See John Wilkins to Gage, Jan. 2, 1769, in Alvord and Carter, eds., *Trade and Politics*, 483; Johnson to Gage, Sept. 12, 1769, Croghan to Johnson, May 10, 1770, *Papers of William Johnson*, VII, 163, 652. John Stuart acknowledged privately that the British were "the incendiaries who kindled" the Choctaw–Creek war (to Hillsborough, Dec. 2, 1770, in Davies, *Documents of the American Revolution*, II, 281). See also Johnson to Gage, Nov. 8, 1770, Gage to Johnson, Nov. 19, 1770, in *Papers of William Johnson*, VII, 993, 1016; Alden, *General Gage*, 136–137. One ray of hope for Indian coalition-builders was that a band of Shawnees lived with a southern nation, the Creeks. Perhaps they could be persuaded to serve as the crucial link in a Shawnee–Creek alliance. See Dowd, *Spirited Resistance*, 24, 51; McConnell, *Country Between*, 209, 238.

that they would send one of their most gifted diplomats, Attakullakulla, or Little Carpenter, to Williamsburg "to see what Justice the Government here were disposed to give them," as Fauquier reported.²³ Attakullakulla informed Fauquier that the British government could compensate the Cherokees for their losses by using its enormous political and economic influence to help them make peace with the Shawnees—the very people their war party had been planning to attack when it had itself been set upon by the Virginians. The Cherokees also wanted to reach an accommodation with another of the Upper Ohio Valley nations, the Delawares, and even with the Iroquois. Fauquier assented to the Cherokees' request and hoped that "by thus studying their interests, we may prevent their taking Revenge on the White People." By the end of 1768, with the sometimes-grudging assistance of British officials, the Cherokees achieved their goal of peace with the Shawnees, Delawares, and Six Nations.²⁴

After the unexpected "Charroky paice," the Shawnee promoters of an anti-British confederacy "inlarged thire plan" by recruiting the Cherokees and other southern nations, Indian agent George Croghan learned. The coalition builders' appeal could be summarized in one word: Kentucky. Formerly this "bloody Ground" (as Cherokee leader Dragging Canoe called Kentucky) had been a source, as well as a scene, of contention between Indian nations north and south of the Ohio River.²⁵ Now that it was in danger

23. Andrew Lewis to Fauquier, May 9, 1765, Francis Fauquier to Board of Trade, Aug. 1, 1765, in Reese, ed., *Papers of Francis Fauquier*, III, 1234–1236, 1265–1266. Many Augusta County whites did not share Fauquier's interest in making peace with the Cherokees, and, in fact, they rescued the killers from the sheriff and plotted to assassinate Attakullakulla (Albert H. Tillson, Jr., *Gentry and Common Folk: Political Culture on a Virginia Frontier, 1740–1789* [Lexington, Ky., 1991], 49).

24. Fauquier to Johnson, July 22, 1765, in Reese, ed., *Papers of Francis Fauquier*, III, 1262. In addition to helping the Cherokees make peace with the Iroquois and with the Upper Ohio Valley nations, Fauquier promised to bring the killers to justice and to give condolence presents to the victims' families. When news of the Augusta County massacre reached London, the Privy Council ordered Fauquier to step up enforcement of the Proclamation of 1763, which he promptly did. See Privy Council, additional instruction, Oct. 24, 1765, 1763; Fauquier, proclamation, Apr. 10, 1766, in Reese, ed., *Papers of Francis Fauquier*, III, 1287–1288, 1355–1356; Alden, *John Stuart*, 222–224; Hatley, *Dividing Paths*, 184–185. For a different interpretation of British motives for helping the Cherokees make peace with their native enemies, see Perdue, "Cherokee Relations with the Iroquois," in Richter and Merrell, eds., *Beyond the Covenant Chain*, 144.

25. Thomas Gage to Johnson, Apr. 23, 1769, McKee journal, [summer 1769], Croghan to Johnson, May 10, 1770, all in *Papers of William Johnson*, VI, 708–709, VII, 184, 652; Dragging

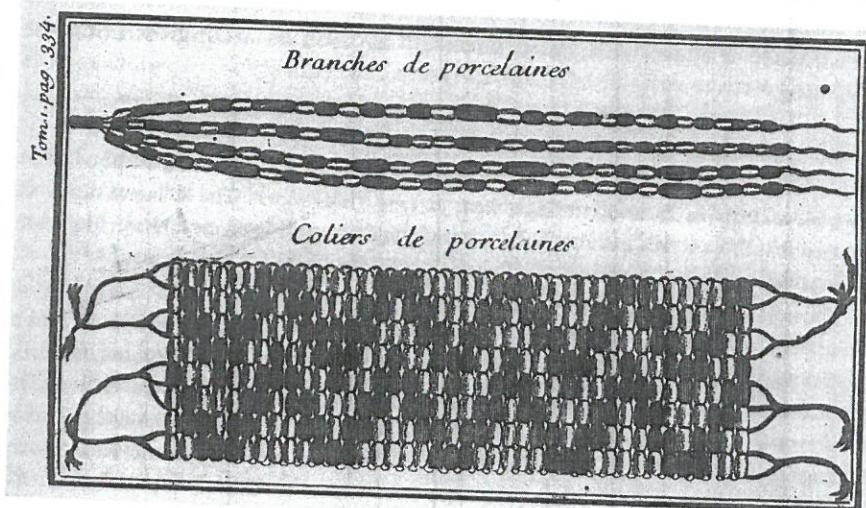
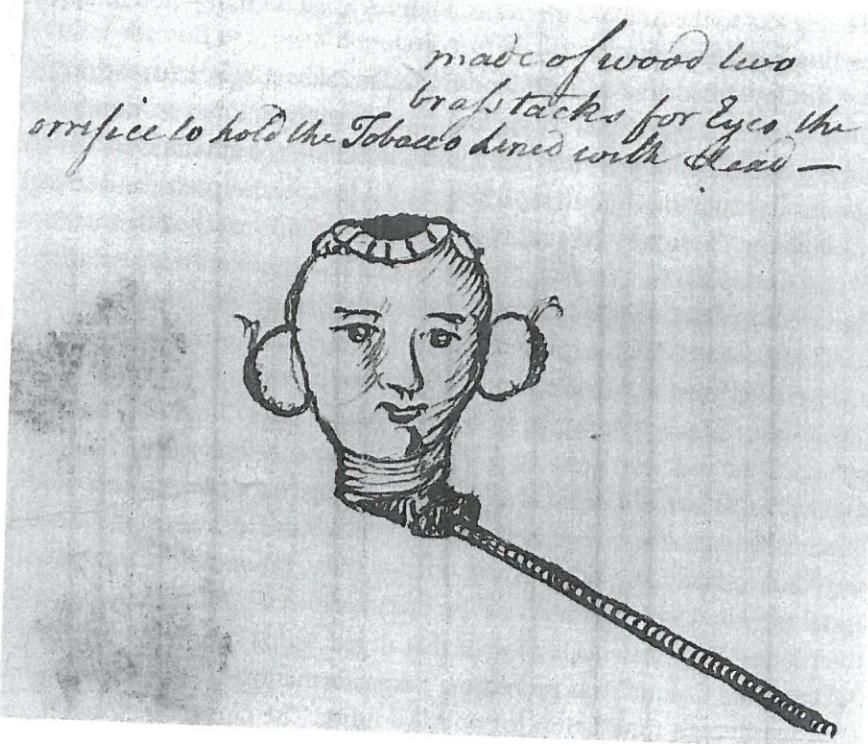


FIGURE 3. Drawing of a Pipe; A Belt and Strings of Wampum. Although Native American leaders most often communicated with each other using belts and strings made out of wampum, tobacco pipes such as this one were also used as diplomatic gifts. Pipe drawing enclosed in Thomas Gage to William Johnson, Mar. 18, 1770, *Thomas Gage Papers*, used by permission of the Houghton Library, Harvard University; wampum belt from [Claude Charles Le Roy] Bacqueville de La Potherie, *Histoire de l'Amérique septentrionale . . .* (Paris, 1722), courtesy of the Robert Dechert Collection, Department of Special Collections.

of being lost to the Anglo-Americans, Kentucky had become—potentially, at least—a bond of union.

The Upper Ohioans' recruitment of the Cherokees began in the spring of 1769, when they persuaded six visiting Cherokees to send "a vast number of long Speeches" as well as "two Belts, and Several Strings of Wampum" to the nations north of the Ohio River. The gist of these speeches, belts, and strings was that the Cherokees were ready to make peace with "all the other nations of Indians, upon this Continent." Actually, the six Cherokees that sent all this wampum did not really represent their whole nation, and the north bank Indians that received it probably knew this. They were nonetheless urged to accept it by Shawnee diplomats, who argued that Indians should stick together because they were all members of the same race. "Have only the same mind, all of you who Inhabit the same Continent, and are of the same Colour," a Shawnee headman counseled natives north and south of the Ohio. Although European settlers and their descendants had long viewed the American Indian population as a single race, the notion of a common racial identity had been embraced by precious few of the Native Americans themselves. The Shawnee diplomat that urged Indians to unite with those "of the same Colour" was promoting a transformation from tribal to racial self-identity as a foundation for political unity. The Great Lakes nations—the Chippewas (or Ojibwas), Hurons, Ottawas, and Potawatomis—"agreed to Confirm a Peace with the Cherokees" as soon as a congress could be arranged.²⁶

26. Unnamed Shawnee chief, council with Great Lakes nations and John Turnbull, Sept. 25, 1769, enclosed in Turnbull to Gage, Sept. 30, 1769, Gage Papers. The Shawnee diplomat claimed that those words had first been spoken by Indian agent William Johnson (Johnson to Gage, Jan. 5, 1770, in *Papers of William Johnson*, XII, 769).

The new solidarity was accompanied by growing racial separatism. "God . . . allowed the white people to live one way, and Indians another way," Shawnee chief Red Hawk told a Baptist missionary in the early 1770s as he banished him from Shawnee country (Dowd, *Spirited Resistance*, 41–45). See also Red Hawk, speech to Alexander McKee, enclosed in *Spirited Resistance*, 41–45. Scholars, notably David Brion Davis and Barbara Jeanne Fields, have shown that the American Revolution accelerated the process by which European Americans invented the concept of race and defined Native Americans and Africans as separate and inferior races. See Davis, *The Problem of Slavery in the Age of Revolution, 1770–1823* (Ithaca, N.Y., 1975), 303; Fields, "Ideology and Race in American History," in J. Morgan Kousser and James M. McPherson, eds., *Region, Race, and Reconstruction: Essays in Honor of C. Vann Woodward* (New York, 1982), 143–177, and "Slavery, Race and Ideology in the United States of America," *New Left Review*, 181 (1990), 95–118. What has not always been recognized is that Africans, for their own purposes, participated in the

III

Near the end of 1769, a deputation of Shawnee and Delaware headmen carried the organizing effort south of the Ohio River. At meetings in Cherokee country, they "complained much of encroachments upon their Lands and of the Extensive cession obtained by Sir William Johnson from the Six Nations, which they told the Cherokees included all their Hunting Ground," southern Indian agent John Stuart learned. Then the Shawnee and Delaware diplomats gave the Cherokees a set of "peace talks from the Western Tribes."²⁷ Oconostota, a Cherokee headman that had recently accepted the necessity of accommodating the British, told British officials that the Shawnee and Delaware ambassadors that arrived in Cherokee country at the end of 1769 were rebuffed by most Cherokees. But he acknowledged that one Overhill town, Chilhowee, "listened a Good deal to the proposals of the Shawnee and wanted to Convene a meeting of" all the Cherokee headmen "to confer with them." When some of the Shawnee deputies in the Cherokee country headed south to carry the north-south coalition proposal to the Creeks, who were longstanding enemies of the Cherokees, they were "accompanied by some Cherokees."²⁸

invention of the concept of race (*White, Middle Ground*, 507). On the Great Lakes nations' interest in the Native American congress, see Croghan to Johnson, Dec. 22, 1769, in *Papers of William Johnson*, VII, 316. By May 1770, the idea of making peace with the Cherokees would also be endorsed by the Wabash River nations (McKee to Croghan, Feb. 20, 1770, Croghan to Johnson, May 10, 1770, in *Papers of William Johnson*, 404–405, 652).

27. Stuart to Gage, Dec. 12, 1770, Gage Papers. The Shawnee members of the legation took the leading role, just as they had in the negotiations north of the Ohio (Gage to Stuart, Oct. 16, 1770). It is possible that the Shawnee and Delaware diplomats did not mention the proposed congress until a second meeting with the Cherokees later in 1770. In January, Stuart had stated only that their goal was to "sound the disposition of those Indians" (to Gage, Jan. 27, 1770).

28. Stuart to Gage, Apr. 24, 1770, Gage Papers. One reason the people of Chilhowee were so willing to join the anti-British league was that they were still angry about the unavenged killings of the Chilhowee warriors near Staunton, Virginia, four and a half years earlier. Chilhowee, one of the westernmost Cherokee towns, might also have been influenced by its near neighbors, the anti-British Creeks. A Creek chief named "The Mortar," who had ties to the Cherokees, had frequently visited them to propose a joint attack against the British. See Alden, *John Stuart*, 217–218; Hatley, *Dividing Paths*, 158–159. Chilhowee was built on former Creek territory; the name "Chilhowee" appears to be the Cherokee pronunciation of a Creek name. In 1775, when accommodationist Cherokee headmen sold a vast tract of Cherokee land to a group of Anglo-Americans, the people of Chilhowee were prominent among the Cherokees that rebelled against the accommodationists and moved farther down the Tennessee River, where they joined with a group of Shawnees to resist Anglo-American encroachment. See Hatley, *Dividing Paths*, 6, 223; Dowd, *Spirited Resistance*, 47–49, 54;

The promoters of an anti-British confederacy achieved the same mixed results in the Creek country. When Indian agent Charles Stuart later questioned the avowedly pro-British Creek headman Emistisiguo "very particularly about the Business of the Shawnees in their Nation[,] he was rather reserved upon the Subject; but said, that their Talks were not good," John Stuart reported. Emistisiguo told Charles Stuart that the legation's only goal was to ask the Creeks to join them in a raid against the Choctaws, but British general Frederick Haldimand learned that the proposed raid was only a "pretext." The diplomats' real goal was to recruit the Creeks for an anti-British "confederation." The Shawnees' southern mission also made a side trip to the Chickasaws' country and sent peace talks to the only other important southern tribe, the Choctaws.²⁹

The Shawnees and Cherokees that visited the Creeks in early 1770 planned to return during the "Green corn Dance" the following August. Their choice of timing carried great significance. The Green Corn Ceremony, or busk, was the most important event in the Creek calendar—not only a celebration of the ripening of the year's second corn crop but a time of purification and renewal, during which Creek towns often settled disputes with long-standing enemies. Thus the busk was the perfect time for the Shawnee diplomats to appeal to the Creeks to make peace with the Cherokees and

Peter H. Wood, "North America in the Era of Captain Cook: Three Glimpses of Indian-European Contact in the Age of the American Revolution," in Stuart B. Schwartz, ed., *Implicit Understandings: Observing, Reporting, and Reflecting on the Encounters between Europeans and Other Peoples in the Early Modern Era* (Cambridge, 1994), 494–495. On the Shawnees' trip south to propose their idea to the Creeks, see Stuart to Botetourt, Jan. 13, 1770, in Davies, ed., *Documents of the American Revolution*, II, 28; Gage to Johnson, Nov. 19, 1770, in *Papers of William Johnson*, VII, 1016. Despite the official hostility between the Creeks and Cherokees, some Cherokees had, for years, "kept on a secret Correspondence with the disaffected Creeks." See Stuart to Fauquier, Nov. 24, 1766, in Reese, ed., *Papers of Francis Fauquier*, III, 1398; Alden, *John Stuart*, 217; David H. Corkran, *The Creek Frontier, 1540–1783* (Norman, Okla., 1967), 199, 255, 273, 275–276; Braund, *Deerskins and Duffels*, 149–150.

29. John Stuart to Gage, Aug. 6, 1770, Gage Papers; Corkran, *Creek Frontier*, 273. When Charles Stuart learned that the Shawnees had been in Creek country, he told John Stuart, "We should be very watchful of their motions" (June 12, 1770, in Davies, ed., *Documents of the American Revolution*, II, 105). On the Shawnees' negotiations with Chickasaws and Choctaws, see Frederick Haldimand to Gage, May 31, 1770, Haldimand Papers, British Museum, Additional Manuscripts (Library of Congress photocopy). The trip to Chickasaw country might actually have been made somewhat earlier. See McKee to Croghan, Feb. 20, 1770, *Papers of William Johnson*, VII, 404; Charles Stuart to John Stuart, June 17, 1770, in Davies, ed., *Documents of the American Revolution*, II, 108–110. Presumably, the diplomats also met with the southern band of the Shawnees, who lived along the Coosa River in Creek

other potential members of the anti-British coalition. Although the Shawnees' first visit to the Creeks was not official, British leaders learned that the delegation that would return during the busk would be. Its members were to bring "long strings" or even "belts."³⁰

During the same months that the Upper Ohio nations worked to build the anti-British coalition, they also stockpiled gunpowder and shot. Throughout the fall of 1769, Indian traders in Pittsburgh, Detroit, and "the Indian Country" informed Indian agent George Croghan that native hunters bought "no Goods from any of the Traders but Ammunition of which they are laying up great Quantitys." Indians not only obtained munitions "for their Peltry" but were "likewise offering their Horses for Ammunition which is very uncomon," Croghan told Gage on New Year's Day 1770. Two months later, Alexander McKee reported that the Shawnees were "still laying up and have now a greater Quantity of Ammunition than they ever had before." By May 1770, Croghan was so sure that an Indian confederacy was about to attack the British settlements, he traveled to Pittsburgh to try to sell the buildings and merchandise he owned there to someone that did not know they were in imminent danger of being set ablaze by Indian warriors.³¹

Actually, the prospects for an anti-British confederacy would remain uncertain until at least August 1770, when the Shawnees intended to host a "Great Meeting . . . of the Western and Southren Indians," as Croghan reported. "They talk of between 2 and 3000 Men being to assemble att this Meeting," Croghan told General Gage. "There is Greatt preparations mak[ing] . . . by a Number of those Nations being employd hunting to Dry Mate for the suport of the Distant Nations that is Expected." Croghan was skeptical about the Upper Ohio hosts' claim that thousands of warriors would attend the congress. "I Dont thin[k] there will be so many," he told General Gage. Croghan also doubted that the Shawnees would achieve their diplomatic objectives at the meeting. He believed that their design of a "Gineral Confederacy" was "two Great an undertaking for them Ever to bring about." Croghan sent two spies to the August 1770 Scioto congress, then retired to his estate near Pittsburgh to await the results. When the news finally reached

30. Charles Stuart to John Stuart, June 17, July 17, 1770, in Davies, ed., *Documents of the American Revolution*, II, 110; John Stuart to Gage, Aug. 6, 1770, Gage Papers; Haldimand to Gage, May 31, 1770, Haldimand Papers; Joel W. Martin, *Sacred Revolt: The Creeks' Struggle for a New World* (Boston, 1991), 34–42. The Green Corn Ceremony was also important to later generations of Native American insurgents (Dowd, *Spirited Resistance*, 8–9).

31. Croghan to Gage, January 1, 1770, Gage Papers; McKee to Croghan, Feb. 20, 1770, *Papers of William Johnson*, VII, 405; Tyorhansera, Iroquois congress with William Johnson, July 16, 1771, DRCH, VIII, 283; Croghan to Johnson, Dec. 22, 1769, May 10, 1770, *Papers of William Johnson*, VII, 215, 652.

him in mid-September, he was stunned. At the congress, every major nation north of the Ohio River agreed to make peace with every nation south of the river. This was an outcome “which I must confess I thought impossible to bring about,” he told General Gage. Gage called the Shawnees’ diplomatic success “a notable Piece of Policy.”³²

British officials such as Croghan and Gage came to admire the expertise of the forest diplomats, but they still believed that one of the Indians’ strategies was a failure. Officials assumed that their native counterparts intended to keep their “secret councils . . . in the woods” hidden from the British until they could finish assembling the league and launch surprise attacks against the British forts and settlements. Secrecy was impossible, however, because the links between Indian and Anglo-American communities were just too numerous. In addition to accommodationist headmen, there were Indians that had become Christians, and settlers (mostly traders and former captives) that had become Indians. Substantial intermarriage produced children with one foot in each world. For instance, Alexander McKee, apparently the son of a British trader and a Shawnee matron, was the British government’s principal informant on the Upper Ohio nations.³³

Although British officials might indeed have been correct in their surmise that the organizers of the pan-Indian league regretted their inability to keep

32. Croghan to Gage, July 13, Aug. 8, 1770, Gage Papers. Like the Shawnee diplomats’ second trip to Creek country, the “Great Meeting” on the Scioto River was scheduled to take place during the Green Corn Ceremony. Evidently, one reason Shawnee leaders chose that time for the grand congress was that the Green Corn Ceremony was practiced in some form by all of the nations invited to the congress; participating in the ceremony together would help unite them. See Elisabeth Tooker, “Iroquois since 1820,” in Bruce G. Trigger, ed., *North-east* (Washington, D.C., 1978), 462, vol. XV of William C. Sturtevant, ed., *Handbook of North American Indians*; Charles Hudson, *The Southeastern Indians* (Knoxville, Tenn., 1976), 365–375; William N. Fenton, “The Iroquois in History,” in Eleanor Burke Leacock and Nancy Oestreich Lurie, eds., *North American Indians in Historical Perspective* (New York, 1971), 135. On Croghan and Gage’s reaction to the turnout for the Indian congress, see Croghan to Gage, Sept. 20, 1770, Gage to Stuart, Oct. 16, 1770, Gage Papers. Although there is no evidence that any Cherokees or other southern Indians attended the congress, Cherokee headmen later admitted to John Stuart “that some of their young men may possibly have been at the Congress at Sciota” (Stuart to Gage, Dec. 12, 1770).

33. Board of Trade to Shelburne, Dec. 23, 1767, *DRCH*, VII, 1004. Croghan noted that, although the Shawnees were “very reserved to thier most Intimate Friends amongst the Traders,” they would tell McKee “any thing they Knew as they Consider him as one of thire own pople his Mother being one of thire Nation” (Croghan to Johnson, Sept. 18, Dec. 22, 1769, *Papers of William Johnson*, VII, 182, 315). “McKee’s mother was probably an adopted white Shawnee captive, and his wife was Shawnee” (White, *Middle Ground*, 455). On the multiple links among individuals that subverted categories such as “Indians” and “settlers,” see *Middle Ground*, esp. 324.

their “private Councils” secret, it is also possible that the Indians actually wanted the British to know what they were up to. If imperial officials learned enough about the growing anti-British league to fear that they were about to be drawn into a costly Indian war, they might try to thwart the coalition by redressing the mutual grievances that held it together. In particular, they might try to keep the Cherokees out of the league by keeping Virginians out of Kentucky. Thus Shawnee diplomats could accomplish their designs without having to subject their fragile coalition to a trial of strength.

Indeed, native diplomats quite often used the threat of an anti-British league to intimidate their British counterparts. In 1769, Seneca leaders told northern Indian agent William Johnson that a proposal to attack the British “might probably be agreed to by too many of the warriors if those affairs which gave them so much uneasiness were not adjusted.”³⁴ Early in 1770, when Shawnee headman Red Hawk learned that George Croghan planned to visit Fort Pitt that spring to hear the Upper Ohio villagers’ grievances, Red Hawk protested the Stanwix land deal and pointedly informed Croghan that there would be “Chiefs from the Southren Indians as well as from all the Western Nations to speak to him at that time.” “I observe,” said Croghan when he received Red Hawk’s speech, that the Shawnees “seem to gaskinade or T[h]reaten.”³⁵

Although the Shawnees proved unable to produce any Cherokee representatives at their summer 1770 meetings with Croghan at Fort Pitt, they did use these meetings to emphasize again the link between British encroachments and Indian unity. On August 1, just before heading down the Ohio to the grand congress on the Scioto, a Shawnee representative told Croghan he feared that the British “designed to take all our Country and then destroy us.” The ambassador “pulled out of his Council Bag Sixteen belts of Wampum mostly black and said look at these belts.” He claimed they came from the Cherokees, “the French,” and numerous western nations and that they urged

34. Croghan to Gage, Jan. 1, 1770, Gage Papers; Johnson to Hillsborough, Aug. 26, 1769, *DRCH*, VIII, 184. Alexander McKee played a prominent role in reporting on the pan-Indian league to British higher-ups. On at least one occasion (in 1769, when he said the Shawnee and the Wabash River nations had “Settled all . . . former Disputes”), McKee overestimated the success of the coalition. It is possible that McKee deliberately exaggerated the coalition’s Kentucky. Thus McKee, Britain’s half-Shawnee agent in the Ohio country, might have been an agent not only of the British but of the Shawnees as well (*McKee journal*, [summer 1769], enclosed in *McKee to Croghan*, Sept. 18, 1769, *Papers of William Johnson*, VII, 184).

35. Red Hawk, speech to George Croghan, McKee journal, Cadwalader Family Collection, Croghan section, box 6, folder 30, HSP; Croghan to Johnson, Apr. 28, 1770, *Papers of William Johnson*, VII, 609.

the Ohio nations to “watch what you [the British] were about.” The implication was that, if the British continued to encroach upon Indian land, the Cherokees and the various western nations would unite to oppose them.³⁶

The link that Native Americans such as this Shawnee representative drew between their anger at British territorial infringements and their effort to build an anti-British confederacy was immediately clear to British officials in America. The “large Cession of Lands made by the Six Nations” at Stanwix, General Thomas Gage asserted in March 1770, “is the cause of jealousy, and the origin of their present discontent, from whence is derived all the Meetings, and Cabals of the Ohio Senecas [Mingos], Shawnees, Delawares etc.” Any inclination of imperial officials to approve the Stanwix land purchase and Virginia’s petition for Kentucky had to contend with their desperate need to avoid a conflict against a pan-Indian league. It was not that they harbored any sentimental aversion to war. The issue was the expense. As John Stuart reminded Gage early in 1770, previous Indian wars had been “expensive” to the imperial treasury, and the cost of fighting a league that united nations north and south of the Ohio River would be even greater. By the early 1770s, Hillsborough worried that the British government would soon be drawn into a “general Indian War, the expense whereof will fall on this Kingdom.”³⁷

The king’s American expenses had already caused him trouble. In order to prevent a costly Indian war, British officials decided not to approve the House of Burgesses’ December 1769 petition for Kentucky. In the same packet of letters that revealed the burgesses’ territorial ambitions, Hills-

36. Shawnee headman, Croghan journal, Aug. 1, 1770, enclosed in Croghan to Gage, Aug. 8, 1770, Gage Papers, in Jennings, ed., *Iroquois Indians*. If the Shawnees really had received encouraging messages from “the French,” this deliberately ambiguous term probably referred only to the French-speaking habitants in Indian country.

37. Gage to Carleton, Mar. 26, 1770, Gage Papers. Stanwix was “the Cause of all the Commotions that have lately happened, among the Indians” (Gage to Hillsborough, Jan. 6, 1770, *Papers of William Johnson*, VII, 332). George Croghan and William Johnson, who had personal stakes in the Stanwix land deal, tried unsuccessfully to keep other British officials from discovering that it was the basis of the anti-British Indian league. When Johnson suggested to Gage that the Indians had formed their league because colonists had stolen their horses and committed other crimes against individual Indians, however, Gage quickly replied that the Indians had “other Grievances at Heart, besides Horse stealing or other Trifles of the kind” (Johnson to Gage, May 10, 1770, Gage to Johnson, May 20, 1770, *Papers of William Johnson*, VII, 654, 822). On Hillsborough’s fears about the financial consequences of an Indian war, see Stuart to Gage, Jan. 27, 1770, Gage Papers; Hillsborough to Johnson, 1770, DRCH VIII, 302.

borough found John Stuart’s letter warning that the British occupation of Kentucky “would be productive of a general rupture with and coalition of all the tribes on the continent.” Hillsborough had other fears as well. He owned substantial rental property in Ireland, whence droves of tenants had already emigrated to America. He was, as Benjamin Franklin said, “terribly afraid of dispeopling Ireland.” Thus Hillsborough the landholder joined Hillsborough the imperial official in opposing further colonial encroachment on Indian land. He denounced the burgesses’ plan and cited Stuart’s warning as the reason.³⁸ Later, on June 12, 1770, the very day he learned that some Cherokees had welcomed the Shawnee and Delaware advocates of an anti-British coalition, he wrote Stuart, assuring him that he understood the vital need to allow the Cherokees to keep Kentucky. The colonial secretary conveyed to his Cherokee counterparts his pleasure at the “disregard” that they (or, rather, most of them) had shown to “the Emissaries from the Shawanees and Delawares.” In an implicit quid pro quo, Hillsborough at the same time promised Cherokee headmen that he would “give every Facility and Dispatch in my Power to the final Settlement of [a] Boundary between them and Virginia”—a boundary that would leave Kentucky in Cherokee country.³⁹

Faced with Hillsborough’s insistence, the Virginia House of Burgesses voted on June 15, 1770, to accept defeat on the Kentucky question. The

38. Stuart to Botetourt, Jan. 13, 1770, in Davies, ed., *Documents of the American Revolution*, II, 28; Hillsborough to Stuart, Apr. 14, 1770, C.O. 5/71, 149–151; Benjamin Franklin to William Franklin, Sept. 12, 1766, in Leonard W. Labaree et al., eds., *The Papers of Benjamin Franklin* (New Haven, 1959–), XIII, 414. Bernard Bailyn suggests that the anxiety of British landlords like Hillsborough about emigration from Britain to America was the only major reason they tried to brake colonists’ westward expansion (Bailyn, *Voyagers to the West: A Passage in the Peopling of America on the Eve of the Revolution* [New York, 1986], 49–66). Actually, Hillsborough’s anti-expansionism was shared by his successor as American secretary, Lord Dartmouth, and one of Dartmouth’s chief concerns was to avert an Indian war. He told William Johnson he feared that colonists that settled west of the Proclamation Line would “hasten that union of interest among the Savages which you have . . . endeavoured to prevent.” See Dec. 1, 1773, DRCH, VIII, 404; Hinderaker, *Elusive Empires*, 169; Stephen Aron, (Baltimore, 1996), 17–18; John Shy, “The Spectrum of Imperial Possibilities: Henry Ellis and Thomas Pownall, 1763–1775,” in Shy, *A People Numerous and Armed: Reflections on the Military Struggle for American Independence* (New York, 1976), 42; J. Russell Snapp, *John Stuart and the Struggle for Empire on the Southern Frontier* (Baton Rouge, 1996).

39. Hillsborough to Stuart, June 12, 1770, C.O. 5/71, 253. The letter from Stuart to which Hillsborough responded had been sent on May 2. In it, Stuart reported, “Some emissaries from the Shawnee and Delawares were sometime ago amongst the Cherokees and are now in the Creek nation to sound the disposition of said Indians towards a confederacy with them and the Western Indians, upon the principle of defending their lands from our encroachments” (Davies, ed., *Documents of the American Revolution*, II, 87).

following October, Acting Governor William Nelson promised Hillsborough that the government of Virginia would grant no trans-Appalachian land until "set at liberty to do it."⁴⁰

IV

Because of the British government's denial of Virginia's bid for Kentucky, its refusal to revoke the Proclamation of 1763, and the Indian coalition-building that had helped to bring about these imperial policies, the total yield of the Virginia land rush set off by the Fort Stanwix treaty was a pile of rejected land petitions and worthless surveys. Virginia speculators had been denied title to millions of acres of land to which they had already received preliminary grants. They had also lost (temporarily, they still hoped) the opportunity to sell all of Kentucky and the adjoining areas—nearly as much land as they and their forebears had sold in the entire history of the Virginia colony.⁴¹ The speculators' failure is inscribed in the colonial land patent

40. June 15, 1770, *JHB, 1770–1772*, 74; Nelson to Hillsborough, Oct. 18, 1770, in John C. Van Horne, ed., *The Correspondence of William Nelson as Acting Governor of Virginia, 1770–1771*, VHS Documents, II (Charlottesville, Va., 1975), 42; Thomas Walker to [William Preston], May 27, 1771, Draper MSS., 2QQ125. Hillsborough pressured northern Indian agent William Johnson to tell Iroquois, Shawnee, and Cherokee diplomats that the British government would not allow colonists to settle in the portion of the Stanwix cession that lay south of the mouth of the Kanawha River. By bowing both to the Iroquois demand that Britain accept the Stanwix cession and to the Cherokee demand that no British subjects occupy Kentucky, the imperial government managed to reconcile the seemingly irreconcilable treaties that its agents had negotiated with those two nations in the fall of 1768 (Downes, *Council Fires*, 148). Thomas Gage emphasized to William Johnson that "the Fear of a Rupture with" the Indians had "no doubt occasioned Virginia to be bounded by" the Kanawha–New River (Sept. 10, 1769, *Papers of William Johnson*, VII, 160).

Preventing a costly war against the Indians was not the Privy Council's only reason for maintaining the Proclamation Line. British imperialists also hoped the line would confine American colonists within Britain's economic and political orbit (Charles R. Ritcheson, *British Politics and the American Revolution* [Norman, Okla., 1954], 63–64). For about four years, there was an additional reason for the government to prohibit Virginia governors from giving away land in what is now West Virginia and western Pennsylvania: a proposal to grant ten million acres to a syndicate headed by Thomas Walpole. See Hillsborough to Botetourt, July 31, 1770, in Davies, ed., *Documents of the American Revolution*, II, 156; Sosin, *Whitehall and the Wilderness*, 181–210.

41. Unpatented Loyal Company surveys in Augusta County, [Nov. 1768–Apr. 1769], unpatented Greenbrier Company surveys in Augusta County, [Apr.–May 1769], Virginia Colonial Land Office Records; Thomas Lewis to William Preston, Mar. 15, 1774, Draper MSS., 3QQ13; "Copy of Grants of Lands Made from April 1745," Etting Collection, Ohio Company Papers box 40, file 80, HSP; Loyal Company contract, n.d., Page-Walker Papers

books. The patented land area of Virginia had nearly doubled between 1727 and 1749; from 1749 to 1773, it grew by less than one-third.⁴²

Although the Proclamation of 1763 was aimed at both settlers and speculators, it was much more successful in denying legal title to speculators than in keeping farm families from simply moving west. Since the whole purpose of speculating in Native American land was to sell it to settlers, the proclamation was far more harmful to speculators than if it had hindered them and settlers equally. Although hundreds of families settled inside the vast tracts claimed by land firms like the Loyal Company, none would "think of paying, until the company could perfect his title; and this they never could do" until after Independence, a Virginia judge explained a generation later. Squatters also vexed Patrick Henry and George Washington. Washington lamented in 1772 that squatters took advantage of the Privy Council's ban on legal west-

(#3098), box 1, UVA; Fincastle County surveys, abstracted in Lewis Preston Summers, ed., *Annals of Southwest Virginia, 1769–1800* (Abingdon, Va., 1929), 652–665; Jefferson, *Notes on Virginia*, ed. Peden, 4. One group of speculators did get patents. That was the small group of Robert Dinwiddie had made in 1754. But the Dinwiddie claimants' good fortune was not shared by the much larger group of veterans claiming land under the Privy Council's postwar bounty offer, whose claim the Executive Council refused even to consider. Those veterans, and every other Virginia land speculator except the Dinwiddie claimants and four other minor exceptions, got nothing.

42. John M. Hemphill II, "Prerogative, Patronage, and Power: The Political Process and the Decline of Royal Authority in Virginia, 1696–1775" (paper delivered at the annual strom, *Markets and Merchants: Economic Diversification in Colonial Virginia, 1700–1775* treaty superseded and voided the Proclamation of 1763. See Bailyn, *Voyagers to the West*, 537; Eugene M. Del Papa, "The Royal Proclamation of 1763: Its Effect upon Virginia Land Companies," *VMHB*, LXXXIII (1975), 406–407; John Richard Alden, *The South in the Revolution, 1763–1789* ([Baton Rouge, La.], 1957), 134; Bil Gilbert, *God Gave Us This Country: Tekamthi and the First American Civil War* (New York, 1989), 56–61; Wilbur R. Jacobs, *Relations* (Washington, D.C., 1988), 11, vol. IV of *Handbook of North American Indians*, ed. Sturtevant; Norman K. Risjord, *Jefferson's America, 1760–1815* (Madison, Wis., 1991), 79–80. Virginia land speculators persuaded the British government to obtain a small additional slice of Kentucky from the Cherokees in 1770, and it was enlarged by means of creative surveying the following year. See Andrew Lewis and John Donelson, depositions, [1777–1778], in Boyd et al., eds., *Papers of Jefferson*, II, 78–80; John Richard Alden, *John Stuart and in the Southern Colonial Frontier: A Study of Indian Relations, War, Trade, and Land Problems in the Southern Wilderness, 1754–1775* (Ann Arbor, Mich., 1944), 279–281. But it did not matter where the boundary ran so long as the Proclamation of 1763, which banned all trans-Appalachian patents, remained in force.

ern expansion to set up housekeeping in the forbidden zone. If the ban were lifted, they planned to bypass gentry middlemen and "sollicit legal Titles" directly from the British government "on the ground of preoccupancy."⁴³

The Proclamation of 1763 was anathema to every Virginia land speculator, but settlers were ambivalent about it. On the one hand, since no land titles could be procured, farm families were able (as Lord Dunmore, the last royal governor, complained) to "Settle without any." Relieved of the burden of supporting gentry surveyors, speculators, and landlords, settlers were, according to one, "as free as any buck a-goin." In addition to inadvertently shielding squatters, the imperial government's anti-expansionist policy inhibited the establishment of government institutions in the backcountry, making the region safer than ever for absconding debtors. In 1774, a Fincastle County justice instructed Sheriff James Thompson to seize property from one of trader Alexander Baine's debtors, Daniel Boone. Thompson brought the writ back, marked "Not Ex[ecuted]d gone to Kentucky."

The protection that the Proclamation of 1763 afforded to squatters and debtors might even have led some of them to support it. But most farmers in the backcountry probably opposed the proclamation, for it prevented them from securing clear title to the land they claimed. Farmers that settled west of the Appalachians worried that they would improve a homestead—clear

43. Dabney Carr, opinion, *David French v. Successors of the Loyal Company* (1834), in Benjamin Watkins Leigh, reporter, *Reports of Cases Argued and Determined in the Court of Appeals, and in the General Court of Virginia*, V (Richmond, Va., 1836), 637; Washington to Dunmore, June 15, 1772, William Crawford to Washington, Aug. 2, 1771, Mar. 15, 1772, May 1, 1772, Dec. 29, 1773, all in Abbot et al., eds., *Papers of Washington*, Colonial Series, VIII, 513, IX, 25–26, 37, 55, 418–420; May 5, 1772, *Executive Journals of the Council*, VI, 458; Mississippi Company to Thomas Cumming, Mar. 1, 1767, in Clarence E. Carter, ed., "Documents Relating to the Mississippi Land Company, 1763–1769," *American Historical Review*, XVI (1910–1911), 316 (hereafter cited as AHR); "A Copy from the Register of the Proceedings of the Loyal Company Now in the Possession of Edm. Pendleton, January 7th. 1815," Walker Papers, container 165; Thomas Walker to William Preston, May 27, 1771, in Archibald Henderson, ed., *Dr. Thomas Walker and the Loyal Company of Virginia* (Worcester, Mass., 1931), 69; Walker to Reece Bowen et al., Mar. 28, 1774, William Fleming Papers (Cyrus Hall McCormick Library, Washington and Lee University, Lexington, Va.; photostat at LVA); Samuel Pepper, William Preston, and William Thompson, "Articles of Agreement . . .," Jan. 3, 1775, Preston Family Papers, folder 860; Preston to Robert Doack, Oct. 1, 1771, William Campbell to Margaret Campbell, May 1, 1772, Campbell-Preston-Floyd Family Papers, I, LC; Loyal Company contract, n.d., Page-Walker Papers, box 1; Fincastle County surveys, abstracted in Summers, ed., *Annals of Southwest Virginia*, 652–665; Committee of Propositions and Grievances, report, Nov. 11, 1778, *Journal of the House of Delegates of the Commonwealth of Virginia; Begun . . . on Monday, the Fifth Day of October, in the Year of Our Lord One Thousand Seven Hundred and Seventy-Eight* (Richmond, 1827), 54.

and fence fields, erect buildings, and so forth—only to be evicted by someone that secured title to the tract after the expected repeal of the Proclamation of 1763. Many of these farmers engaged in small-scale land speculation, which suffered the same fate as the grander ventures of the gentry.⁴⁴

The Indian congress that had met in Lower Shawnee Town in August 1770 continued to convene annually for the next few years, but few southern Indian diplomats ever attended it. The warfare between the southern Indians and the nations of the Wabash River continued. Still, even as the anti-British league became more and more a phantom, imperial officials became increasingly frightened of it, and their determination to prevent British colonists from provoking an Indian war continued to grow.⁴⁵

Optimistic Virginia land dealers nonetheless held out hope that the Proclamation of 1763 would soon be repealed. There were straws enough at which to grasp. John Murray, the fourth earl of Dunmore, became governor late in 1771 and began issuing bounty patents to veterans of the Seven Years' War. Although he issued no patents to Loyal Company customers, he did provide sufficient encouragement that, at the end of 1773, the firm "recommenced," as post-Revolutionary suit papers attest, "and continued thenceforth until the revolution, making surveys . . . of such lands as they had contracted to sell." Dunmore's expansionism encouraged other speculators. In 1772, George Mason revived the Ohio Company. The following year,

44. Dunmore to Dartmouth, Apr. 2, 1774, C.O. 5/1352, 99; Adam O'Brien, in Faye Bartlett (Ph.D. diss., Ohio State University, 1937), 128; Thomas D. Curtis, "Land Policy: Pre-condition for the Success of the American Revolution," *American Journal of Economics and Sociology*, XXXI (1972), 209–224; John Byrd, writ, Aug. 4, 1775, Fincastle County Court Francis Fauquier, III, 1362. On small-scale land speculation, see Robert D. Mitchell, *Commercialism and Frontier: Perspectives on the Early Shenandoah Valley* (Charlottesville, Va., 1977), chap. 3.

45. In fact, there were nearly continuous contacts between insurgent Shawnees and rebels from southern nations. Those culminated in the discussions that Tecumseh had with the Creeks in 1811. See Colin G. Calloway, "We Have Always Been the Frontier: The American Revolution in Shawnee Country," *American Indian Quarterly*, XVI (1992), 42; Wood, "North America in the Era of Captain Cook," in Schwartz, ed., *Implicit Understandings*, 495; Martin, *Sacred Revolt*; Dowd, *Spirited Resistance*, 44–52; White, *Middle Ground*, 354–356; McConnell, *Country Between*, 266–268; Hillsborough to Johnson, July 1, 1772, DRCH, VIII, 302. Largely because British officials continued to fear the Indian coalition, the "senseless prohibiting proclamation" of 1763 remained in force ("A Virginian," Rind's VG, Mar. 3, 1774).

Patrick Henry bought up veterans' bounty rights, and Thomas Jefferson joined in a land scheme that promised him at least ten thousand acres.⁴⁶

Henry and Jefferson's optimism was not shared by George Washington. "I am not without my fears that we may yet meet with some rubs before this matter is finished," Washington wrote on February 28, 1774. The cause of Washington's anxiety was that Lord Hillsborough, who had resigned as colonial secretary in 1772 but retained influence in British politics, had declared that American veterans had no right to bounty land. Hillsborough's stance fueled Washington's patriotism. "I consider it in no other light than as one, among many proofs, of that Nobleman's Malignant disposition to American's," wrote Washington. All officers should share equally in the king's bounty, he said; "I can see no cause why Americans . . . should be stigmatiz'd."⁴⁷

Washington was right to worry. The new colonial secretary, Lord Dartmouth, wrote in a letter of April 6, 1774, to Governor Dunmore that Virginia veterans were not entitled to claim bounty land, even east of the Proclamation Line. Only ten veterans received bounty patents before Dunmore implemented Dartmouth's order. Although the April 1774 order affected only veterans, the Privy Council had voted earlier to abolish all free land grants. On February 3, 1774, the council decided that, henceforth, American land would be sold at auction to the highest bidder.⁴⁸

Would the Privy Council's abolition of land grants actually be enforced in Virginia? George Mason meant to find out. Mason had bought up head-

46. French v. The Successors of the Loyal Company, in Leigh, reporter, *Reports of Cases*, V, 629; Patent Book XLII, Virginia Land Office Records, 505–524; Mason to Carter, Mar. 12, 1776, in Robert A. Rutland, ed., *The Papers of George Mason, 1725–1792* (Chapel Hill, N.C., 1970), I, 263; [Patrick Henry] to [William Fleming?], Nov. 22, 1773, Fleming Papers; entry, Nov. 29, 1773, in Bear and Stanton, eds., *Jefferson's Memorandum Books*, I, 350; John Hiscox et al., petition for land, Mar. 11, 1773, *Executive Journals of the Council*, VI, 521.

47. Washington to William Preston, Feb. 28, 1774, Peter Hog to Washington, Dec. 11, 1773, John Armstrong to Washington, Dec. 24, 1773, in Abbot et al., eds., *Papers of Washington*, Colonial Series, IX, 404, 415–416, 500–501. Washington had received several bounty patents and hoped to receive many more.

48. Apr. 6, 1774, C.O. 5/1352, 1–2; Patent Book XLII, 505–524, Virginia Land Office Records. Hoping to choke off British emigration and colonial expansion—and to take a bigger share of the profits arising from land sales—the ministry not only established estate auctions but also set a minimum price of six pence per acre, five times the nominal fee grantees had paid. Land granted in the future would also pay double the existing quitrent. See Dartmouth to nine American governors, Feb. 5, 1774, in Davies, ed., *Documents of the American Revolution*, VIII, 42–45; "Mr. [William] Knox on the proposed mode of granting lands in America . . .," [1773?], Dartmouth Manuscripts (Staffordshire Record Office)

rights worth fifty thousand acres of land. On May 27, 1774, Mason, probably with help from Thomas Jefferson, petitioned the Executive Council of Virginia to grant him fifty thousand acres west of the Appalachian Mountains.⁴⁹ Although Mason claimed he had a "strict Right" to the land, the Executive Council, citing the Proclamation of 1763, refused to give it to him. Across the Atlantic at the same time, ministers devised a new way to thwart colonial attempts to settle beyond the western branches of the Ohio River. Dartmouth believed that "nothing can more effectively tend to discourage such attempts" than giving all the land west of the Ohio to the province of Quebec, and his recommendation was incorporated into the Quebec Act, passed in Parliament in June 1774.⁵⁰ Thus the Ohio, the river that the Virginian gentry had once viewed as a sure route to wealth, became a barrier instead.

In the fall of 1774, Virginia land dealers made one last effort to obtain Kentucky. They knew that a principal reason the Privy Council denied them title to the land west of the Appalachians was that the Cherokee and Upper Ohio nations would not give it up. The Virginians believed that if they could secure from the Shawnees and Mingos what they had already received from the Iroquois—deeds to Kentucky—they could persuade the Privy Council that the Proclamation of 1763 was no longer needed. Since the Shawnees and Mingos were unwilling to give up their hunting territory peacefully, the Virginians decided to secure the deeds by force.

But first the speculators needed what land dealer Edmund Pendleton called a "pretence" for attacking the Indians. They found one in the spring of 1774, when a half-French Mingo named John Logan raided Virginia and

49. There is a copy of Mason's petition, corrected by Jefferson, in the Jefferson Papers at the Library of Congress. That version of the petition with an assigned date of June 1774 is printed in Boyd et al., eds., *Papers of Jefferson*, I, 112–116. The government of Virginia rewarded anyone that imported a slave or servant into the province with fifty acres (Billings, Selby, and Tate, *Colonial Virginia*, 41).

50. May 27, June 17, 1774, *Executive Journals of the Council*, VI, 562, 578; "Inventory of Mason's Headright Certificates," in Rutland, ed., *Papers of George Mason*, II, 532. Speculators willing to participate in the new auction system could still obtain land east of the Proclamation Line, but few believed that very much fertile eastern land remained unpatented (Mitchell, *Commercialism and Frontier*, 74, 93). On Parliament's decision to give the region west of the Ohio to Quebec, see Dartmouth to Hillsborough, May 1, 1774, in B. D. Bargas, *Lord Dartmouth and the American Revolution* (Columbia, S.C., 1965), 124. William Knox, Dartmouth's secretary, said that Parliament annexed the region between the Ohio and Mississippi Rivers to Quebec "with the avowed purpose of excluding all further settlement." See [William Knox], *The Justice and Policy of the Late Act of Parliament, for Making More Effectual Provision for the Government of the Province of Quebec . . .* (London, 1774), 43; Justin Winsor, "Virginia and the Quebec Bill," *AHR*, I (1895–1896), 120–120.

Pennsylvania settlements in retaliation for the murder of his family by a group of Virginians. Logan's kinspeople had been killed soon after John Connolly, Governor Dunmore's representative at Pittsburgh, issued a circular letter that essentially declared war on the Indians.⁵¹ It seems likely that Connolly's circular and the murder of Logan's family were part of a deliberate effort by leading Virginians to provoke a revenge raid that would justify an invasion of the Ohio country. Logan's raid was actually quite limited. It was nevertheless well publicized—and exaggerated—by Virginia leaders. "The Opportunity we hav So long wished for, is now before us," declared William Preston. Preston was militia lieutenant and government land surveyor for Fincastle County, every acre of which was west of the Proclamation Line. During October 1774, in what came to be known as Dunmore's War, an army of two thousand Virginians attacked the Shawnee and Mingo towns on the Muskingum River, a northern tributary of the Ohio, and forced headmen to deed all the land east of the Ohio River, including all of Kentucky, to Virginia.⁵²

51. Pendleton to Joseph Chew, June 20, 1774, in David John Mays, ed., *The Letters and Papers of Edmund Pendleton, 1734–1803* (Charlottesville, Va., 1967), I, 94; White, *Middle Ground*, 362; Jack M. Sosin, *The Revolutionary Frontier, 1763–1783* (New York, 1967), 85; John Campbell to William Sinclair, July 26, 177[4], in Barbara DeWolfe, ed., *Discoveries of America: Personal Accounts of British Emigrants to North America during the Revolutionary Era* (Cambridge, 1997), 155. "The reception of [Connolly's circular] letter was the epoch of open hostilities with the Indians," George Rogers Clark later recalled (Downes, *Council Fires*, 161). Michael Cresap declared that "it was in consequence of a circular letter from said Connolly, directed to the inhabitants on the Ohio, that he murdered the Indians" ([*Remarks on the Proceedings of Dr. Conolly, Pittsburgh, June 25, 1774*], in Peter Force, comp., *American Archives: Consisting of a Collection of Authentick Records, State Papers, Debates, and Letters and Other Notices of Publick Affairs*, 4th Ser. [Washington, D.C., 1837–1846], I, 484). See also Reuben Gold Thwaites and Louise Phelps Kellogg, eds., *Documentary History of Dunmore's War, 1774* (Madison, Wis., 1905), xiii–xiv, 12n; White, *Middle Ground*, 357; McConnell, *Country Between*, 275.

52. Preston, circular letter, July 20, 1774, William Christian to William Preston, Nov. 8, 1774, in Thwaites and Kellogg, eds., *Dunmore's War*, 92–93; "Virginius," Rind's VG, Mar. 24, 1774; White, *Middle Ground*, 361; McConnell, *Country Between*, 275–276. Some historians continue to discuss the 1774 Indian raids without reporting the massacre of John Logan's relatives that prompted them (Billings, Selby, and Tate, *Colonial Virginia*, 337). For evidence that retaliation for Logan's raid was only the "pretence" for an invasion whose actual purpose was to acquire Indian land, see Holton, "Revolt of the Ruling Class," 431–437. On Dunmore's War, see William Christian to William Preston, Nov. 8, 1774, in Thwaites and Kellogg, eds., *Dunmore's War*, 301–304.

The other principal reason for Dunmore's War was that the Shawnees had (nonvio-

Unfortunately for the Virginia militia officers that had obtained the Kentucky deed, it had little effect on imperial land policy. The Privy Council knew that the Shawnees and Mingos would not feel bound to a document that had been forced upon them. Besides, by this time Virginia was in open revolt against Britain, and British officials—even Governor Dunmore—were in no mood to accommodate the rebels.⁵³

Until 1774, Virginia land speculators had held out hope that the Proclamation of 1763 would turn out to be what George Washington had once called it: "a temporary expedien[t]" likely to be repealed soon. That hope disappeared in 1774, when speculators learned in quick succession about the Privy Council's February abolition of land grants, Dartmouth's April ban on grants to American veterans, the Executive Council's June decision to continue enforcement of the Proclamation of 1763, and Parliament's June passage of the Quebec Act (see Figure 4). This multifaceted assault on land speculation angered Virginia gentlemen. Veterans of the Seven Years' War castigated "the present faithless and venal Ministry" (as William Peachey called it) for denying them the bounty to which they felt entitled. Edmund Pendleton, a Loyal Company member, wrote that, when gentry land peddlers learned of the new system of government land auctions, they "were very angry with the Ministry for degrading Royaltie into the Pedlar hawking Lands for sale." Drawing on his legal training, Pendleton argued that the ministry had probably violated the British constitution by trying to "alter the terms" on which Virginians acquired Indian land. The Privy Council's land grant ban was also protested by another lawyer, Thomas Jefferson, who declared that George III "has no right to grant lands of himself."⁵⁴ As dele-

ing land ("Speech of Six Shawanese Indians," June 28, 1773, in *Papers of William Johnson*, VIII, 834).

53. Francis Jennings, "The Indians' Revolution," in Alfred F. Young, ed., *The American Revolution: Explorations in the History of American Radicalism* (DeKalb, Ill., 1976), 343; Downes, *Council Fires*, chap. 7; Jack M. Sosin, "The British Indian Department and Dunmore's War," *VMHB*, LXXIV (1966), 34–50; Turk McClesk[e]y, "Dunmore's War," in Richard L. Blanco, ed., *The American Revolution, 1775–1783: An Encyclopedia* (New York, 1993), I, 492–497; McConnell, *Country Between*, 268–279; Holton, "Ohio Indians," *JSH*, LX (1994), 473–474; White, *Middle Ground*, 365. None of the land dealers openly stated that persuading the Privy Council to repeal the Proclamation of 1763 was a key reason they had obtained the deed to Kentucky. But the speculators surely knew that the deed would be worthless to them unless the Privy Council allowed them to take title to it. See Jennings, "Indians' Revolution," in Young, ed., *American Revolution*, 338.

54. Washington to William Crawford, Sept. [17], 1767, in Abbot et al., eds., *Papers of Washington, Colonial Series*, VIII, 28; William Peachey to William Preston, Jan. 24, 1775

gates attending the First Continental Congress compiled a list of their grievances against the British government, Richard Henry Lee told them the Quebec Act was “the worst grievance” of all.⁵⁵

Lee exaggerated. It is clear that the British government’s decision to abolish Virginia land speculation west of the Alleghenies was not the Virginia patriots’ paramount concern. After all, some speculators did not become patriots, and many patriots had never speculated. But the abolition of land grants was surely a major complaint for Virginia’s leading revolutionaries, because it hurt almost all of them. George Mason, who would write the constitution for the new Commonwealth of Virginia, had watched the Proclamation of 1763 destroy first his beloved Ohio Company and then his hopes of obtaining fifty thousand acres of Kentucky land using headrights. Richard

Preston Family Papers, folder 863; Edmund Pendleton to Joseph Chew, June 20, 1774, in Mays, ed., *Letters and Papers of Edmund Pendleton*, I, 92; “A Native, and Member of the House of Burgesses” [Jefferson], “A Summary View of the Rights of British America,” in Boyd et al., eds., *Papers of Jefferson*, I, 133; Dunmore to Dartmouth, June 9, 1774, in Davies, ed., *Documents of the American Revolution*, VIII, 130–131; Thomas Lewis to William Preston, June 8, 1774, Draper MSS., 3QQ38; Clarence Walworth Alvord, *The Mississippi Valley in British Politics: A Study of the Trade, Land Speculation, and Experiments in Imperialism Culminating in the American Revolution* (Cleveland, Ohio, 1917), II, 215–216; Johnson, *William Preston*, 114; Isaac S. Harrell, “Some Neglected Phases of the Revolution in Virginia,” *WMQ*, 2d Ser., V (1925), 160. On paper, the Privy Council had only switched from giving away land to selling it, but many land speculators chose to interpret the council’s order as an absolute barrier to acquiring Indian land.

55. Richard Henry Lee, Patrick Henry, speeches in Continental Congress, Oct. 14, 17, 1774; James Duane’s notes, in Bernhard Knollenberg, *Growth of the American Revolution*, 1766–1775 (New York, 1975), 124, 383n. William Lee declared that “every tie of allegiance is broken by the Quebec act” (William Lee to Richard Henry Lee, Sept. 10, 1774, July 13, 1775, in Worthington Chauncey Ford, ed., *Letters of William Lee . . . , 1766–1783* [1891], [New York, 1968], I, 89, 163–164). See also Samuel W. Jones, “Memoir of the Hon. James Duane,” in Jennings, “Indians’ Revolution,” in Young, ed., *American Revolution*, 340; George Mason to Richard Henry Lee, Apr. 12, 1779, in Rutland, ed., *Papers of George Mason*, II, 499; Thomas Hill to Thomas Adams, Aug. 20, 1774, Adams Family Papers (1672–1792), section 6 (microfilm, VHS); Continental Association, Oct. 20, 1774, in Boyd et al., eds., *Papers of Jefferson*, 150; “Americanus,” Purdie’s VG, [Apr. 8, 1775], in *Revolutionary Virginia*, II, 352; Rind’s VG claims. Thomas Jefferson was a partner in three land firms that would have yielded him a total of seventeen thousand acres of Indian land, were it not for the Privy Council’s land restrictions. Patrick Henry had participated in at least five land ventures between 1767 and 1773. He knew that he had wasted his money acquiring worthless claims—that is, if the ministry had its way.⁵⁶

56. July 12, 1749, May 27, June 17, 1774, *Executive Journals of the Council*, V, 295–296, VI, 62, 578; Carter, ed., “Documents Relating to the Mississippi Land Company,” *AHR*, XVI

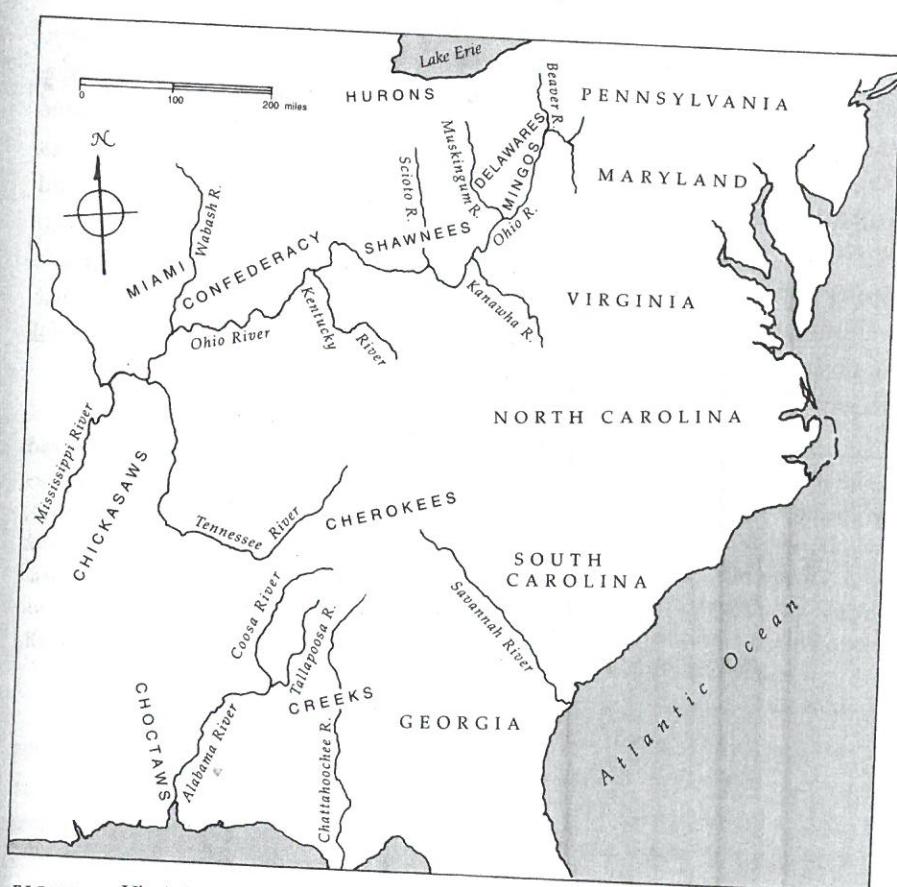


FIGURE 4. Virginia and Its Neighbors, 1776.
Drawn by Richard Stinely

Henry Lee, who would introduce the motion for Independence at the Continental Congress, had seen his Mississippi Land Company’s hope of obtaining 2,500,000 acres of Indian land disappear behind a double barrier: the Proclamation of 1763 and the Quebec Act of 1774. Another Mississippi Company member, George Washington, had bought up thousands of acres in veterans’ claims to bounty land, only to have Lord Dartmouth deny these claims. Thomas Jefferson was a partner in three land firms that would have yielded him a total of seventeen thousand acres of Indian land, were it not for the Privy Council’s land restrictions. Patrick Henry had participated in at least five land ventures between 1767 and 1773. He knew that he had wasted his money acquiring worthless claims—that is, if the ministry had its way.⁵⁶

The ministry did not have its way, of course. Led by land speculators, white Virginians declared Independence from Britain in 1776 and adopted a state constitution that nullified the Proclamation of 1763 and the Quebec Act.⁵⁷ Thus it is clear that in Virginia, the decision for Independence was partly the result of a complex struggle involving the British government and three groups of Americans: land speculators, backcountry settlers, and Ohio Valley Indians. Often in American history, Indians are seen as the passive victims of white decisions. In this case, the lines of force also ran in the opposite direction. Delaware and Shawnee diplomats powerfully influenced the most important decision white Americans ever made.

(1910–1911), 311–319; Bartholomew Dandridge to Washington, Feb. 16, 1774, John David Wilper to Washington, Mar. 23, 1774, in Abbot et al., eds., *Papers of Washington*, Colonial Series, IX, 479–480, X, 3–4. On Henry's speculations, see Henry to William Fleming, June 10, 1767, Draper MSS., 15ZZ3; Patrick Henry, fee book, cited in William Wirt Henry, *Patrick Henry*, I, 121; [Patrick Henry] to [William Fleming?], Nov. 22, 1773, Fleming Papers; depositions, William Christian, June 3, 1777, Patrick Henry, June 4, 1777, in CVSP, I, 262, 288–290.

57. Virginia Constitution, in Rutland, ed., *Papers of George Mason*, I, 309; Harrell, *Loyalism in Virginia*, 22.

He has combined with others . . . giving his Assent to their Acts of pretended Legislation . . . For cutting off our Trade with all Parts of the World.
—Declaration of Independence

2

TOBACCO GROWERS

VERSUS MERCHANTS

AND PARLIAMENT

Robert Routledge spent the morning of Tuesday, June 3, 1766, getting drunk. Routledge had greeted life in Cumberland in northern England, but he now lived in Virginia, where he sold foreign merchandise—everything from British textiles to Jamaican rum—to tobacco farmers. June 3 found him in Cumberland County, Virginia, at Benjamin Mosby's tavern. It is likely that Routledge was celebrating that morning. Word had just arrived that Parliament had repealed the Stamp Act, partly because Virginia's gentlemen justices had refused to hear any cases while it remained in force. The gentry's tactic had enlisted British creditors in the campaign to repeal the Stamp Act. If Robert Routledge really was celebrating that morning, it was not only because the stamp tax had been abolished but because courthouses, like the one near Mosby's tavern, would soon reopen their doors. Now he could resume legal action against his numerous debtors in the colony.

John Chiswell was also in Benjamin Mosby's tavern that Tuesday morning, but it is unlikely that he was celebrating. Chiswell was thousands of pounds in debt, and for him the reopening of the courts would be a disaster—especially at this time, because Chiswell's son-in-law, the speaker of the House of Burgesses, John Robinson, had just died. Robinson had taken more than £100,000 out of the provincial treasury and lent it to himself and numerous friends, including John Chiswell. Now that he was dead, the administrators of his estate (court-appointed executors) would open his books, discover the loans, and demand that Robinson's debtors immediately

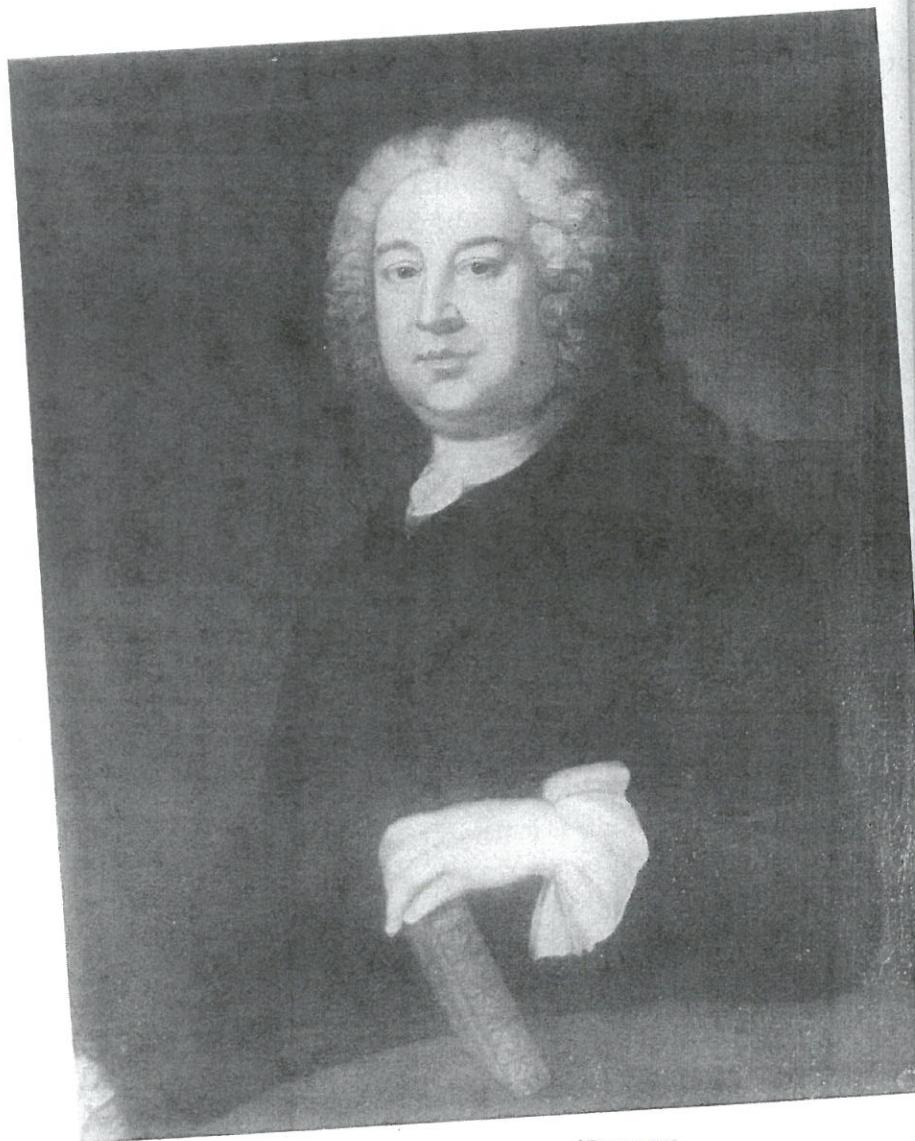


FIGURE 5. John Robinson, Speaker of the House of Burgesses.
Courtesy, Virginia Historical Society

repay the funds that he had misappropriated. The problem was that Chiswell did not have the money.

Chiswell, Robinson, and William Byrd of Westover (another of Robinson's debtors) had formed a company to mine for lead near the New River on the Virginia frontier. By 1766, however, the mine had failed, partly

taking title to their diggings, and it had also discouraged colonists—whose very presence would have boosted the value of the land around the mine—from settling in the area. The failure of the mining venture accelerated the process by which Chiswell, Robinson, and other Virginia gentlemen fell deep into debt.

Chiswell's and Routledge's conflicting attitudes about the reopening of the courts were probably among the reasons that the two men got into an argument that Tuesday. Things quickly got out of hand. Chiswell called the trader "a villain who came to Virginia to cheat and defraud men of their property" and a "Scotch rebel." This last insult linked Routledge to the Jacobite rebellion of 1745, an attempt, led by James II's grandson "Bonnie Prince Charlie" and centered in Scotland, to restore the Stuart monarchy.

No one in pre-Revolutionary Virginia would have been surprised to hear one of the colony's numerous Scottish storekeepers tarred with the Jacobite brush. Virginia farmers hated the Scots for the same reasons that farmers always hate merchants. The gentry hated them for these reasons and also for supplanting the gentlemen themselves as Virginia's commercial middlemen. Thus the last insult that Chiswell hurled against Routledge would have been entirely conventional—if Routledge had been Scottish. But Routledge was from Cumbria, in England. By 1766, Virginians no longer used the term *Scottish* exclusively in reference to a national identity. *Scottish* also evoked an economic class, the men that came to the colony for a few years to seek their fortunes selling British manufactures and buying tobacco. As further evidence of the transformation in the meaning of *Scottish*, it should be noted that John Chiswell, the man that attacked an Englishman for being "Scotch," was himself the son of a Scottish immigrant.

No one at the time paused to consider the irony of Chiswell's words, for he now ordered his young slave to bring him a weapon that symbolized his status as a Virginia gentleman: his sword. The young man refused. Chiswell, incensed at being defied by a black person as well as a "Scotch rebel," threatened to kill the slave, and the sword was soon produced. The emboldened Chiswell now advanced on Routledge. With a final shout of "Presbyterian fellow," he thrust his sword. "He is dead, and I killed him," he said.¹

1. Jesse Thomas, deposition, Purdie and Dixon's VG, Sept. 12, 1766; Carl Bridenbaugh, *Tolerance and Virtue in Virginia, 1766: or, The Importance of the Trivial*, Massachusetts Historical Society, *Proceedings*, LXXVI (Boston, 1964), 3–29. Virginia lieutenant governor incis Fauquier was a founding member of the mine partnership but soon dropped out cause it was west of the Anglo-Indian boundary established by the Prota Lee Austin, "The Southwest Virginia Lead Works, 1756–1802" [M.A. thesis, Virginia Polytechnic Institute and State University, 1977]. On the impact of the Proclamation of 1763

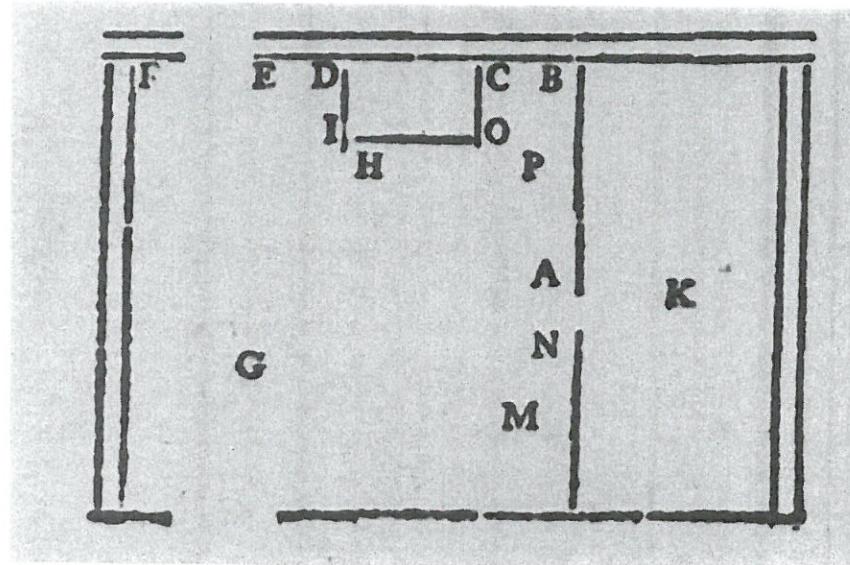


FIGURE 6. Purdie and Dixon's *Virginia Gazette*, July 18, 1766. Detail of the crime scene at Mosby's tavern. The right-hand side of the picture traces Chiswell's activity, the left-hand side Routledge's. The box at the top represents a table. At K, Chiswell was given his sword by his slave; on coming back into the room, he proceeded from M to B, insulting Routledge while keeping his back to the wall (lest someone attempt to disarm him). Meanwhile, Routledge was guided from G to the door at EF by Joseph Carrington, a concerned bystander. When Chiswell, now at P, called out "Presbyterian fellow," Routledge stepped over to D, at which point Chiswell moved to O and "stabbed him through the heart across the table." Routledge sank into the arms of Carrington at E "and instantly expired." Courtesy, Virginia Historical Society

For the modern reader, the Routledge murder and the insults that accompanied it help to define two classes that were just then becoming distinct in Virginia. A generation earlier, many of the men at the apex of the colony's pyramid of wealth and power could not easily be identified as "gentlemen" or "merchants." Many were Britons that had come to Virginia as traders and then either bought or married their way into the gentry class. Other elite derived part of their income from tobacco growing, part from selling India before Robinson died, on Apr. 12, 1766, a report revealed that he had stolen more than £100,000 of public funds (*History of Virginia*, III, 332). The report had disappeared by the time twentieth-century historians tackled the subject (Francis Fauquier to Board of Trade, May 11, 1766, in George Reese, ed., *The Official Papers of Francis Fauquier, Lieutenant Governor of Virginia, 1758–1768* [Charlottesville, Va., 1980–1983], III, 1359).

upon the mine, see William Herbert to William Byrd III, Mar. 6, 1764, in Marion Tinlin ed., *The Correspondence of the Three William Byrds of Westover, Virginia, 1684–1776* (Charlottesville, Va., 1977), II, 768.

it was not the last time that the conflict turned violent. The struggle between Virginia tobacco growers and British merchants helped to spark the American Revolution.

If John Chiswell's killing of Robert Routledge highlighted the extent to which gentlemen like Chiswell were influenced by their mounting debts, so did another fatality that involved Chiswell. On Wednesday, October 15, the day before he was to be tried for his life, Chiswell killed himself. When Chiswell's son-in-law died four months earlier, he had carried to his grave the distinction of owing more money than almost anyone in Virginia history; John Burk, who interviewed members of the Revolutionary generation for his *History of Virginia*, hinted that Robinson, like Chiswell, might have died at his own hands.² Chiswell and Robinson's friend William Byrd was also a major debtor. Byrd was the son and grandson of trader-growers that bequeathed to him a huge estate. He eschewed commerce, squandered his patrimony, and fell hopelessly in debt to British merchants. On New Year's Eve 1776, he shot himself. If Speaker Robinson's death really was a suicide (it is certain that Chiswell's and Byrd's were), we are faced with the extraordinary fact that all three partners in the New River lead mine—a venture that failed partly because it ended up on the Indian side of the Proclamation Line—killed themselves.

Several other Virginia gentlemen took their own lives during the era of the American Revolution as well. Many of these suicides, like those of the mine partners, had something to do with debt.³ Debt also killed in less direct

2. John Burk et al., *The History of Virginia from Its First Settlement to the Present Day* (Petersburg, Va., 1804–1816), III, 332; Charles Campbell, *History of the Colony and Ancient Dominion of Virginia*, II (Philadelphia, 1860), 547. There is strong evidence both for and against Burk's suggestion that Robinson might have killed himself. On May 16, 1766, less than a week after Robinson's death, Rind's VG reported that the sixty-two-year-old Robinson had died from the "Torments of the [kidney] Stone" (Joseph Albert Ernst, *Money and Politics in America, 1755–1775: A Study in the Currency Act of 1764 and the Political Economy of Revolution* [Chapel Hill, N.C., 1973], 174). But Burk stated that, less than a month before Robinson died, on Apr. 12, 1766, a report revealed that he had stolen more than £100,000 of public funds (*History of Virginia*, III, 332). The report had disappeared by the time twentieth-century historians tackled the subject (Francis Fauquier to Board of Trade, May 11, 1766, in George Reese, ed., *The Official Papers of Francis Fauquier, Lieutenant Governor of Virginia, 1758–1768* [Charlottesville, Va., 1980–1983], III, 1359).

3. The deeply indebted William Daingerfield made out his will on Jan. 4, 1783, and then, a few days later, slit his own throat. See Edward Miles Riley, ed., *The Journal of John Harrower: An Indentured Servant in the Colony of Virginia, 1773–1776* (Williamsburg, Va., 1963), xix–xx; William W. Hening, credit report on William Houston, "British Mercantile Claims, 1775–803," *Virginia Genealogist*, XXVIII (1984), 50. A Colonel Tucker who

ways. It will be recalled that Jacob Hite's debt to Scottish merchant James Hunter drove him to attack the Berkeley County jail and arm his slaves against a sheriff's posse. Seeking financial redemption, Hite later moved from Berkeley County to Cherokee country to trade for deerskins and land. He angered the Cherokees, and on July 1, 1776, a band of warriors killed him.⁴ It is not known whether a proportionate number of smallholders were driven to early graves by their debts, but clearly debt harmed them even more than gentlemen. Thomas Swetnam fell so deep into debt that "his property was quite exhausted and his children [were] all passed out among his neighbors."⁵

Debt destroyed not only lives and families but the personal independence that free Virginians cherished. As these men and women that loathed debt fell deeper and deeper into it, they sought to explain what had happened.⁶

£2,500 worth of merchandise in a fire, "never could recover his Spirits" and presently died, leaving "his affairs in a desperate situation." See William Nelson to John Norton, Sept. 12, 1766, John Norton to John Hatley Norton, July 31, 1767, William Nelson to John Norton, Aug. 14, 1767, all in Frances Norton Mason, ed., *John Norton and Sons, Merchants of London and Virginia: Being the Papers from Their Counting-House for the Years 1750 to 1795* (Richmond, Va., 1937), 17, 30, 32; William Nelson to Samuel Martin, July 2, 1772, "Nelson Letter Book," WMQ, 1st Ser., VII (1898), 29; Robert Pleasants to William Fisher, Mar. 23, 1772, Pleasants Letterbook, LC. John Gilchrist, who killed himself during the worst of the depression of 1772–1774, might have had money problems (Rind's VG, Oct. 21, 1773).

The suicides that are acknowledged in surviving sources may be only a small portion of the total, since the property of a suicide escheated to the government, and would-be heirs (as well as sympathetic and embarrassed friends) covered them up. A newspaper account declared that John Chiswell died "after a short illness" that it attributed to "nervous fits owing to a constant uneasiness of the mind" (Purdie and Dixon's VG, Oct. 17, 1766). The marquis de Chastellux mentioned Byrd's death but not his suicide (Howard C. Rice, Jr. trans. and ed., *Travels in North America in the Years 1780, 1781, and 1782* [Chapel Hill, N.C. 1963], II, 430).

4. Mildred Edwards Whitmire, "A Man and His Land: The Story of Jacob and Francis Madison Hite and the Cherokees," *Magazine of the Jefferson County Historical Society*, XLI (1978), 37–58. Debt also is said to have contributed to the illness that killed Thomas Nelson, Virginia's third governor after Independence (Emory G. Evans, "The Rise and Decline of the Virginia Aristocracy in the Eighteenth Century: The Nelsons," in Darrett B. Rutman, ed., *The Old Dominion: Essays for Thomas Perkins Abernethy* [Charlottesville, Va., 1964], 77–78).

5. Robert Hening, credit report on Thomas Swetnam, "British Mercantile Claims, 1775–1803," *Virginia Genealogist*, XV (1971), 57.

6. T. H. Breen, *Tobacco Culture: The Mentality of the Great Tidewater Planters on the Eve of Revolution* (Princeton, N.J., 1985); Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, Mass., 1967). Jacob M. Price argues that the free Virginians' growing debts to British merchants need not be viewed negatively. They were tangible evidence of confidence in the colony's potential for growth and an essential part of the American Revolution (see esp. chap. 4; Bruce A. Ragsdale, *A Planters' Republic: The Search for Economic Independence in Revolutionary Virginia* (Madison, Wis., 1996), esp. nn. 22–26).

The wealthiest debtors, gentlemen, attributed their financial difficulties to their loss of middleman income from selling Indian land to settlers and from selling foreign goods to Virginia farmers in return for their tobacco (a sector in which gentlemen had been largely replaced by English and Scottish traders). Gentlemen also believed that both they and their less wealthy debtors could blame their money problems on their own extravagance. Another reason for the colonists' debts was political. Many of them were convinced that the British merchant class had persuaded Parliament to adopt commercial, monetary, and immigration policies that favored the mercantile interest at their expense. They believed that Parliament's commitment to mercantilism cost them hundreds of thousands of pounds sterling every year and trapped them in debt to the merchants.⁷

Virginians felt that the most important result of the British merchants' influence on Parliament was the Navigation Acts, the parliamentary legislation that gave Britain a monopoly of their trade, restricted their manufacturing, and shaped the Virginians' bitter response to taxes imposed by British ministers in the 1760s. Conflict between Virginia colonists and British mercantilism was also fueled by the government's policy of favoring British merchant-creditors over Virginia debtors and by the futile efforts of the

element in that growth (*Capital and Credit in British Overseas Trade: The View from the Chesapeake, 1700–1776* [Cambridge, Mass., 1980], 16–19, 126). Price may be correct that the debts should be viewed in that positive light. In eighteenth-century Virginia, though, they were seen as a terrible burden. "The torment of mind I endure till the moment shall arrive when I shall not owe a shilling on earth," Thomas Jefferson told Nicholas Lewis on July 29, 1787, "is such really as to render life of little value." See Julian P. Boyd et al., eds., *The Papers of Thomas Jefferson* (Princeton, N.J., 1950–), XI, 640.

7. The significance of the Virginia gentlemen's British debts in their decision to rebel against Britain has been debated ever since the rebellion itself. Loyalists such as James Parker charged that gentlemen closed Virginia's courts in 1774, and then declared Independence in 1776, in order to escape their debts to British merchants. That charge was picked up by some of the Progressive historians. See Isaac Samuel Harrell, *Loyalism in Virginia: Chapters in the Economic History of the Revolution* (Durham, N.C., 1926), 26–29; Claude H. Van Tyne, *The Causes of the War of Independence* (1922; reprint, New York, 1951), 426. In 1962, Emory G. Evans and Thad W. Tate both argued convincingly that the loyalists and Progressives were wrong to view the Revolution in Virginia as a simple act of debt repudiation (Evans, "Planter Indebtedness and the Coming of the Revolution in Virginia," Tate, "The Coming of the Revolution in Virginia: Britain's Challenge to Virginia's Ruling Class, 1763–1776," both in *WMQ*, 3d Ser., XIX [1962], 323–343, 511–533). Since then, scholars have sought more complex connections between debt and Revolution. See Gordon S. Wood, "Rhetoric and Reality in the Revolution in Virginia: Britain's Challenge to Virginia's Ruling Class, 1763–1776," both in *WMQ*, 3d Ser., XXIII (1966), 3–32; Breen, *Tobacco Culture*, esp. chap. 4; Bruce A. Ragsdale, *A Planters' Republic: The Search for Economic Independence in Revolutionary Virginia* (Madison, Wis., 1996), esp. nn. 22–26).

House of Burgesses to reduce or end the forced immigration of African and West Indian slaves to Virginia.

I

During the 1760s and 1770s, American pamphleteers often asserted that the British politicians that proposed to tax them without their consent were, in fact, trying to "enslave" them.⁸ Some writers went further, charging that Parliament treated free colonists like slaves even before it thought of taxing them. In an anonymous essay appearing in the *Virginia Gazette* in March 1776, "An American" argued that Britain's manipulation of the colonists' commerce had turned them into "the slaves of Britain." Later in the essay, he extended the slavery metaphor. He reminded his readers that most slaveholders allowed their workers a few hours of leisure to raise some produce for their own consumption or for sale. Likewise, said the writer, who was apparently a Virginia slaveholder, "our masters in Britain, though they made us labour and toil for their emolument, yet did not attempt to take from us the little we had been permitted to earn for ourselves. In this respect, they were as indulgent to us as we are to our poor slaves." Virginia slaveholders had no right to take away their slaves' customary privilege of earning money for themselves in the evenings and on Sundays, An American said, and the home country that monopolized the free Virginians' trade had no right to tax them as well.⁹

The comparison An American drew between slavery and mercantilism points toward a possible solution to one of the great mysteries of the American Revolution: why free colonists objected so vehemently to parliamentary taxes that were a fraction of what their less wealthy kinsmen in England, Wales, and Scotland already paid. Their argument was partly constitutional. Parliament had no right to tax them, because they were not represented in it. But the Virginians' position was also practical: just as a master that already monopolized his slaves' daytime labor could lay no just claim to their evening hours, free colonists deserved to remain tax-free because, by submit-

8. This was especially true in the southern, slaveholding colonies. See Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York, 1975); see Curtis P. Nettels, "British Mercantilism and the Economic Development of the Thirteen Colonies," *Journal of Economic History*, XII (1952), 105–114. Historians that argue that the Navigation Acts were an important cause of the American Revolution include John C. Miller, *Origins of the American Revolution* (Boston, 1943), 13–17; John C. Miller, *Slavery, Revolutionary America, and Money and Politics*, 360; Robert Johnson, "Government Regulation of Business Enterprise in Virginia, 1750–1820" (Ph.D. diss., University of Minnesota, 1958), 204. Those taking the opposing view include T. H. Breen, "An Empire of Goods: The Anglicization of Colonial America, 1690–1776," *Journal of British Studies*, XXV (1986), 470; John J. McCusker and Russell R. Menard, *The Economy of British America, 1607–1789* (Chapel Hill, N.C., 1985), 252.

9. Purdie's VG, Mar. 29, 1776. Other Virginians agreed with An American that, for the Virginians, British mercantilism was "a qualified slavery at best" (James City Coumerica, 1690–1776), *Journal of British Studies*, XXV (1986), 470; John J. McCusker and

ting to the Navigation Acts, they already contributed more than their fair share to the wealth of the British nation. An American's view was widely held, so any account of the origins of the American Revolution must focus not only on taxes but also on trade—on the struggle between Virginia tobacco growers and the British merchants that controlled their imports and exports.

An American's analogy usefully introduces into the scholarly discussion of the Navigation Acts the image of the enslaved worker. Historians studying mercantilism frequently use evidence derived from New England to develop conclusions that they then apply to the staple colonies. This will not do. Until the 1760s, Yankee ship-captains found the foremost parliamentary restriction on their trade, the Molasses Act of 1733, easy to evade. In contrast, limits on the tobacco colonies' commerce were rigorously enforced.¹⁰

Parliament passed the first Navigation Act, which dictated that goods could be exported from the colonies to England only on British ships, in 1651, in the midst of the English Revolution, and was unable to enforce it. As soon as Charles II secured the English throne, however, he excluded Dutch mer-

10. Most historians agree that, before 1760, few northerners felt greatly injured by mercantilist legislation (Alfred F. Young, "George Robert Twelves Hewes [1742–1840]: A Boston Shoemaker and the Memory of the American Revolution," in *In Search of Early America: The William and Mary Quarterly, 1943–1993* [Williamsburg, Va., 1993], 252). But, after 1760, when the British government enforced existing restrictions on trade between the North American colonies and the foreign sugar islands, the new enforcement measures were fiercely resisted. See Arthur Meier Schlesinger, *The Colonial Merchants and the American Revolution, 1763–1776* (New York, 1918), 50–54; Thomas C. Barrow, *Trade and Empire: The British Customs Service in Colonial America, 1660–1775* (Cambridge, Mass., 1967), chap. 9, 10.

Practitioners of the "new economic history" have often made the important error of assessing the impact of the Navigation Acts on the North American colonies as a whole, improperly conflating those that received a net benefit with those that suffered greatly. See, for example, Robert Paul Thomas, "A Quantitative Approach to the Study of the Effects of British Imperial Policy upon Colonial Welfare: Some Preliminary Findings," *Journal of Economic History*, XXV (1965), 638; Gary M. Walton, "The Burdens of the Navigation Acts:

Historians that argue that the Navigation Acts were an important cause of the American Revolution include John C. Miller, *Origins of the American Revolution* (Boston, 1943), 13–17; John C. Miller, *Slavery, Revolutionary America, and Money and Politics*, 360; Robert Johnson, "Government Regulation of Business Enterprise in Virginia, 1750–1820" (Ph.D. diss., University of Minnesota, 1958), 204. Those taking the opposing view include T. H. Breen, "An Empire of Goods: The Anglicization of Colonial America, 1690–1776," *Journal of British Studies*, XXV (1986), 470; John J. McCusker and

Russell R. Menard, *The Economy of British America, 1607–1789* (Chapel Hill, N.C., 1985), 252.

chantmen from the Chesapeake trade, and during the next seven years the price of tobacco fell 75 percent. In 1663, Governor William Berkeley complained that growers earned "soe very little for their labores as it will not cloath them and their Families."¹¹ "The rigorous circumspection of [Virginia's] trade" lowered the price of tobacco and made "the poor people . . . very uneasy," Robert Beverley reported. In September 1663, even before Virginians learned that Parliament had adopted an additional Navigation Act (this one prohibited the shipment of foreign goods to American colonies except through British ports), nine Gloucester County servants plotted an insurrection that was discovered less than twenty-four hours before it was to commence. The Navigation Acts and the resulting depression in the tobacco market were repeatedly blamed for social unrest in subsequent decades, especially during Bacon's Rebellion (1676), the largest insurrection in Virginia history, and the 1682 plant-cutting riots. In the aftermath of Bacon's Rebellion, when the freemen of Lower Norfolk County politely requested the repeal of the Navigation Acts, they were branded "wholly mutinous." This censure, and the execution of many leading rebels, helped persuade tobacco growers that to criticize the Navigation Acts was hopeless and dangerous. A Virginia writer would state in the 1760s that, although the British merchants' monopoly of colonial trade had "ever been regarded here as oppressive in many Respects," it was "an Evil we with Patience now must bear, as we have it not in our Power to avoid or prevent it."¹²

For most of the eighteenth century, public criticism of the Navigation

11. Morgan, *American Slavery, American Freedom*, 146–148. As early as 1621, the English government had demanded that all Virginia tobacco be shipped to England, but the regulation proved unenforceable (Johnson, "Regulation of Business," 16).

Tobacco fetched about two pence per pound in 1660 and a halfpence per pound in 1666 (John C. Rainbolt, *From Prescription to Persuasion: Manipulation of [Seventeenth] Century Virginia Economy* [Port Washington, N.Y., 1974], 56). On Berkeley's complaint, see Warren M. Billings, John E. Selby, and Thad W. Tate, *Colonial Virginia: A History* (White Plains N.Y., 1986), 79; Barrow, *Trade and Empire*, 21, 289 n. 3; Lawrence A. Harper, *The English Navigation Laws: a Seventeenth-Century Experiment in Social Engineering* (New York, 1939) 246; John Bland, "The Humble Remonstrance of John Bland of London, Merchant, on Behalf of the Inhabitants and Planters in Virginia and Maryland," *VMHB*, I (1893), 141–15.

12. Robert Beverley, *The History and Present State of Virginia: A Selection* (Indianapolis 1971), 32; Burk et al., *History of Virginia*, II, 134–135; Morgan, *American Slavery, American Freedom*, 246. On the effects of Bacon's Rebellion regarding the colonists' general opinion of the Navigation Acts, see ["Lower Norfolk County Grievances,"] *VMHB*, II (1894), 170; *Financial History of Virginia, 1609–1776* (New York, 1893), 64, 66; Adam Smith, *The Theory of Moral Sentiments* (1759), ed. D. D. Raphael and A. L. Macfie (Oxford, Eng., 1976), 206. Lee Jefferson and the New Nation: A Biography (New York, 1970), 45. Nineteenth-century historians argued that the mercantilist empire treated free colonists in America "not as the fellow-rian Charles Campbell stated that the Navigation Acts "had never been acquiesced in, but as subjects, but as the servants of Britain" ("An American" [Lee], *An Essay in Vindication of the History of the Colony*, 530–531).

Acts remained quite rare. In the 1740s, the House of Burgesses petitioned the Privy Council for a "free export of their Tobacco to foreign Markets directly." The petition was denied. English clergyman Andrew Burnaby toured the colony in 1759 and learned that free Virginians considered "it a hardship not to have an unlimited trade to every part of the world." What Burnaby heard were private grumblings. Five years later, a member of the Virginia gentry did denounce the Navigation Acts publicly, but it is significant that the young Virginian that finally broached the subject was attending medical school in Edinburgh, close to the lavish country estates that Scottish merchants had purchased with their tobacco profits and far from the restraining influence of his older brothers. Even then, Arthur Lee spoke out only because he had been provoked, ironically enough, by the man whose name would become synonymous with free trade, Adam Smith. In his 1759 *Theory of Moral Sentiments*, Smith uncharitably called the founders of the American colonies "the refuse of the jails of Europe." Five years later, Lee wrote *An Essay in Vindication of the Continental Colonies of America*. In the midst of defending his American ancestors, Lee veered off in a new direction. "I cannot help lamenting the unequal condition of their descendants, the present inhabitants," he wrote. In response to Smith's avowal of sympathy for American slaves, Lee argued that they were not nearly so cruelly shackled as their owners—"their manufacturing hands tied up; their commerce confined; and their staple commodity," their tobacco, "oppressed with such intolerable exactions, that it yields to the labouring planter scarce one tenth of its original value." Lee said the Navigation Acts subjected Virginia tobacco growers "to the arbitrary impositions of the British merchants, who fix, like cankers, on their estates, and utterly consume them."¹³

Virginians like Arthur Lee knew that the only way they could ever enjoy the fruits of free trade would be to declare Independence from Britain. Of course, the empire would not let them go in peace. Living in a colony where the most valuable property lay within cannon shot of navigable rivers, where 40 percent of the population were slaves that would be likely to side with any enemy, and where family and other emotional ties to the mother country were still strong, free Virginians had no desire to go to war against Britain,

13. Andrew Burnaby, *Travels through the Middle Settlements in North-America, in the Years 1759 and 1760 . . . , rev. ed.* (1775; Ithaca, N.Y., 1960), 25; William Zebina Ripley, *The Financial History of Virginia, 1609–1776* (New York, 1893), 64, 66; Adam Smith, *The Theory of Moral Sentiments* (1759), ed. D. D. Raphael and A. L. Macfie (Oxford, Eng., 1976), 206. Lee Jefferson and the New Nation: A Biography (New York, 1970), 45. Nineteenth-century historians argued that the mercantilist empire treated free colonists in America "not as the fellow-rian Charles Campbell stated that the Navigation Acts "had never been acquiesced in, but as subjects, but as the servants of Britain" ("An American" [Lee], *An Essay in Vindication of the Continental Colonies of America* [London, 1764], 20).

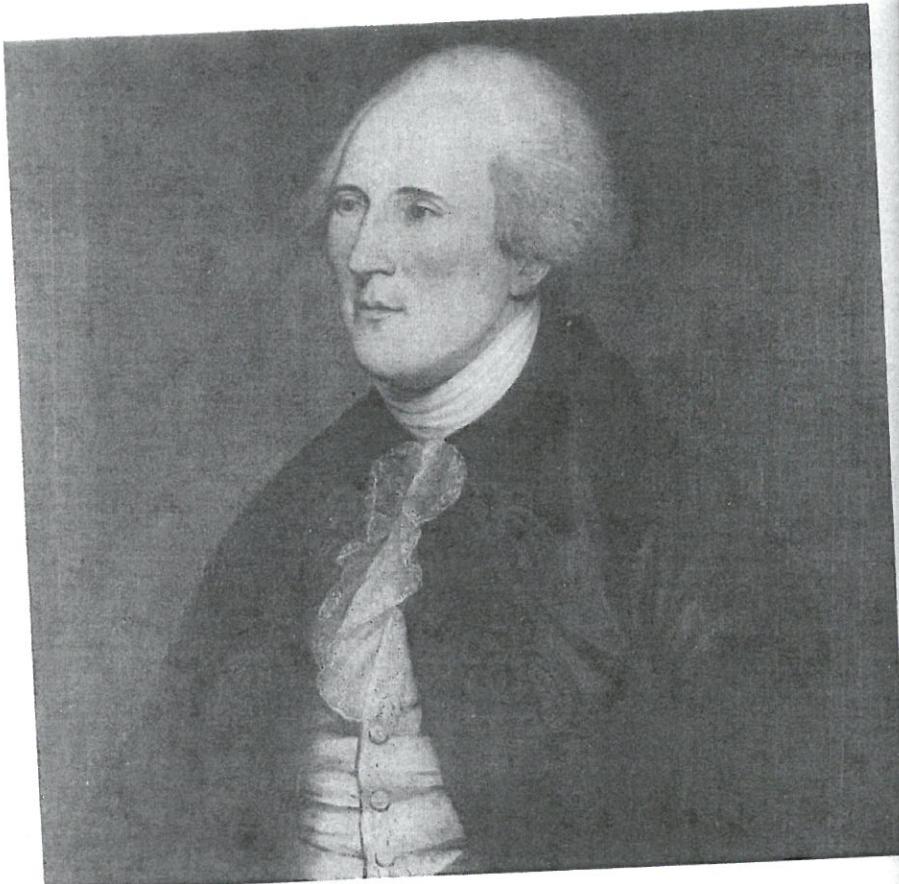


FIGURE 7. Arthur Lee. Courtesy, Virginia Historical Society

not even to destroy its monopoly of their trade. They did, however, feel pushed to the breaking point, and, if Britain should demand additional sacrifices from them, their loyalty could not be guaranteed.

By 1764, when Lee's *Essay in Vindication* appeared, free Virginians were even less willing than earlier to increase their contribution to the British Empire. Many of them had fallen deep into debt to British merchants, and they attributed their economic distress partly to the Navigation Acts. In 1769 essay, Lee's brother Richard Henry described how "Britain from her exclusive trade to these colonies, and from the manner in which she tied us up to her manufacturing hands" had "involved the people here in a heavy debt which agriculture, without arts, and a trade so confined, will probably never pay." Although "the enormous debt due the stores" was commonly attributed to "extravagance and want of industry in our people," its actual source commerce was "extremely fettered ably on the Navigation Acts."

confined, both in export and import," Richard Henry Lee had written two years earlier. Only "by making trade free" could Virginia "render it profitable." Another writer attributed the "great ballance" that Virginians owed British merchants to "parliamentary authority," which "prevents us from acquiring property except under such restrictions as are highly advantageous to Great Britain."¹⁴

Landon Carter blamed the Navigation Acts not only for the tobacco growers' debts but also for Virginia's trade deficit with Britain. In an essay he wrote in 1774, when he was dunned by a London merchant, Carter argued that the balance of trade "must be ever against such a people who can deal nowhere else but with those who have both the opportunity to take our Commodities for what they please and send theirs to us at their own price." Arthur Lee argued that more than half of Virginia's trade deficit could be attributed to the Navigation Acts. British mercantilism cost the tobacco colonies £500,000 per year, Lee estimated in a 1774 pamphlet, and it was largely the reason American colonists owed British merchants six million pounds.¹⁵

Although nothing in Arthur Lee's 1764 pamphlet indicated that he knew it, during this very period when free Virginians were falling deeper into debt and becoming more restive under the burden of the Navigation Acts, the Privy Council, meeting at Whitehall in London, was planning to add to the burden. Colonists were about to be called upon to sacrifice not only for the benefit of the British merchant class, as the Navigation Acts already forced them to, but for the imperial government itself. The government's

14. [Richard Henry Lee], preface, in [John Dickinson and Arthur Lee], *The Farmer's and Monitor's Letters, to the Inhabitants of the British Colonies* (Williamsburg, Va., 1769), iii; "Rusticus" [Richard Henry Lee], essay, [1766–1767?] (typescript filed at the end of 1769), in Paul P. Hoffman, ed., *The Lee Family Papers, 1742–1795* (microfilm, Charlottesville, Va., 1966); "Vindex," *Virginia Gazette, or, Norfolk Intelligencer*, Aug. 11, 1774. The published version of the Rusticus essay has not been found, but it may be roughly dated based on the appearance of a reply to it in Rind's VG on Feb. 19, 1767.

15. Jack P. Greene, ed., *The Diary of Colonel Landon Carter of Sabine Hall, 1752–1778* (Charlottesville, Va., 1965), II, 917; [Landon Carter], letter, Nov. 30, 1765, in Jack P. Greene, ed., "Not to be Governed, or Taxed, but by . . . our Representatives": Four Essays in Opposition to the Stamp Act by Landon Carter," VMHB, LXXVI (1968), 290–291. Marylander Daniel Dulany estimated that Chesapeake tobacco would have fetched three pounds per hogshead more if growers were allowed to sell it directly to the Europeans that consumed 85 percent of it (Miller, *Origins of the American Revolution*, 14). That would have increased the growers' profits by about 30 percent. Although the above statements attributing Virginians' private debts and the provincial trade deficit to the Navigation Acts were written after Parliament tried to impose taxes on the American colonies, it seems safe to assume that, long before the taxes were imposed, many free Virginians blamed their debts partly on the Navigation Acts.

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need was great. The Seven Years' War had nearly doubled its debt, from £72 million to more than £123 million. When peace came, British politicians listened avidly as army officers returning from America told of the fabulous wealth abounding there. Here were more than two million British subjects that—at a time when English, Welsh, and Scottish taxpayers reeled under a load of taxes and often resisted them—did not pay a penny in direct taxes. So Parliament adopted the Stamp Act (1765), Townshend duties (1767), and other revenue measures.¹⁶

The well-known constitutional arguments that free Americans made against parliamentary legislation rested upon a basic idea of fairness. Although 100 percent of Chesapeake tobacco had to be shipped to Britain, only 15 percent was consumed there, with the rest being reexported to the European continent. Thus by the time most tobacco reached its destination, the person that owned it and profited from its sale was not a Chesapeake tobacco grower but a British merchant. As colonists struggled against the new taxes that Parliament tried to levy on them in the 1760s, several of them argued that British mercantilism was itself “a heavy tax upon the colonies”—heavier than any of the taxes that were now being proposed. In 1766, George Mercer, who had tried unsuccessfully to enforce the Stamp Act in Virginia, told a parliamentary committee that, even if Virginians had bought the stamped paper, it would have cost them much less money than the Navigation Acts already did.¹⁷

16. T. H. Breen, “Narrative of Commercial Life: Consumption, Ideology, and Community on the Eve of the American Revolution,” *WMQ*, 3d Ser., L (1993), 472–473. To retire the war debt, Parliament kept taxes “very high,” and they were “paid unwillingly,” as Royle’s VG reported on Nov. 4, 1763. At the same time, Parliament adopted new navigation laws aimed at diverting more of the North Americans’ income to sugar growers in the British Caribbean to merchants in England and Scotland, and to the imperial treasury. Historians have shown that those new laws, especially the Sugar Act, harmed the northern colonies. See Schlesinger, *Colonial Merchants*, 52–61; John W. Tyler, *Smugglers and Patriots: Boston Merchants and the Advent of the American Revolution* (Boston, 1986), 75–92. It is important to note that those laws also harmed Virginia, which had a growing trade with the foreign sugar islands. See May 17, 1765, “Journal of a French Traveller in the Colonies, 1765,” pt. I, *American Historical Review*, XXVI (1921–1922), 744; Francis Fauquier to Board of Trade, Jan. 25, 1765, duke of Richmond to Fauquier, June 12, 1766, in Reese, ed., *Papers of Francis Fauquier*, III, 1222, 136 (“The Contest,” Purdie and Dixon’s VG, Dec. 17, 1767; Robert Beverley to [—], May 8, 1766; Beverley Letterbook, LC; “Copy of a Letter,” Purdie and Dixon’s VG, July 11, 1766; “Photo congratulate you with success, in having the Commercial System of these Colonies put lautos,” Purdie and Dixon’s VG, July 25, 1766; “T. S.,” Rind’s VG, Dec. 14, 1769).

17. Bailyn, *Ideological Origins*, 161–175; Ragsdale, *Planters’ Republic*, 53. “Vindex” says July 25, 1767, in W. W. Abbot et al., eds., *The Papers of George Washington*, Colonial Series VIII, 15. For the 1769 quotation, see anonymous letter, Purdie and Dixon’s VG, Nov. 9, 1769 (supplement).

Indeed, the Navigation Acts unjustly favored British subjects living in England, Wales, and Scotland over their fellow subjects in America, Richard Bland claimed in 1766. “Why,” Bland demanded, “is the Trade of the Colonies more circumscribed than the Trade of *Britain*? ”¹⁸ After Parliament repealed the Stamp Act, most British merchants and politicians expected free Virginians to express gratitude for its “indulgence,” but many of them refused. “Is the Indulgence of Great Britain manifested,” George Mason asked, “by prohibiting her Colonys from exporting to foreign Countrys such Commodities as she does not want, and from importing such as she does not produce or manufacture and therefore can not furnish but upon extravagant Terms?” In 1769, an anonymous newspaper writer called the expected repeal of some of the Townshend duties “*a gift to blind your eyes*, whilst they continue to clog your TRADE.”¹⁹

tary tax?” (*Virginia Gazette, or, Norfolk Intelligencer*, Aug. 11, 1774). Other colonies’ resistance leaders—including Henry Laurens of South Carolina, Daniel Dulany of Maryland, Benjamin Franklin of Pennsylvania, and James Otis of Massachusetts—also called the Navigation Acts a tax. Laurens claimed in 1769 that the Navigation Acts subjected him to “a much greater tax than any person of equal fortune on the other side of the Atlantic” paid. See Charles A. Beard and Mary R. Beard, *The Rise of American Civilization* (New York, 1930), I, 202; John E. Crowley, *The Privileges of Independence: Neomercantilism and the American Revolution* (Baltimore, 1993), 21–23, 174n. Two years after Mercer’s statement to Parliament, the members of the House of Burgesses echoed his claim that the British Empire already cost free Virginians a great deal of money. They pointed out that Virginians had “long been restrained from purchasing many of the necessities of Life at any other than the British Market, they are confined in their Exports also” (Petition to the House of Lords, Apr. 16, 1768, in *Revolutionary Virginia*, I, 59).

18. “An Inquiry into the Rights of the British Colonies . . .” (ca. Mar. 14, 1766), in *Revolutionary Virginia*, I, 40–41. Bland’s words were echoed eight years later by Thomson Mason. “Why should not Britons on this have as good a right to extend their trade to every corner of the globe as those on the other side of the Atlantic?” he asked in 1774 (“A British American” [Mason], “Number IX,” July 28, 1774, in *Revolutionary Virginia*, I, 194). James Otis of Massachusetts asked a similar question: “Can any one tell me why trade, commerce, arts, sciences and manufactures, should not be as free for an American as for an European?” (Theodore Draper, *A Struggle for Power: The American Revolution* [New York, 1996], 338).

19. “A Virginia Planter” [George Mason], “. . . Letter to the Committee of Merchants in London . . . ,” June 6, 1766, in Robert A. Rutland, ed., *The Papers of George Mason, 1725–1792* (Chapel Hill, N.C., 1970), I, 67. A year later, George Washington thanked a pair of London merchants for lobbying against the Stamp Act, but added, “I coud wish it was in my power upon a more enlrdg and extensive footing than it is” (to Capel and Osgood Hanbury, July 25, 1767, in W. W. Abbot et al., eds., *The Papers of George Washington*, Colonial Series VIII, 15. For the 1769 quotation, see anonymous letter, Purdie and Dixon’s VG, Nov. 9, 1769 (supplement)).

To be sure, free Virginians did receive numerous benefits from the British Empire, including a parliamentary prohibition against tobacco planting in Britain, naval escorts for Virginia ships during wartime, and an imperial army that was ready to suppress any slave or Indian revolt. But free Virginians believed that the benefits of the imperial connection paled in comparison to the costs. They contrasted their condition not to what it would have been outside the British Empire—where few of them desired to be before 1775—but to that of the British merchants, who controlled all of the Virginians' trade but were allowed to send their own ships almost anywhere on the globe. Struggling under a burden they considered much more onerous than the one British taxpayers carried, free Virginians refused to make “double contributions” by submitting to parliamentary taxation as well.²⁰

Thus the ambitious legislation that Parliament began to adopt in 1764 provoked colonial Americans to express, for the first time, their long-standing complaints against the Navigation Acts. This was an important change, but for the next decade it remained a limited one. Although free Virginians denounced the mercantilist system, they did not demand that it be dismantled. Their rhetorical restraint was based upon their understanding of British political economy. It was a commonplace in both Britain and America that “the true cause of British greatness”—of the expansion of the empire to five continents, of the tremendous wealth evident in the fashionable sections of London and other seaports, and of the consumer revolution that even reached down into the middling classes—was the colonial trade. Thanks to the diligence of British naval officers, the American colonists were a captive market for Britain's manufactured goods and captive suppliers of its raw materials. One-third of Britain's overseas trade was with its own American colonies. Both Lord Shelburne, who was viewed as one of the

20. Historians that have measured the costs of the Navigation Acts against the benefits say their net negative impact was minor. What matters, though, is not how painful the Navigation Acts *really* were, but how painful they *felt*, for it is perception, not reality, that informs motivation. See Miller, *Origins of the American Revolution*, 22–25; W. A. Spec, “The International and Imperial Context,” in Jack P. Greene and J. R. Pole, eds., *Colonial America: Essays in the New History of the Early Modern Era* (Baltimore, 1984), 40; Immanuel Wallerstein, *The Modern World-System, III, The Second Era of Great Expansion: The Capitalist World-Economy, 1730–1840s* (San Diego, 1989), 198. On the colonists' refusal to submit to parliamentary taxation, see “Virginia Resolutions on Lord North's Conciliatory Proposal,” [June 10, 1775], in Boyd et al., eds., *Papers of Jefferson*, I, 172. Many stated they were not only unwilling but unable to endure both the existing trade restrictions and the new taxes. To restrain the colonists' trade and at the same time tax them, Richard Blom had claimed in 1766, would be “forcing them to make Bricks without Straw” (“An Inquiry into the State of the British Colonies,” in *Revolutionary Virginia*, I, 41).

most pro-American of the peers, and Lord George Townshend, who was not, referred to the Navigation Acts as “that great Palladium”—guardian—of British commerce. One friend of the free colonists, William Pitt, vowed that, if Americans manufactured a hobnail or a horseshoe, he would fill “their towns with troops and their ports with ships of war.”²¹

Colonists knew that a campaign against British mercantilism would serve only to alienate the powerful British merchants. Conservative Virginia gentleman Robert Beverley questioned the constitutionality of the Navigation Acts but told English merchant Samuel Athawes not to mention his views to his mercantile friends lest Beverley be drawn into “endless and irreconcilable disputes” with them. Thomson Mason, brother of George Mason and a bitter critic of the Navigation Acts, said many Americans were willing to endure them “for the sake of peace.”²²

During the final decade before the American Revolution, even as indebted Virginians' resentment of the British merchants' domination of their trade reached new heights, most growers agreed that the need to placate the merchants by acquiescing to their monopoly was more pressing than ever before. English and Scottish merchant princes were only too happy to lobby customers' buying power, but their support would evaporate in an instant if

21. “R. L—L,” Rind's VG, Sept. 22, 1768; “A British American” [Thomson Mason], “Number VI,” July 7, 1774, in *Revolutionary Virginia*, I, 178; Jack P. Greene, “The Seven Years' War and the American Revolution: The Causal Relationship Reconsidered,” in Peter Marshall and Glyn Williams, eds., *The British Atlantic Empire before the American Revolution* (London, 1980), 86; Crowley, *Privileges of Independence*, 1–49; Townshend, Jan. 20, 1775, *Debates of the British Parliaments respecting North America, 1754–1783* (White Plains, N.Y., 1982–), V, 274, VI, 367; Pitt, in Peter D. G. Thomas, *The Townshend Duties Crisis: The Second Phase of the American Revolution, 1767–1773* (New York, 1987), 3; Jack P. Greene, “The Origins of the New Colonial Policy, 1748–1763,” in Greene and J. R. Pole, eds., *The Blackwell Encyclopedia of the American Revolution* (Cambridge, Mass., 1991), 95. It appears that Pitt's comments were widely reported in Virginia. “Lord Chatham would not tax us, but he would not permit us to ‘manufacture a hobnail,’” one writer remarked (“C. D.” Purdie's

22. Robert Beverley to Samuel Athawes, June 4, 1775, Beverley Letterbook, LC; “A British American” [Thomson Mason], “Number IX,” July 28, 1774, in *Revolutionary Virginia*, I, 196. A July 1774 meeting of Fairfax County voters stated that Virginians had acquiesced in the imperial connection, both because of the “mutual Benefits” it conferred and also “to avoid Strife and Contention with our fellow-Subjects” (Rutland, ed., *Papers of George Mason*, I, 202). In 1776, the freeholders of James City County stated that in Virginia British mercantilism had been “acceptable to us, not as the extent of our right, but the probable cause of peace” with the mother country (Delegate instructions, Apr. 24, 1776, in *Revolutionary Virginia*, VI, 458).

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the ministry could convince them that the Americans' "principal motive" was "to free themselves from the restrictions laid on their commerce," as the earl of Sandwich contended.²³ One American that labored to disprove that claim was Richard Henry Lee. Lee hated the Navigation Acts, and behind the closed doors of the First Continental Congress, he called them a "capital" violation of the colonists' rights. Yet he warned his fellow delegates not to denounce mercantilism openly, lest they "unite every man in Britain against us." Many representatives at the congress so loathed the Navigation Acts that they wanted to insist that Parliament modify them, even though the demand would alienate British merchants. Lee and other advocates of discretion prevailed—by one vote.²⁴

prevailed—by one vote.²⁴ Although through the end of 1774 most Virginians chose not to demand that Parliament lift the existing restrictions on their trade and manufacturing, they were less reticent about rumors that the imperial restrictions on

²³ Simmons and Thomas, eds., *Proceedings and Debates*, V, 330. "Where will it end?" Lord North asked Parliament in 1774. "Will not the Americans likewise be desirous of rescinding the Act of Navigation?" See Crowley, *Privileges of Independence*, 31; [Robert Carter Nicholas], "Considerations on the Present State of Virginia Examined" in *Revolutionary Virginia*, I, 276; Ira D. Gruber, "The American Revolution as a Conspiracy: The British View," WMQ, 3d Ser., XXVI (1969), 360-372.

When Hillsborough claimed that "it was the Navigation Act" that Americans "were aiming to overthrow," Arthur Lee attributed his speech to "the fixed impressions of this dull arbitrary Lord; and the prejudices which he and his tools labour but too successfully to infuse into others" (to Richard Henry Lee, May 20, 1770, in Hoffman, ed., *Lee Family Papers*).
of the Chesapeake Colonies, 1760-1775: A

24. Joseph A. Ernst, "The Political Economy of the Chesapeake Colonies, 1760-1775: A Study in Comparative History," in Ronald Hoffman et al., eds., *The Economy of Early America: The Revolutionary Period, 1763-1790* (Charlottesville, Va., 1988), 241; Oct. 13, 1774 in L. H. Butterfield, ed., *Diary and Autobiography of John Adams* (Cambridge, Mass., 1961) II, 151; [Arthur Lee] to [—], Sept. 4-5, 1775, Arthur Lee Papers, Houghton. Although the motion to denounce the Navigation Acts failed at the First Continental Congress, a motion to approve them also failed (Page Smith, *A New Age Now Begins: A People's History of the United States* [New York, 1976], I, 442).

The reluctance of Virginia writers to demand the repeal of the Navigation Acts has historians of the origins of the American Revolution into an important error. Scholars have assumed that, because the Virginians did not demand that Parliament abandon its mercantilist policies, they must not have felt injured by them. See Edmund S. Morgan and Helen Morgan, *The Stamp Act Crisis: Prologue to Revolution* (1953; rev. ed., Chapel Hill, N.C., 1972), 272-274; Crowley, *Privileges of Independence*, 19-29. They forget that it is possible to resent a law and yet be prudent enough not to demand its repeal. The evidence presented indicates that free Virginians did resent the Navigation Acts, and that the taxes Parliament adopted in the 1760s were only the straw that broke the camel's back. Historians have also overlooked the enormous burden the camel already carried.

American manufactures were about to be tightened. During the previous century, Parliament had prohibited Americans from making iron and from selling hats or woolen cloth outside their home colonies. In 1766, George Mason predicted that "Some Bungler in politics will soon, perhaps, be framing Schemes for restraining our Manufacturers" still further.²⁵ Three years later, George Washington, a pioneer in plantation textile production, informed Mason that one of his chief reasons for wanting to resist the Townshend duties was to avoid a dangerous precedent. "By virtue of the same power . . . which assumes the right of Taxation," Washington wrote, Parliament might "attempt at least to restrain our manufactoryes." In July 1774, Thomson Mason warned that Parliament might soon gratify British artisans' "secret wishes" that it prohibit Americans from "manufacturing the smallest article for your own use." He warned that the next Parliament might bar Americans from combing wool, tanning hides, even "fashioning a canoe." The Americans were right to worry. In the spring of 1774, Parliament tried to hobble colonial competition in the most important branch of Britain's export trade, textiles, by prohibiting the shipment of "Utensils" used in Cotton and Linen Manufactures" out of Great Britain.²⁶ The free Virgin-

25. James Abercromby wanted to extend the colonial ban on commercial wool manufacturing to linen and to prohibit the exportation of wool manufacturing frames from Britain to America ("An Examination of the Acts of Parliament relative to the Trade and the Government of our American Colonies," [1752], in Jack P. Greene, Charles F. Mullett, and Edward C. Papenfuse, Jr., eds., *Magna Charta for America*. . . [Philadelphia, 1986], 125–126). On Mason's suspicions, see "A Virginia Planter" [George Mason], "Letter to the Committee of Merchants in London," June 6, 1766, in Rutland, ed., *Papers of George Mason*, I, 69. John Dickinson of Pennsylvania shared these worries (Draper, *Struggle for Power*, 340). Their fears were justified. In 1766, the year that Mason wrote, Parliament demanded a report from every American governor on his colony's manufacturing and his legislature's encouragement of it (Board of Trade to American governors, Aug. 1, 1766, Hillsborough to American governors, Feb. 20, 1768, in Reese, ed., *Papers of Francis Fauquier*, III, 1379, 1532–1533).

26. Washington believed the gravest danger was to manufacturers.

Washington believed the gravest danger was to manufacturing concerns "of a public nature"—those that offered their merchandise for sale (to George Mason, Apr. 5, 1769, in Rutland, ed., *Papers of George Mason*, I, 97). The following year, a VG writer warned that colonists might soon "be deprived of the advantage of manufacturing any commodity for our immediate use, whenever such manufactures shall lessen the demand for those of Britain" ("Z," Rind's VG, June 7, 1770). William Lee expressed the same concern (Ragsdale, *Planters' Republic*, 90). During the summer of 1774, Robert Pleasants heard that the British government had prohibited the export of rams to America—presumably in order to check the growth in wool production there (Pleasants to David and John Barclay and Company, July [11?], 1774, Pleasants Letterbook, LC). For Mason's warnings and Parliament's statute, see "A British American" [Thomson Mason], "Number VII," "Number VIII," July 14, 21, 1774, in *Revolutionary Virginia*, I, 183, 188; *The Statutes at Large*, 6, 1, 141, 142, 1579, 1532–1533).

ians' rejection of additional restrictions on their trade and manufacturing paralleled their refusal to pay parliamentary taxes. In both debates, they were saying that the status quo was acceptable to them, but just barely so.

In the summer of 1774, when Parliament insisted more forcefully than ever before that colonists submit both to the Navigation Acts and to the new taxes, free Virginians began refusing to submit to either. Initially, the only ones advocating that Virginians nullify the Navigation Acts were Thomson Mason and the participants in a July 1774 meeting of Albemarle County freeholders. The Albemarle meeting advised free Virginians to assert what Thomas Jefferson called their "natural right" to "a free trade with all parts of the world."²⁷ Jefferson argued that the British merchants, secure in their monopoly of the American trade, "indulged themselves in every exorbitance which their avarice could dictate." He said British merchants had "raised their commodities called for in America to the double and treble of what they sold for before such exclusive privileges were given them" and had paid colonists "much less for what we carry thither, than might be had at more convenient ports." Jefferson and Thomson Mason both argued that American colonists should simply declare the Navigation Acts void.²⁸

Less than a year later, most leading Virginians were ready to demand the repeal of the Navigation Acts. The reason was that, after blood was spilled at

the Reign of King George the Third to the Sixteenth Year of the Reign of King George the Third, Inclusive, XII (London, 1776), 131–132. The bill quickly passed the House of Lords, and it received the royal assent on June 14 (Simmons and Thomas, eds., *Proceedings and Debates*, IV, 430, 475). My thanks to John M. Murrin for this reference.

27. "A Native, and Member of the House of Burgesses" [Jefferson], "A Summary View of the Rights of British America," in Boyd et al., eds., *Papers of Jefferson*, I, 123. The following year, when he wrote the House of Burgesses' response to Lord North's conciliatory proposal ("Virginia Resolutions on Lord North's Conciliatory Proposal," [June 10, 1775], in *Papers of Jefferson*, 172). It will be recalled that, in the Declaration of Independence, Jefferson castigated George III and Parliament for "cutting off our Trade with all Parts of the World." In that case, Jefferson was probably referring to the 1775 New England Restraining Act, which closed the few loopholes in the Navigation Acts that had allowed Americans to trade with some non-British ports. But it seems likely that, on one level or another, he also had in mind the basic mercantilist policy that he had attacked in 1774 and 1775.

28. Mason in fact argued that free Americans should refuse to obey *any* parliamentary act adopted after 1607. See [Jefferson], "Summary View of the Rights of British America," in Boyd et al., eds., *Papers of Jefferson*, I, 102; Albemarle County resolves, July 26, 1774, both in Boyd et al., eds., *Papers of Jefferson*, I, 124; "A British American" [Thomson Mason], "Number IX," July 28, 1774, in *Revolutionary Virginia*, I, 198–200. Later in 1774, an anonymous essayist declared that "the Acts of Triton, 1721–1803: A Biography" (Cambridge, Mass., 1952), II, 32.

Lexington and Concord, the Virginians lost faith in the ability and inclination of the British merchant lobby to persuade Parliament to redress their more recent grievances. No longer reluctant to offend British businessmen, American colonists could speak openly of repealing the Navigation Acts. Thus, in June 1775, when the House of Burgesses brushed aside the North ministry's conciliatory proposal, one reason was "because on our agreeing to contribute our proportion towards the common defence, they do not propose to lay open to us a free trade with all the world." Leading Virginians seemed almost to be offering Parliament a deal: if it would repeal the Navigation Acts, they would contribute to the imperial revenue. In fact, they would do so cheerfully, for under this arrangement they would actually come out ahead. The "monopoly of our trade," the burgesses explained, "brings greater loss to us and benefit to [Britain] than the amount of our proportional contributions to the common defence." The burgesses' address was written by Thomas Jefferson.²⁹

In early 1776, the Navigation Acts, which had long played an important but indirect role in the imperial debate, became significant in their own right. Now that Independence had become a realistic possibility, escaping Britain's monopoly of Virginia's trade became a powerful incentive to part from Independence, fearing social disruption, Francis Lightfoot Lee tried to shift Carter's attention to the hated Navigation Acts. "I can't think we shall be injured by having a free trade to all the world," Lee told him. A newspaper writer acknowledged that a war for Independence would entail sacrifices but argued that they would be outweighed by "the advantages that we shall derive from unrestrained commerce."³⁰

It will be recalled that An American, the anonymous writer in the *Virginia Gazette*, argued that, if the British government tried to tax free Americans even as it monopolized their trade, it would commit the same sort of crime as a slaveholder that made his workers keep producing for him even after

29. "Virginia Resolutions on Lord North's Conciliatory Proposal," [June 10, 1775], in Boyd et al., eds., *Papers of Jefferson*, I, 172; Dumas Malone, *Jefferson and His Time*, I, *Jefferson the Virginian* (Boston, 1948), 199; Edmund Randolph, *History of Virginia*, ed. Arthur H. Shaffer (Charlottesville, Va., 1970), 225; ["Richard Henry Lee's Draft Address to the People of Great Britain"], [June 27?, 1775], in Paul H. Smith et al., eds., *Letters of Delegates to Congress, 1774–1789* (Washington, D.C., 1976–), I, 550; Edmund Pendleton, resolutions offered in Congress [May 1775], in David John Mays, ed., *The Letters and Papers of Edmund Pendleton, 1734–1803* (Charlottesville, Va., 1967), I, 106; David John Mays, *Edmund Pendleton, 1721–1803: A Biography* (Cambridge, Mass., 1952), II, 32.

30. Francis Lightfoot Lee to Landon Carter, Mar. 19, 1776, Dearborn Collection, Houghton; "A Planter," Dixon and Hunter's VG, Apr. 13, 1776.

sundown and on Sundays. It is significant that An American associated free Americans' tax exemption with the few hours of leisure slaves enjoyed at dusk and on the Sabbath while equating the Navigation Acts with the *many* hours they worked for their owners during the day. The Navigation Acts were a heavier burden than taxation could ever be, and they decisively influenced free Virginians' response to the new taxes that Parliament proposed in the 1760s.³¹

The free colonists' gradual progression from quietly resenting the Navigation Acts to seeking Independence in order to escape them has been difficult for historians to follow, because, until 1775, the Virginians' reluctance to alienate British merchants prevented them from discussing imperial trade policy openly. One thing is clear: although the American Revolution in Virginia was in part the tax revolt we all learn about in grade school, it was also a class conflict pitting Virginia tobacco growers against the British merchants that, with the help of the Royal Navy, monopolized their trade.

II

The imperial regulation of transoceanic commerce was not the only political arena where Virginia tobacco growers and British merchants clashed. Both groups also recognized the importance of legislation governing the debtor-creditor relationship, and both intensified their efforts to influence these laws in the early 1760s, when Virginia plunged into a terrible recession. Members of the House of Burgesses agonized over the economic decline not only because it hurt them materially but also because it provoked debtors to attack creditors and the gentry-dominated court system. The danger that desperate debtors posed is revealed in the letters of William Allason, a trader in Falmouth, located on the Rappahannock River opposite Fredericksburg. Allason discovered that the recession made the never-very-safe business of debt collection more perilous than ever before. "As it is sometimes Dangerous in Traveling through our wooden Country Particular[ly] at this time when the Planters are pressed for Old Ballances," he told a Glasgow tobacco firm in 1764, "we find it necessary to carry with us some defensive Weapons." He ordered a pair of pistols.³²

Even when the debtor-creditor conflict involved only a farmer and a trader such as Allason, the gentry could be drawn into it. When the gentlemen justices of the county court awarded a creditor an execution against

31. Purdie's VG, Mar. 29, 1776.

32. Allason to Bogle and Scott, July 29, 1764 (extract), in D. R. Anderson, ed., "Letters of William Allason, Merchant, of Falmouth, Virginia," *Richmond College Historia* 11 (June 2017) 124–125.

debtor, the creditor could direct the county sheriff, who was also a gentleman, to seize the debtor's property or even the debtor himself. Sometimes debtors resisted arrest, and they seem to have done so with growing frequency during the recession of the early 1760s. Even more ominous, the recession prompted debtors to organize collective resistance. "In some Counties," Allason wrote in 1764, "the People have agreed to defend one another against the officers." Imprisoned debtors often tried to break jail, most commonly by taking a brand from the hearth and setting fire to the prison wall. "Scarcely a prison is allowed to stand," Allason wrote. In a typical case, Richmond Levins, jailed in Cumberland County in October 1764. Barely a week later, Levins was charged with "setting fire to and thereby attempting to burn and destroy the common g[ao]l." He was sent to Williamsburg to be tried for his life.³³

Throughout the British colonies, whenever debtors recaptured their property from sheriffs or burned jails, they alarmed the local gentry. These attacks produced particular distress in Virginia, where gentlemen believed that the 40 percent of the population that was enslaved could be kept in check only if whites remained completely unified. During the recession, the House of Burgesses tried to relieve Virginia debtors' desperation by protecting them in various ways from their British creditors. In 1762, the assembly passed a bankruptcy law. "The Virginians," Liverpool merchant Charles Goore wrote in June 1763, "are in a bad plight and no appearance of recovery except they can get an Act passed to exclude 'em from paying their Debts." Glasgow merchants predicted that the bankruptcy law would be "greatly distressing to the Subjects of Britain, who have Debts owing them in Virginia." These and other merchants' criticisms of the law persuaded the Privy Council to veto it.³⁴

A crucial facet of the relationship between debtors and creditors was

33. Allason to Alexander Walker, June 24, 1764 (extract), in Anderson, ed., "Letters of Allason," 134; Oct. 22, 31, 1764, Cumberland County court, order book, 47, 69, LVA. Levins's ultimate fate is not known.

34. Goore to William Bickerton, June 19, 1763, Glasgow merchants, petition against Virginia's 1762 bankruptcy law, June 17, 1763, C.O. 5/1368, 407, 415, P.R.O. (microfilm at Lamont); Elmer Beecher Russell, *The Review of American Colonial Legislation by the King in Council* (1915; reprint, New York, 1976), 125–127. The 1762 bankruptcy statute was patterned on a similar measure in Britain. Under its provisions, when Virginia debtors gave up all of their property, creditors would not be able to seize property they acquired in the future. Recognizing that the bankruptcy law would never get past the Privy Council, the House of Burgesses repealed it shortly after passing it. The Privy Council vetoed it anyway (Ragsdale, *Planters' Republic*, 28).

Virginia's money supply. Starting in 1755, the House of Burgesses financed Virginia's participation in the Seven Years' War by printing paper money. When Virginia currency depreciated in relation to the pound sterling, the assembly refused either to rein in the provincial money supply or to force Virginia debtors to pay their British debts in sterling. The assembly's recalcitrance intensified during the recession of the early 1760s. It was largely in response to the burgesses' prodebtor stance that British merchants persuaded Parliament to pass the Currency Act of 1764, which prohibited provincial legislatures from issuing legal tender—paper money that creditors would be legally required to accept in discharge of debts. Virginia tobacco growers resented the new burden. "We shall all be madmen," one grower said in 1770, "if we do not . . . make them lift that *heavy finger* from off our shoulders." Other Virginians also denounced the Currency Act.³⁵

In 1765 and again in 1767, the House of Burgesses voted to lend out paper money that was not legal tender and thus did not violate the Currency Act. Its goal, the deeply indebted burgess Charles Carter explained in May 1765, was "to extricate our Country out of its present deplorable Circumstances." Although they were legal, both loan office proposals were thwarted by government officials that were loath to offend British merchants by approving any sort of paper money.³⁶

In order to appreciate what a huge benefit Virginians had expected to

35. "C— R—," Rind's VG, Apr. 26, 1770; Richard Bland, "Extract of a Letter from a Gentleman in Virginia to his Friend in this City [London]," Aug. 1, 1771, Adams Family Papers (1672–1792), section 6 (microfilm, VHS); "Philautos," Purdie and Dixon's VG, July 25, 1766; Robert E. Brown and B. Katherine Brown, *Virginia, 1705–1786: Democracy or Aristocracy?* (East Lansing, Mich., 1964), 117; Ragsdale, *Planters' Republic*, 27; Isaac S. Harrell, "Some Neglected Phases of the Revolution in Virginia," WMQ, 2d Ser., V (1925), 166; Joseph Albert Ernst, "Genesis of the Currency Act of 1764: Virginia Paper Money and the Protection of British Investments," WMQ, 3d Ser., XXII (1965), 33–74. For criticism of the Currency Act in other colonies, see Jack P. Greene and Richard M. Jellison, "The Currency Act of 1764 in Imperial-Colonial Relations, 1764–1776," WMQ, 3d Ser., XVIII (1961), 517; Ernst Money and Politics; Gary B. Nash, *The Urban Crucible: Social Change, Political Consciousness, and the Origins of the American Revolution* (Cambridge, Mass., 1979), 317.

36. Charles Carter to Landon Carter, May 20, 1765, in Paul P. Hoffman, ed., *The Carter Family Papers, 1659–1797, in the Sabine Hall Collection* (microfilm, Charlottesville, Va. 1967); Mays, *Edmund Pendleton*, I, 175–176; William Nelson to John Norton, Aug. 27, 1768 in Mason, ed., *Norton and Sons*, 66; Apr. 11, 1767, JHB, 1766–1769, 129; "Representation of the Lords of Trade, to His Majesty, on an Address of the House of Burgesses of Virginia Praying Permission to Issue a Certain Quantity of Paper Money," enclosed in Board of Trade to Hillsborough, June 10, 1768, C.O. 5/1346, 21–23; E. James Ferguson, "Currency Finance and An Interpretation of Colonial Monetary Practices," WMQ, 3d Ser., X (1953), 178; Ernst

receive from the loan office, it is necessary to understand the impact of the colony's money shortage. Cash was in such short supply in Virginia that even well-to-do growers had to make most of their purchases on credit. Property for sale generally bore two prices: one for cash customers and a significantly higher one for those that bought on credit. The annualized interest incorporated into the credit customer's price ranged as high as 15 percent—triple the legal interest ceiling of 5 percent. At that level, when a cash customer paid a certain amount for eight hoes, a credit customer with the same amount of money received only seven hoes. It was hidden interest charges that explained why British manufactured goods could be obtained far more cheaply in northern seaports than in Virginia, William Lee told his brother. Northern merchants "deal for ready money [cash] or very short credit," and thus they could "well afford to sell for less advance [that is, with a lower markup] than in Virga. where the credit is unlimited," Lee said. Thousands of Virginia's credit customers could have become cash buyers if they could have mortgaged their property for cash at a government loan office. The loan office would have benefited even those Virginians that never passed through its doors. With more cash in circulation, a grower that was headed into town to buy something could stop off at the home of a neighbor that owed him or her a small debt, and count on collecting sufficient money to make a cash purchase. He or she would thus receive a discount of about 15 percent off the credit price.³⁷

The money shortage that hurt tobacco farmers when they made purchases harmed them even more when one of their debts was called in. Debtors often lacked sufficient cash on hand to discharge their creditors' demands, and they were rarely able to sell property for cash at a decent price. Many creditors were willing to accept property in lieu of cash, but only if it was greatly undervalued. For that reason, an essayist calling himself "Philautos" declared in 1766, debtors paying with property instead of money sometimes had "to pay perhaps double what they owe." Debtors unable or unwilling to satisfy their creditors often had their property—slaves, horses, tools, and household items—seized by county sheriffs and auctioned off. Because of the general "want of cash," the tight money supply, "very few purchasers can attend" auctions, a *Virginia Gazette* essayist that called him-

37. William Lee to Francis Lightfoot Lee, July 20, 1771, William Lee Letterbook (typescript), Alexandria, Virginia, Public Library; SAL, VI, 102. The loan offices in other colonies did not simply benefit those that obtained loans from them. By putting more money in circulation, they benefited almost everyone (R. Terry Bouton, "Tying Up the Revolution: Money, Power, and the Regulation in Pennsylvania, 1765–1800" [Ph.D. diss., Duke University, 1996], 53–54).

self "Experience" explained. Thus the property often went at low prices, Experience said—"hardly one fourth of the real value of the poor debtors effects."³⁸ The sheriff had to keep putting more and more of the debtor's property on the block until enough money came in to pay the debt (and the sheriff's fee). If the British government had permitted the assembly to establish a loan office where Virginians could mortgage their property for cash, many more people would have been able to attend sheriffs' sales. Debtors would have received higher prices for their property and thus would not have had to forfeit so much of it.³⁹

Another form of relief that the House of Burgesses tried to grant debtors would have narrowed the jurisdiction of Williamsburg's hustings court. The "borough court," as it was called, was one of the few Virginia courts that handled debt cases quickly; most of the judges were traders. Under existing law, plaintiffs (mostly creditors) could use the hustings court to sue any debtor they could catch within the limits of Williamsburg. An amendment that passed the House of Burgesses in 1770 would have allowed creditors to sue only permanent residents. Merchants protested, a Whitehall bureaucrat determined that the existing arrangement was "of Singular Utility in the recovery of Mercantile Debts," and the Privy Council vetoed the 1770 law. The veto was denounced by Arthur Lee in a newspaper essay signed "Junius Americanus." Lee called the "unlimited jurisdiction" of the hustings court "an usurpation." He attributed the Privy Council's veto to "a junto of North

38. "Philautous," Purdie and Dixon's VG, July 25, 1766; "Experience," Rind's VG, Nov. 25, 1773; William Allason to Alexander Walker (extract), June 24, 1764, in Anderson, ed., "Letters of Allason," *Richmond College Historical Papers*, II, 134; Richard L. Bushman, *King and People in Provincial Massachusetts* (Chapel Hill, N.C., 1985), 199. In 1767, George Washington warned an indebted friend that, if he were going to sell his estate, he had better do it quickly, because after the House of Burgesses had called in the colony's paper money, "everthing of consequence [will] sell worse" (to John Posey, June 24, 1767, in Abbot et al., eds., *Papers of Washington*, Colonial Series, VIII, 3).

39. The 1765 loan office proposal also had two special purposes. The first was to allow debtors to delay repayment of their debts. Virginia was in a recession in 1765; debtors were being aggressively dunred at a time when their crops and other property were worth very little. The loan office would have allowed debtors to pay off their merchant-creditors immediately by transferring the loan to the government and repaying it when the economy improved. The other special purpose was to rescue the members of the gentry that the hustings court had hounded. Men from the new loan office accepted loans from assembly speaker John Robinson. Loans from the new loan office would allow Robinson's debtors to pay off their illegal loans (on some of which Robinson charged usurious interest), which would in turn make it possible for Robinson to return money he had stolen. See Ernst, *Money and Politics*, 174, 177–178; Mays, *Edmund Pendleton*

Britons [Scots], whom the favour of the Virginians had raised from beggary to affluence." Lee was dismayed that the Privy Council had sacrificed the interests of Virginia growers to "the tobacco merchants, or, to be more humiliating, the Scotch part of them." Addressing Lord Hillsborough, he asked, "Where, my Lord, will the humiliation of America end?" Lee wondered why Hillsborough did not "appoint a committee of Scotch store boys, to report to the Board of Trade on every bill that passes the two Houses of Assembly, before it is permitted to have the Governor's assent." A letter responding to "Junius Americanus" sarcastically sympathized with Arthur Lee's hatred of the hustings court, "as the Inconveniences attending it have perhaps been oftener experienced in his Family than in any other"—that is, the Lees were one of the most sued families in Virginia.⁴⁰

In 1766, Arthur Lee's deeply indebted brother Richard Henry proposed an additional debtor protection law that seemed so likely to be vetoed in London that his fellow burgesses chose not to adopt it. The bill would have repealed an existing statute that allowed creditors to prove in court that Virginians owed them money simply by swearing to their ledgers. Lee believed that the ease with which creditors proved their Virginia debts was "productive of too speedy a change in property"—out of the hands of American debtors and into those of British creditors. The system had been set up by the House of Burgesses in compliance with a law that Parliament had passed in 1732 at the behest of British merchants. If the House of Burgesses had endorsed Lee's proposal to force creditors to submit further proof of their Virginia debts, it would have courted a head-on collision with Parliament. This was too much for Lee's colleagues in the assembly, and they defeated his bill.⁴¹

40. Richard Jackson (legal counsel for the Board of Trade), in Ragsdale, *Planters' Republic*, 28; "Junius Americanus" [Arthur Lee], Rind's VG, Oct. 17, 1771 (reprinted from Bingley's Journal, July 20, 1771); "Andromachus," Purdie and Dixon's VG, Oct. 31, 1771; John Tayloe, Rind's VG, Feb. 27, 1772; SAL, VIII, 401–402; Feb. 28, 1772, *Acts of the Privy Council of England*, Colonial Series, V (London, 1912), 319; anonymous letter, Purdie and Dixon's VG, Dec. 26, 1771; A. G. Roeber, *Faithful Magistrates and Republican Lawyers: Creators of Virginia Legal Culture, 1680–1810* (Chapel Hill, N.C., 1981), 131–132. The claim that the Lee family had faced an extraordinary number of debt suits cannot be confirmed, since the records of the hustings court have not survived. To "produce no better Proof of the Depravity of a Set of Men than their being of this or that Country," John Tazewell told Lee, "shows you to be driven to a wretched Shift indeed" (Purdie and Dixon's VG, Jan. 2, 1772).

41. "Rusticus" [Richard Henry Lee], in Hoffman, ed., *Lee Family Papers*, frames 713–716; Dec. 8, Dec. 12, 1766, JHB, 1766–1769, 56, 67–68; "A Poor Planter," Rind's VG, Feb. 25, 1773; Russell, *Royal Review*, 133–134; Ragsdale, *Planters' Republic*, 28–29.

A third area of grower-merchant conflict was the forced immigration of Africans and West Indians into Virginia. A leading opponent of African immigration was Thomas Jefferson. One reason Jefferson so passionately denounced the slave trade in his draft of the Declaration of Independence—he listed it as the twenty-eighth of twenty-eight charges, the capstone—was that it had hurt him personally. Jefferson had had a brief, unsolicited, and unsuccessful career as a slave trader. His father-in-law, John Wayles, and a partner, Richard Randolph, arranged to bring 280 Africans into Virginia on board a ship called the *Prince of Wales*. The ship entered Chesapeake Bay in September 1772, just as Virginia entered one of the worst recessions in its history. Many of the workers had to be sold on credit. In June 1773, Wayles died. He bequeathed to Jefferson eleven thousand acres of land and 135 enslaved people—but he also named him an executor, which made him partially responsible for settling the *Prince of Wales* accounts. Jefferson, his fellow executors, and Randolph failed to obtain payment from all of the people that had bought the Africans from Wayles, and thus they could not pay Wayles's debt to the Bristol merchants that had consigned the slaves to him. Jefferson later wrote that inherited debts like this one turned white Virginians like him into a “species of property annexed to certain mercantile houses in London.” Thomas Jefferson thus declared himself the British merchants' slave.⁴²

The *Prince of Wales* episode only intensified an antipathy toward the African trade that Jefferson had already expressed before the ship put into the Chesapeake. In April 1772, Jefferson and every other member of the House of Burgesses had voted for a resolution asking George III to abolish the Atlantic slave trade altogether. The unanimous vote culminated a five-year legislative effort to curb the immigration of Africans and West Indians into Virginia by raising the import duty. The fates of the duty increases and

42. John Wayles to Farell and Jones, Sept. 24, 1772, Thomas Jefferson to Farell and Jones July 9, 1773, in Boyd et al., eds., *Papers of Jefferson*, XV, 653, 660; Richard Randolph to Farell and Jones, Dec. 30, 1772 (copy), claim of John Tyndale Warre, American Loyalist Claims, I 79/30, P.R.O.; Steven Harold Hochman, “Thomas Jefferson: A Personal Financial Biography” (Ph.D. diss., University of Virginia, 1987), 67, 75. After the American Revolution Wayles's executors were sued for the money Wayles and Randolph failed to remit to the British firm that owned the *Prince of Wales* and its human cargo. The executors persuaded the court that, at Wayles's death, the responsibility for collecting from the slave buyers devolved upon Randolph. Thus they prevailed in the suit (Herbert E. Sloan, *Principle and Interest: Thomas Jefferson and the Problem of Debt* [New York, 1995], 14, 21, 254n, 258n). Jefferson's declaration of slavery, see “Additional questions of M. de Meusnier, and answer,” in Boyd et al., eds., *Papers of Jefferson*, X, 27.

of the petition to eliminate the trade both rested with the Privy Council in London. There, the assembly faced a formidable enemy: the well-organized transatlantic slave merchants of Liverpool, Bristol, and other English ports.

In 1767 and 1769, when the House of Burgesses voted to double the duty it assessed on slaves arriving in Virginia from 10 to 20 percent, its goal was not to bring in more revenue but to bring in fewer slaves. This attempt at “preventing the farther importation of slaves, by laying heavy duties on such as should be imported” (as an anonymous essayist later described it) was the product of numerous motives, mostly economic. One was to curb the growth in the number of Virginia laborers—and thus in the size of the crop—in order to shore up the price of tobacco.⁴³ Another was to leave more money in the hands of free Virginians and thus ease the chronic cash shortage. In addition, Virginians that sold slaves to other growers had an obvious interest in doubling the duty on their foreign competition. Still another motive behind the slave impost legislation was to remove tobacco growers' temptation to finance the purchase of foreign slaves by going deeper into debt. The reduction of private debts had been a reason for the prohibitive duty of five pounds adopted back in 1710; the House of Burgesses acknowledged taxing enslaved immigrants “on purpose to discourage their importation till the country is out of debt.”⁴⁴

43. “An American,” Purdie’s VG, Mar. 29, 1776; “Associator Humanus,” Purdie and Dixon’s VG, July 18, 1771; Harry Piper to Dixon and Littledale, Dec. 16, 1770, Harry Piper Letterbook (#2981), UVA; Robert Pleasants to Anthony Benezet, Feb. 22, 1774, “Letters of Robert Pleasants of Curles,” WMQ, 2d Ser., I (1921), 109. Although no surviving correspondence indicates that the price of tobacco was on the burgesses’ minds when they adopted the 1767 and 1769 duties, one indication that it might have been is that, back in 1710, 1723, and 1728, when their predecessors had also voted for prohibitive slave tariffs, it was widely assumed that their goal was to shore up the price of their staple. The 1710 duty was imposed at the end of a decade-long boom in slave importation that had, Governor Alexander Spotswood reported, “lower’d the Price” of tobacco “to a great Degree.” Richard Harris, a British merchant, claimed that the “Overgrown Planters who had Negroes in Abundance” secured the adoption of the 1723 duty in order to limit the tobacco harvest so “that their [tobacco] might sell dearer in the Markets of Europe.” See Anthony S. Parent, Jr., “‘Either a Fool or a Fury’: The Emergence of Paternalism in Colonial Virginia Slave Society” (Ph.D. diss., University of California, Los Angeles, 1982), 124, 135, 136; Johnson, “Regulation of Virginia Business,” 27. In 1728, when the House of Burgesses again voted for a prohibitive slave import duty (only to see it vetoed by the Privy Council), Governor William Gooch said the purpose was to reduce the importation of slaves in order to raise the price of tobacco. See Parent, “‘Either a Fool or a Fury,’ ” 138–139; Ragsdale, *Planters’ Republic*, 124.

44. Pauline Maier, *The Old Revolutionaries: Political Lives in the Age of Samuel Adams* (New York, 1980), 189. One reason South Carolina legislators voted a temporary ban on slave imports in 1787 was their expectation that

Leading Virginians believed that cutting back on slave imports would not only serve all of these short-term economic goals but also help them transform Virginia, a staple colony that imported most of the manufactured goods it consumed, into a healthy mixed economy where farmers grew a variety of crops and purchased many of their manufactures from local artisans. One of the greatest obstacles to that economic overhaul was slavery, which soaked up much of the capital that might otherwise have gone to manufacturing projects at the same time that it degraded manual labor and thus (as a patriot committee would state in 1774) "prevent[ed] Manufacturers and other useful Emigrants from Europe from settling amongst us."⁴⁵

Clearly, one reason to restrict the slave trade was fear. Slave insurrection plots helped persuade the House of Burgesses to adopt the 1710 and 1723 slave tariffs. The principal reason that William Byrd II proposed halting the African trade in 1736 was that he feared that "multiplying these Ethiopians amongst us" would lead to a "se[r]vile war" that would "tinge our rivers as wide as they are with blood." By the time Byrd wrote, Virginia's black population had achieved natural increase. This growth, together with the forced immigration of Africans and West Indians, propelled the black proportion of Virginia's population from less than 10 percent in 1700 to about 40 percent by 1775.⁴⁶ As the enslaved portion of Virginia's population quadrupled,

market, "negroes would rise in value" (Patrick S. Brady, "The Slave Trade and Sectionalism in South Carolina, 1787–1808," *JSH*, XXXVIII [1972], 605). On the effort to discourage tobacco growers from purchasing slaves on credit, see Parent, "Either a Fool or a Fury," 126. Some creditors joined their debtors in celebrating the effort to reduce the influx of foreign slaves. In the 1720s, in the midst of a boom in slave imports, creditor John Custis found it difficult "to get one's debts in," because "people will buy Nigros when at the same time they owes the money to other people" (Custis to Micajah Perry, ca. 1721, in Parent, "Either a Fool or a Fury," 141–142). In South Carolina in 1787, a proposal to suspend the slave trade received the support of many creditors. One Carolinian told "of a man refusing to pay any part of his debts, alledging his inability, and a few days afterwards he purchased 15 slaves!" (Brady, "Slave Trade and Sectionalism," *JSH*, XXXVIII [1972], 603).

45. Prince George County resolves, in *Revolutionary Virginia*, I, 151; Ragsdale, *Planters' Republic*, chap. 4. Gentlemen believed that the presence of slaves not only discouraged the immigration of poor whites but also caused those already in Virginia to shun manual labor (Ragsdale, *Planters' Republic*, 120).

46. Byrd to John Perceval, earl of Egmont, July 12, 1736, in Tinling, ed., *Correspondence of the Three William Byrds*, II, 487–488; Allan Kulikoff, "A 'Prolifick' People: Black Population Growth in the Chesapeake Colonies, 1700–1790," *Southern Studies*, XVI (1977), 391–42; Peter H. Wood, "The Changing Population of the Colonial South: An Overview by Race and Region, 1685–1790," in Wood, Gregory A. Waselkov, and M. Thomas Hatley, eds., *Native Indians in the Colonial Southeast* (Lincoln, Nebr., 1989), 38.

whites' fears of their "intestine enemies" increased as well. "[P]erhaps the primary Cause of the Destruction of the most flourishing Government that ever existed"—Rome's—"was the Introduction of great Numbers of Slaves," George Mason wrote at the end of 1765. Scarcely a year later, Mason found justification for his fears: some of his slaves participated in an insurrection plot. Thomas Jefferson's 1781 statement, well known as an expression of the guilt that many slaveholders felt, also exposed his fears: "I tremble for my country when I reflect that God is just: that his justice cannot sleep for ever: that considering numbers, nature and natural means only, a revolution of the wheel of fortune, an exchange of situation, is among possible events."⁴⁷

Arthur Lee estimated in 1764 that "in the colony of Virginia the slaves exceed the freemen by more than one third"—an estimate that was accurate only in a few tidewater counties—"and that two or three thousand are yearly imported. Would not this be a fearful odds, should they ever be excited to rebellion?"⁴⁸ Lee returned to the topic of slave rebellion three years later in an address to the House of Burgesses that appeared in the *Virginia Gazette* four days before the assembly ordered a committee to draft the 1767 duty increase. Slavery was bad for the economy and for the morals of whites, he argued. Furthermore, the ancient Romans had been "brought to the very brink of ruin by the insurrections of their Slaves," even though "the proportion of slaves among the antients was not so great as with us." Richard Henry

47. After issuing this warning, Mason cut short his discussion of the danger of slave revolt: "'Tis not the present Intention to expose our Weakness by examining this Subject too freely," he wrote. See ". . . [A] scheme for replevying goods under distress for rent," Rutland, ed., *Papers of George Mason*, I, 61–62, 64n; George Washington to John Posey, June 11, 1769, in Abbot et al., eds., *Papers of George Washington*, Colonial Series, VIII, 211, 215n; Herbert Aptheker, *American Negro Slave Revolts* (New York, 1943), 199. For "instestine enemies" quotation, see Peter Fontaine to his brothers, Mar. 2, 1756, in Ann Maury, trans. and comp., *Memoirs of a Huguenot Family* (New York, 1853), 347. On Jefferson's fears, see Thomas Jefferson, *Notes on the State of Virginia*, ed. William Peden (Chapel Hill, N.C., 1954), 163.

48. "An American" [Lee], *An Essay*, 40. Lee was not the only Virginia slaveholder that exaggerated the size of the enslaved population. Governor Dunmore claimed in 1772 (when 40 percent of Virginians were enslaved) that slaves outnumbered free Virginians by two to one. See Dunmore to Hillsborough, May 1, 1772, in K. G. Davies, ed., *Documents of the American Revolution, 1770–1783* (Shannon, Ireland, 1972–1981), V, 94; Robert Dinwiddie, cited in Peter H. Wood, "'Liberty Is Sweet': African-American Freedom Struggles in the Years before White Independence," in Alfred F. Young, ed., *Beyond the American Revolution: Explorations in the History of American Radicalism* (DeKalb, Ill., 1993), 154.

For additional evidence that whites feared blacks during the pre-Revolutionary period, see Chapter 5, below.

Lee agreed with his brother that the slaves' "increase" was "dangerous." He wanted to make the prohibitive duty adopted during the Seven Years' War permanent, ending the forced immigration of slaves into Virginia once and for all.⁴⁹

It may well be asked, If gentlemen really believed that Africans and West Indians posed such a threat, why did they not simply stop purchasing them? Why did they find it necessary to restrict importation by legislative fiat? In fact, by 1767, most gentlemen had stopped buying foreign slaves. Most "salt-water" slaves were sold to smallholders in the piedmont Southside, and farmers would continue buying them unless they were compelled to desist. It was apparently these younger and less wealthy southern piedmont growers that pressured the House of Burgesses to reduce the slave import duty from its prohibitive peak of 30 percent to only 10 percent at the end of the Seven Years' War. Farmers knew that reducing the duty by two-thirds would not only revive the international slave trade but also force Virginians that sold slaves to do so on more reasonable terms. In 1760, Lieutenant Governor Francis Fauquier said the legislative struggle over the slave import duty was "between the old Settlers who have bred great Quantity of Slaves, and would make a Monopoly of them by a Duty which they hope would amount to a prohibition; and the rising Generation who want Slaves, and don't care to pay the Monopolists for them at the price they have lately bore which was exceedingly high." Although Fauquier oversimplified the motives of the legislators that wanted to keep African and West Indian immigrants out of Virginia (they were worried about their safety and about several other economic factors besides the price of slaves), he was probably right about who wanted to revive slave imports in 1760. It was up-and-coming growers, mostly in the piedmont, that wanted to increase the availability of slaves and bring down the price.⁵⁰

49. "Philanthropos" [Arthur Lee], anonymous letter, Mar. 19, 1767, in Richard K. MacMaster, "Arthur Lee's 'Address on Slavery': An Aspect of Virginia's Struggle to End the Slave Trade, 1765–1774," *VMHB*, LXXX (1972), 156; Richard H. Lee, *Memoir of the Life of Richard Henry Lee, and His Correspondence with the Most Distinguished Men in America and Europe . . .* (Philadelphia, 1825), I, 17–18; Ragsdale, *Planters' Republic*, 126. Arthur Lee called for the abolition of slavery (Arthur Lee to [Richard Henry Lee], Mar. 20, 1765, in Hoffmann ed., *Lee Family Papers*). Robert Pleasants, who opposed the slave trade on moral ground believed that a powerful argument against it was that it threatened "the security of the state" (to Charles Pleasants, July 12, 1774, Pleasants Letterbook).

50. Ragsdale, *Planters' Republic*, 115, 127; Fauquier to Board of Trade, June 2, 1760, in Ree ed., *Papers of Francis Fauquier*, I, 372; Ragsdale, *Planters' Republic*, 127. The South Caroli

Falmouth trader William Allason's description of the white Virginians' contest over the slave trade jibed with Fauquier's. "For sometime past, there has been great party work amongst them," Allason wrote in August 1760; "the Rich ones was for preventing Slaves being imported Alltogether by the Extorbitant duty of 20 [percent]. [T]he Poorer on the other hand was very Strenous for reducing the duty as much as possible." In the decade before the American Revolution, even as the House of Burgesses tried to restrict or abolish the slave trade, foreign slaves sold briskly in the piedmont Southside, where smallholders predominated.⁵¹

Despite the small farmers' support for the international slave trade, the House of Burgesses not only tried in 1767 and 1769 to limit the trade by doubling the duty but also adopted a petition asking the Privy Council to end it altogether. The burgesses' April 1772 vote in favor of the petition was unanimous. They said they were "sensible that some of your Majesty's Subjects in *Great-Britain*"—the slave merchants—"may reap Emoluments from this Sort of Traffic." But ending the forced immigration of Africans and West Indians into Virginia was the only way of "averting a Calamity of a most alarming Nature" that would "endanger the very Existance of your Majesty's American Dominions."⁵²

The Privy Council vetoed the 1767 and 1769 Virginia laws doubling the slave import duty and issued instructions forbidding governors to approve any such legislation in the future. It also rejected the assembly's petition to shut down the slave trade altogether. Gentry Virginians had no doubt why their effort to end or at least reduce the forced immigration of Africans and West Indians into their province had failed. Back in 1736, when William Byrd II had pleaded with Britain to avert a "se[r]vile war" by abolishing the slave trade, he had recognized that his proposal would encounter the opposition

ported by representatives from the black-majority eastern districts—who had all the slaves they needed and hoped to jack up their price—and opposed by westerners. See Brady, "Slave Trade and Sectionalism," *JSH*, XXXVIII (1972), 601–628; Rachel N. Klein, *Unification of a Slave State: The Rise of the Planter Class in the South Carolina Backcountry, 1760–1808* (Chapel Hill, N.C., 1990), 127–128, 131–132; Joyce E. Chaplin, *An Anxious Pursuit: Agricultural Innovation and Modernity in the Lower South, 1730–1815* (Chapel Hill, N.C., 1993), 320–321.

51. William Allason to Halliday and Dunbar, Aug. 19, 1760, Allason Letterbook, LVA; Darold D. Wax, "Negro Import Duties in Colonial Virginia: A Study of British Commercial Policy and Local Public Policy," *VMHB*, LXXIX (1971), 39. Farmers also routinely violated the total ban on slave imports that the gentry included in the patriotic "association" of 1769 (Ragsdale, *Planters' Republic*, 132).

52. *Revolutionary Virginia*, I, 85–88. That same session also voted to increase the slave import duty (Ragsdale, *Planters' Republic*, 133).

of “a few ravenous traders” (the British slave merchants).⁵³ Later, when the House of Burgesses’ 1772 petition against the slave trade was rejected, British slave shippers were once again blamed. “Such is the influence of a few African Merchants,” Arthur Lee wrote in April 1773, “that our Assembly cannot obtain the King’s consent to prohibit so pernicious and inhuman a trade in Virginia. This is one instance in which we feel, the galling yoke of dependance.” Only an independent Virginia could ignore the slave merchants and halt African immigration. Thomas Jefferson was also appalled at the imperial government’s policy of “preferring the immediate advantages of a few British corsairs”—the slave merchants—to the lasting interests of the American states.⁵⁴

In several ways, the assembly’s unsuccessful 1772 bid to end the African trade paralleled its rejected 1769 petition for Kentucky. In both cases, the burgesses asked the Privy Council to grant them more control over a group of nonwhite Americans, Indians in the first instance and slaves in the second. Both petitions sought to change government policies that had harmed free Virginians economically: like the British government’s ban on land speculation, the free importation of Africans and West Indians had increased white Virginians’ debts. In both cases, gentlemen tried to prevent

53. William Byrd II to John Perceval, earl of Egmont, July 12, 1736, in Tinling, ed., *Correspondence of the Three William Byrds*, II, 488. British merchants had in fact secured the repeal of the prohibitive slave duty adopted by the House of Burgesses in 1728 (Walter E. Minchinton, “The Political Activities of Bristol Merchants with Respect to the Southern Colonies before the Revolution,” VMHB, LXXIX [1971], 177).

54. Arthur Lee to Joseph Reed, Feb. 18, 1773, Jesse Frasier Transcript Collection (#8709), UVA; Billings, Selby, and Tate, *Colonial Virginia*, 281.

White Virginians later said the main reason they had wanted to halt the African trade was that it was immoral. Morality might have been the motivation of some. But the 1771 address denouncing the slave trade was apparently written by Richard Henry Lee, whose brother was at that very time “endeavoring to get [him] some Negroe Consignments” ([Arthur Lee] to [Richard Henry Lee], Feb. 14, 1773, Arthur Lee Papers). On Jefferson’s opinion, see “A Summary View of the Rights of British America,” in Boyd et al., eds., *Papers of Jefferson*, I, 130; Miller, *Origins of the American Revolution*, 18. Historians have called Jefferson’s claim that George III had forced African slaves on free British colonists in America a “misrepresentation” or a case of psychological “projection.” See Joseph J. Ellis, *American Sphinx: The Character of Thomas Jefferson* (New York, 1997), 33, 52; Conor Cruise O’Brien, *The Long Affair: Thomas Jefferson and the French Revolution, 1785–1800* (Chicago 1996), 298–299; Wax, “Negro Import Duties in Colonial Virginia,” VMHB, LXXIX (1971), 29–44. Actually, Jefferson’s statement was, in a narrow sense, correct. Although it is true that thousands of Virginia smallholders willingly bought slaves in the 1760s and 1770s, it is also true that leaders such as Jefferson—who already possessed an expanding slave population—repeatedly tried during those years to prevent the further importation of slaves. They were prevented from doing so by the Privy Council.

smallholders from obtaining crucial elements in tobacco production—Indian land and African slaves—without paying a member of the gentry for them. Gentlemen wrote each petition as they struggled against another interest group, first Indians and then British slave merchants, over the direction of imperial policy. In both cases, the British government sided with the gentry’s opponents.

In one important way, the Kentucky and the slave trade petitions differed. The burgesses that voted to abolish the African trade feared not only for their livelihoods but for their lives. Although the Continental Congress deleted from the Declaration of Independence Thomas Jefferson’s denunciation of George III “for suppressing every legislative attempt to prohibit or to restrain this execrable commerce,” it is clear that the conflict over this issue between Virginia’s gentry class and Britain’s mercantile class helped to bring about the American Revolution. In June 1788, George Mason reminded free Virginians that, after Independence, when “the interest of the African merchants” no longer prevented the legislature from abolishing the Atlantic slave trade, Virginia had acted quickly to end the trade. Mason exaggerated only a little when he stated that the British government’s insistence upon keeping the slave trade open was “one of the great causes of our separation from Great-Britain.”⁵⁵

55. Jefferson, “Original Rough Draft,” in Boyd et al., eds., *Papers of Jefferson*, I, 426; Mason, speech, June 17, 1788, in Rutland, ed., *Papers of George Mason*, III, 1086. On the slave trade as “the emotional climax of [Jefferson’s] case against the King,” see Pauline Maier, *American Scripture: Making the Declaration of Independence* (New York, 1997), 121; Garry Wills, *Inventing America: Jefferson’s Declaration of Independence* (Garden City, N.Y., 1978), 71–75.