Whither went the upstairs gentry? : the Colonial Council of Virginia from 1763 to 1776

Charles Stephen Weidman

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WHITHER WENT THE UPSTAIRS GENTRY?

The Colonial Council of Virginia from 1763 to 1776

By

CHARLES STEPHEN WEIDMAN

B.A., University of Vermont, 1970
J. D., Villanova University, 1973

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ABBREVIATIONS

EJC Executive Journals of the Council of Colonial Virginia

EVB Encyclopedia of Virginia Biography

JHB Journals of the House of Burgesses

LJC Legislative Journals of the Council of Colonial Virginia
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Chapter I
THE ENIGMA

Of the three branches of Colonial Virginia government, only two, the House of Burgesses and the Royal Governor, have been well chronicled during the period immediately preceding the American Revolution. The ignored third branch, the Colonial Council, has been largely dismissed by the few historians treating the subject as inconsequential—both as a political institution, and in the influence of its individual members. Witness both the Virginia Magazine of History and Biography and the William and Mary Quarterly, each with over a century dedicated to the nooks and crannies of all history Virginian, have collectively produced but a single article on the pre-Revolution Council, concluding tepidly that: "the area has been much neglected".¹

Only three historians have explored the pre-Revolution Virginia Council in any depth. It received a summary job description in Percy Flippin's _The Royal Government in Virginia_ (1919);² and its pre-Revolution activity earned a chapter in Jackson Turner Main's 1960s survey of the upper houses in all the colonial legislatures.³ Flippin offered no political perspective; but Main identified a relative uniqueness in the Virginia Council, as one of only four colonial councils dominated by its own native elite.
However, Main quickly dispelled any impression of importance by ascertaining that the Virginia elite sitting in the Council between 1763-1776 submitted placidly to the House of Burgesses on all important matters. A fuller analysis of the pre-Revolution Council is the unpublished Ph. D. Dissertation of James Anderson (1973), comparing Virginia's Royal Council with the Proprietary Council in Pennsylvania from 1660 to 1775. An extract from this Anderson work coincidentally represents the single article on the subject published in Virginia's historical journals. Anderson portrays a steady decline in both Council power and member quality after the 1720s, expressing it as "The demise of an Aristocratic Clique."

Yet, in curious contrast to these modern assessments, stands the 1762 view of Lt. Governor Francis Fauquier: "The power and duty of a Councillor of Virginia is very great and extensive ... and it requires gentlemen of the greatest abilities and understanding." The puzzle, then, is which appraisal to believe. If Governor Fauquier accurately portrayed the Council, as of 1762, what caused the subsequent reputation of the Virginia Council to evaporate so completely?

Any glance at the formal organization of the colonial
Virginia government supports the Fauquier image of the Council as a powerful institution. The Council possessed three distinct roles: it served as the upper house of Virginia's legislature, with veto power over the venerable House of Burgesses; it acted as the colony's Supreme Judicial Court; and it sat with the Royal Governor as his chief body of advisors, with consent powers over many of the Governor's actions. The Council also operated as the primary dispenser of both public land and public office in the Colony, as well as the exclusive source for interim governors, sitting in place of dead or departed royal appointees—something that would happen three times between 1763 and 1776.

First impressions of the nineteen men sitting on the Council at various times between 1763 to 1776 also reinforces the notion of a consequential institution. These men personify the creme de la creme of Virginia's native elite. Included in its ranks were the first son's of many of Virginia's first families: families that had supplied the Colony's political leadership since the mid-Seventeenth Century. Further, almost all holders of the principal royal offices in Virginia sat on the Council, as did the colony's chief religious and education official, and, too, a representative from the great Proprietary holdings in
Northern Virginia. The Council, during the two decades immediately prior to the Revolution, still contained some of the Colony's most important planters, merchants, military figures and Indian experts—a premier collection of the richest, best educated, and most politically connected Virginians of the day.

The years from 1763 to 1776 were the age "when all America looked up to Virginia to take the lead." Virginia was the richest and most populous British colony in North America; and Virginians undeniably answered the call of the Nation, providing much of America's political leadership before, during, and for a half century after the American Revolution. But what happened to the Councilors? Why did such economically, socially and politically well connected men, occupying such apparently powerful positions, disappear so completely into obscurity during this the Golden Age of Virginia leadership? If not as leaders of the winning Patriot cause, why were not the Councilors, at least, important to history as Loyalist leaders?

Historians have never had an easy time explaining why colonial Virginia, with its reputation for conservatism and loyalty, supported the Patriot cause with such vigor, especially when the actual burden of British oppression fell
more lightly on her than other colonies. Some of this difficulty can be attributed to the relative lack of written documentation on the political views and actions of Virginians during this period. According to Herbert Sloan and Peter Onuf: "Eighteenth century Virginians did not often commit their political thoughts to print." Official journals and periodicals of the day were circumspect about details of political debates and voting records. Virginians produced a surprisingly small share of political pamphlets and letters, and had no political press in the modern sense. The major source of political literature—the Virginia Gazettes—were severely crippled by their turgid style, a preoccupation with non-American events, and the habit of using pseudonyms to disguise the authorship of political articles. Thus, most of Virginia's pre-Revolution history has been, out of necessity, extracted from the sanitized context of government records, and personal letters of a social or commercial temper. This relative lack of hard political data has led to the claim that pre-Revolution studies of Virginia history have had only a minor impact on the overall understanding of the causes of the American Revolution.

Any investigation into the significance of the Virginia
Council is, thus, hampered by the overall haziness of the individual political actions of most Virginians during this time. One starting point, however, is the generally accepted notion that the key to understanding Virginia's move to revolution "necessarily revolves around the gentry." As the Council contained many of Virginia's most preeminent gentry, in both wealth and official position, it seems appropriate to inquire briefly into the identity and role of the gentry in the Colony's politics.

The gentry class in mid-eighteenth century Virginia consisted of some fifteen hundred households, out of a total population of approximately 250,000. Coincidentally or not, fifteen hundred households was also the estimated circulation of the Virginia Gazette in 1763. David Fischer, recent historian of colonial folkways, contends that: "The oligarchy of gentlemen called the Cavaliers who bestrode Virginia booted and spurred was no novelist's dream. It actually existed." Though the original pedigree of these men has been the subject of dispute, it is estimated that two-thirds of the eminent Virginia families of the eighteenth century descended from a great migration from the south and western parts of England lasting from 1642 to 1676. Before this great migration, Virginia was "not much more than a frontier lumber camp."
By the early 1700s, visitors to Virginia noted the rise of ten to thirty "topping families" in each of the major Tidewater river basins, and by mid-Century, "a gentry dominance of society which inaugurated stable political authority to a degree exceptional among the British colonies in America." An extensive study of one Tidewater county during the 1750s found a mere one percent of the population controlling county politics, with only twenty-five percent of white males even owning enough land to be self sufficient. Though demographics for an old Tidewater county may not be representative of other parts of Colonial Virginia, it was the common wisdom of the day that a man's (or a lineages's) prominence "depended on the size of the group of dependents bound to work his land and the strategic location of that land for the purposes of the tobacco trade." Cultural historian Richard B. Davis concluded about eighteenth century Virginia that: if a man "has money, Negroes, and land enough, he is a complete gentleman. These hide all his defects.”

Certain social and economic changes arose in the 1740s and 1750s that challenged the preeminence of the Tidewater gentry; and it is in these changes that historians have endeavored to find the seeds of the gentry’s rebel stance. The single crop tobacco economy became increasingly less
able to support the good life; new crops, new lands and new vocations needed to be found by an increasing share of gentry sons. A negative balance of trade with British merchants piled a growing debt burden on the backs of Virginia planters. Meanwhile a swarm of Scottish traders descended upon the colony, disrupting the long standing tobacco marketing dominance by the strategically located, deep water plantations of the leading Tidewater families. Cadet branches of these great families, as well as adventurers and immigrants, moved to fill the Virginia map between the fall line and the Alleghenies. Virginia had more westerners, more counties, more Burgesses, and more political talent to challenge the Tidewater hegemony. Even the venerable Anglican church lost its monopoly on salvation in the Colony, facing competition from successive waves of Presbyterians, Baptists, and Methodists. By mid-eighteenth century, the Tidewater gentry might still control the Williamsburg government, but it was questionable whether Williamsburg controlled life outside the Tidewater.20

Yet, in the end it was still the gentry class that led Virginia into rebellion against the British. To understand the role of the Council in this affair, it is necessary first to determine why an essentially anglophile and conservative Virginia gentry supported the Revolution in the
first place. Three general theories have been advanced: (1) The gentry were enlightened idealists defending constitutional government; (2) the gentry acted as greedy manipulators of events for their own economic and political self interest; and (3) the gentry as honest, but paranoid, defenders of a way of life, believed threatened by a corrupt and declining Great Britain. 

The Idealist interpretation of the cause of Revolution in Virginia accepts the patriot gentry at their word: that they revolted in honest deference of their constitutional rights as free Englishmen. Basic British Whig doctrine, mixed in differing proportions with strands of the French Enlightenment, filled the veins of Virginia's "thinking class" (i.e., the gentry). Free, educated, and propertied white men believed themselves guaranteed the right to representative government, as well as protection from arbitrary justice, taxation, and interference with their rights of private property and property acquisition. John Locke and the English Revolution of 1688 had already sanctioned the right of revolution against governments violating these political guarantees.

Idealist historians, however, diverge down two different paths. One view holds that with similar social
backgrounds, economic interests, education, and traditions of self rule, the Virginia gentry was unusually homogeneous in accepting Whig principles, thereby accounting for the surprisingly small degree of active Tory opposition in the colony. 22 The other variant sees the gentry split into two factions--divided by age and/or geography. This view advocates that the Revolution was fermented by an "Expansionist" faction made up of Northern Neck, western or younger gentry, especially sensitive to Constitutional issues; some even pushing the nationalist theme of a self-governing, self-sufficient "American" nation. This aggressive faction carried along their less enthusiastic, older, more Tidewater centered, brother gentry. 23

A second major interpretation of pre-Revolutionary history, alternately characterized as the Progressive or materialist view, questions the candor of the constitutional arguments, and finds, instead, issues of gentry self interest. Here the gentry is portrayed as heavily indebted tobacco planters, eager to repudiate their financial obligations to British merchants; and as greedy real estate speculators, chaffing to tear down British barriers to trans-Allegheny fortunes. An active minority of gentry agitators, provoked rebellion to further the interests of the Colony’s economic and political elite. 24
A third, more synoptic, explanation suggests that Virginia planters revolted to stop what they judged was a conspiracy to destroy the unique values of the Virginia way of life, much as later happened to this same class in the period before the Civil War. Gordon Wood calls this the "Revolutionary syndrome": the fear that the corrupting influence of a degenerate British society--money grubbing, hedonistic, and venal--governed by "obscure, inferior, corrupt, influence peddling officials" might destroy the more simple and pristine virtues of Virginia. Under this view the gentry rose in manly fashion to protect Virginia from an evil empire. 25

A variation of this conspiracy theory expands the threat to include a rising challenge to gentry dominance after 1750 from the lesser classes of Virginia. British government corruption and malfeasance undercut the stable gentry rule, making it more difficult for the ruling class to protect its traditional preeminence from dissident and democratic elements. Gentry revolution from British control was, thus, a means to reassert the moral and political leadership of the better class of Virginians. 26
CHAPTER II
THE PERCEPTION OF DECLINE

The Council of 1763-1776 suffers unfavorably in reputation with the Councils of earlier times, making it an easy target for neglect. The Council began as Colonial Virginia's very first governmental body, established by the Charter of 1606 to rule the Jamestown settlement, it antedated Virginia's first governor (1609), the House of Burgesses (1619), and the introduction of Royal Government (1624). During the first half of the seventeenth century, the Council "was on the ascendent". Rough and ready, it powerfully challenged the Governor for the leadership of the frontier outpost called Virginia. Temporarily dissolved during the Cromwell turmoil, the Council was reestablished, along with Lord Berkeley as Royal Governor, after the Stuart restoration of 1660.

It has become traditional to divide post-1660 Virginia government into three periods: (1) An era of strong Royal Governors (1660 - c.1690); (2) The period of the strong Council (c.1690 - c. 1730); and (3) the years of a House of Burgesses growing in domination (post-1730). During the strong governor era of Berkeley, Culpepper, and Howard, in the late seventeenth century, the Council found itself often
ignored and harassed, and some of its members even removed, by the absolutist spirit of the Stuart times. Yet, history remembers the Virginia Council for its role, both as chief defender of the native gentry from arbitrary royal rule, and as vocal opponent to the proprietary grants of King Charles II in Northern Virginia. Further, those Councilors who secured the Governor's good graces, like the Green Springs clique under Lord Berkeley, benefitted handsomely, and not always honestly, from the profitable patronage of royal government.

The Glorious Revolution of 1688 brought to the British government an ideological disinclination to continue supporting the absolutist tendencies of colonial governors in America. It also brought a new agency for British supervision of colonial affairs—the Board of Trade. In 1698, this Board of Trade issued Instructions to then Governor Nicholson that set the stage for a strengthened and independent Council in Virginia. The Governor's power to remove a Council member, subject to no limitation during the Stuart years, was now severely restricted and made subject to Board of Trade approval. The force of these restriction was such that no Virginia Council member was involuntarily removed after this date. Further, certain types of patronage previously granted to favored Councilors were
hereafter prohibited: Councilors could no longer serve in the lucrative revenue collecting positions of naval officer and customs collector. The 1698 Instructions also barred Councilors from participating in the insider purchase of government owned tobacco. Thus, the Councilors were freed to an extent from both the carrot and stick of future Governors. The British government never issued any further Instructions significantly changing the rights and duties of the Virginia Council after 1698.\(^\text{29}\)

In addition to this decrease in gubernatorial clout over the Council, the 1690s also ushered in other factors leading to a heyday of Council power and prestige that lasted into the 1720s. The turn of the century marks the point where a majority of native born Virginians sat on the Council for the first time, a trend continuing unabated to the Revolution.\(^\text{30}\) These three decades of Council ascendancy also mark the rise of the great "second generation" of Virginia gentry, who, according to Thomas Wertenbaker, were the true builders of the Tidewater plantation society.\(^\text{31}\) Included in this class of dominant Councilors, were Robert "King" Carter, Philip Ludwell II, and William Byrd II. Slightly lesser Council lights bore the names of Burwell, Corbin, Page, Randolph, Tayloe, and Wormeley. Atop this powerful cabal of the early eighteenth
century Council sat a very important Scottish clergyman: Commissary James Blair, personal representative of the Anglican Bishop of London and President/Founder of the College of William and Mary. These Councilors used personal talent and public office to amass great fortunes, much of it through insider manipulation of land grants and trading privileges. They possessed enough power to break a series of Governors who attempted to curb their authority; at one point, from 1706 to 1710, the Council ran the Colony without either a Royal Governor or the House of Burgesses. Governor Alexander Spotswood failed in an attempt to reign in the Council during the 1710s; the Council's influence in both the colony and in Britain proved too much to dislodge, and Spotswood was forced to deal with them as virtual co-rulers of Virginia. It has not helped the reputation of the pre-Revolution Council that most of its members were direct descendants of the powerful and better known Councilors of the early eighteenth century.

The 1730s and 1740s mark a transition period, when the Council presumably lost preeminence to the Burgesses. Savvy Governors, particularly Lt. Gov. William Gooch (1727–1749), undercut the Council's power by a strategy of accommodation and political reward. In the opinion of James Anderson, the Council lost interest in opposing the Governor during this
era of "good times", passing its mantel as chief protector of gentry independence by default over to the Burgesses.32

The assumed insignificance of the pre-Revolution Council thus has its roots in a presumed decline, twenty to thirty years previous. Exactly why the rich and powerful Councilors of the first part of the eighteenth century were not succeeded by equally powerful men is not exactly clear. Anderson postulates that the Councillor's office grew in responsibility after 1730, consuming so much additional time that, by mid-century, Virginia Councilors were only too happy to delegate some of their responsibility over to a less encumbered lower House.33

This super-Nova theory, that the Council grew in responsibility until it burned out by pre-Revolution times, is augmented by another, not mutually exclusive, view that Council membership became almost hereditary with the first sons and grandsons of the famous Second Generation Councilors, falling victim, by the 1760s, to thinning gentry bloodlines. The sons and grandson's succeeding, after 1750, to the great Tidewater plantations, tobacco fortunes, and Council's seats, seemed more preoccupied with cultural and sporting diversions than in welding political and economic power. At the very time the vigor of the Council
was presumed in decline, the overall number of competent, aggressive gentry leaders in Virginia was on the increase, due to natural population growth, and the western expansion of the gentry class. Thus the warrior-conquistador class, that prior to 1730s sat in the Council, now increasingly sat in the Burgesses.

The Burgess challenge to the Council can be examined in two phases: (1) 1748-1753; and (2) during the French and Indian War. From 1748 to 1753 the Burgesses made a series of direct attacks on the ascendancy of the Council. This surge for power by the lower, elected, legislative House was not unique to Virginia; similar clashes, generally of even greater intensity took place contemporaneously in the other Southern Colonies. The Virginia Burgesses battled the Council in the late 1740s over the location of the Colony's capital, and the selection of the President of the College. On one occasion, in 1749, the Burgesses demanded the right to inspect the Council's own Journal for "slanderous" remarks made by a Council member against the House Speaker; and on another occasion the House sent its Mace Bearer into a Council court session to disrupt the proceedings in protest of an alleged act of Council disrespect.34

The Council suffered a fatal blow to its reputation
with historians when, in 1753, it unanimously approved Governor Dinwiddie's imposition of a fee to process certain real estate documents—setting off the famous "Pistole Fee" controversy, that some mark as the opening shot of the Revolution. Pre-Patriots in the House of Burgesses disputed this Council approved fee as an unconstitutional usurpation of the lower House's right to initiate all taxation measures in the Colony. Burgesses' Landon Carter and Richard Bland wrote famous epistles denouncing taxation without representation. The Burgesses fought this "tax" all the way to the King's Privy Council, where their attorney belittled the Virginia Council as "too good courtiers to their Governor to say anything unjust that was pleasing, anything unreasonable that was profitable."

The high water mark in the Burgesses challenge for preeminence occurred during the beginning stages of the French and Indian War. In the autumn of 1753, the Council recommended that the young surveyor George Washington investigate French activity in the Ohio forks area—site of lucrative land claims for several Virginia land companies, in which a number of the Councilors were partners. Washington's confirmation of a significant French and Indian threat, galvanized Governor Dinwiddie and the Council to propose military preparations, and the calling of a General
Assembly session in early 1754 to approve funding of a military effort. The Burgesses proved obstinate, unwilling to assent to any military funding, except on the unprecedented condition that a House appointed committee of Directors be set up to supervise all military expenditures. Though the Burgesses graciously appointed several Council members to this oversight committee, the Council sided with Governor Dinwiddie, protesting this action as an unconstitutional usurpation of the inherent power of the Governor, who, with the advice and consent of Council, was authorized to act as military commander in chief. The Burgess intransigence in this matter ultimately forced the Governor and Council to capitulate. From 1754 to 1756, amongst all the terrors of the Braddock disaster and the virtual denuding of defenses along Virginia's northwest frontier, the Burgesses held up approval of every military funding proposal presented by the Governor and Council until agreement was secured for the continuation of this committee of supervision.37

The official British declaration of war against France, in May 1756, changed the Burgesses' adversarial attitude, at least until the fall of Ft. Duquesne to the British and Americans in late 1758 eliminated any further French threat to Virginia. A spirit of war time cooperation arose among
all branches of Virginia's colonial government; military funding bills passed after May 1756 did not contain any requirement of a Burgesses appointed oversight committee.38 This Burgesses-Council reconciliation continued for the remaining year and a half of the Dinwiddie administration, on through the interim government of Council President John Blair, and held into the start of Lt. Governor Francis Fauquier's term. A series of new disputes between the arose after 1758 between the Council and the Burgesses; these will be briefly explored in later pages.

Virginia was not the only American colony to experience an attack by the lower house on a Council's authority. Jackson Turner Main, in his survey of colonial Councils during the Pre-Revolution period, found such challenges endemic, especially in the South. But he considered the Virginia version comparatively mild in scope, and short in duration. Unlike Georgia, Maryland, and both Carolinas, the lower/upper House battle in Virginia did not spill over to any great extent into the 1760s and 1770s. Nor did it include any outright Burgess challenge to the Council's right to exist, its right to appoint public officials, or its right to veto lower House legislation—all of which occurred in other colonies. The Virginia Council, unlike some of its counterparts, never contested the Burgesses’
exclusive right to initiate tax and spending legislation, nor even the Burgesses right to appoint its own British agent.39

Jackson Main found the Virginia Council different in composition from the pre-Revolution councils of other southern colonies. The Virginia Council, throughout the eighteenth century, was largely filled with a native elite of independent wealth and political influence, not dependent on either the Royal Governor nor the British government for their social status, economic livelihood, or political power. By contrast, the upper houses of the other southern colonies, even in the 1760s and 1770s, contained a heavy percentage of "placemen": professional civil servants, often of British or Scottish birth, dependent on the Crown for income and influence.40 Thus long before 1763, the Virginia Council was largely free of British dominance; and, unlike the elected Councils of several New England Colonies (and the Virginia House of Burgesses), also free from the need to pander to popular prejudice.

Despite the advantages of independent wealth and status, protection from arbitrary removal, and no fickle electorate to please, the pre-Revolution Council has failed to impress historians as having ever assumed any leadership
role--either for or against rebellion. Instead, the Virginia Council has become only a minor footnote to the history of the times. According to Main, though Virginians by birth, the Councilors were not truly representative of contemporary Virginians. In his view they existed as a class of politically neutered eunuchs, that could procreate neither Patriot nor Tory leadership.

The pre-Revolution Council has been identified by other historians as "the Embodiment of the old Aristocracy", the principle stronghold of conservatism in the colony, and perhaps even mildly pro-British in its leanings. Anderson concludes that the Council was just plain ineffective, for two reasons: (1) The council represented a declining clique of Tidewater families that no longer possessed serious political power; and (2) the Councillor's, as individuals: "were men of little practical influence". Yet, before interring the Virginia Council with cemetery dirt, it would seem only fair to inquire into the accuracy of this epitaph.
CHAPTER III
THE HEAVY SHOES OF RESPONSIBILITY

Though inconsequential, perhaps, to historians, the pre-Revolution Council appears to have played an active and important role in the operation of Virginia's colonial government. The Burgesses, only in session from one to ten weeks per year, proposed legislation and debated the heady constitutional issues of the day. But after the Burgesses went home, the Council, along with the Governor, formed the standing government of Virginia, charged with the "mundane duties" of running the administrative, foreign affairs and judicial processes. In addition to sitting for the one to ten weeks of annual legislative work, the Council also served in its judicial capacity for another eight to twelve weeks per year, as well as meeting ten to thirty added times in Executive session as advisors to the Governor. Those Councilors holding other Royal offices, such as acting Governor, Secretary, Receiver, Auditor, or Surveyor-General, as well as any Councilor serving as the Anglican Commissary, spent even further time attending to the public interest. To be sure, some overlap of meeting dates and periodic absenteeism cut down a Councilor's work load, but clearly these men invested substantial personal time in public matters—even during the 1763-1776 period.
British instructions during the eighteenth century required that Councilors be "Men of good life, affected to our government, and of abilities suitable to their employment." The Virginia gentry were drawn to serve in the "upstairs chamber." A Royal commission, and the public use of the appellations "The Honorable" before, and "Esquire" after one's name, provided a special dignity to the office. The prestige of sitting at the apex of the social and political pyramid must also have been meaningful in a hierarchical society like Virginia. Flippin concluded that only men of high social position and wealth were appointed Councilors in eighteenth century Virginia. Anderson lists three prerequisites for an appointment to the Council: wealth, prior government service, and a recommendation from the Governor—the first sons of the leading Tidewater families usually qualifying automatically on the first two counts. One reason for the alleged decline of the Council in later years, according to Anderson, was a deterioration in the political experience of new appointees, claiming that "after 1750, no important Burgess was elevated to the Council."

The Governor was required to submit to the Board of Trade a list of at least three recommended names to fill any Council vacancy. However, as this office was an
appointment of the Crown, not the Governor, the government in London was not bound to select persons from the Governor's list. Interested Virginians therefore did not leave their fate to the Governor, but lobbied hard with any British connection they possessed: family, the Church, the colonial agents, British merchants, etc. Another source of influence for securing a Council seat was the "old school ties" of Virginian aristocrats educated in England. The Board of Trade submitted its recommendation to the Crown; a Commission in the King's name was officially recorded in the Royal sign manual, and then sent directly to the appointee. The Board of Trade, as a courtesy, would inform the Governor, by letter, of his new Councillor. The appointee presented himself at a future Council session to take his oaths of office, which included the English Test Act requiring a subscription to the formalities of the Anglican faith.

British Instructions to the Royal Governors of Virginia during the 1760s and 1770s contained some twelve to fifteen clauses relating to the Council. A maximum of thirteen Councilors were allowed; the minimum quorum to conduct business was five. No definite term of office was set, leading, in effect, to lifetime appointments. The Governor was restricted in removing Councilors from office, and then
only with British government approval; but he could, in emergencies, make temporary removals to preserve the integrity of government, as well as temporary appointments to preserve a functioning quorum. Members desiring to step down from the Council had to make application for the King's permission.\textsuperscript{51}

These Royal instructions further guaranteed Councilors the right of free debate and vote while acting in their office. Councilors were also allowed to hold other public positions, with the exception of county justice of the peace (a conflict with their Supreme Court role), and certain revenue collecting offices, like naval officer and customs collector, which the seventeenth century had shown to be sources of corruption.\textsuperscript{52} By act of the Virginia General Assembly, but subject to British government approval, a Councilor's salary, after 1753, was distributed from a 1200 pound sterling pool: each Council member receiving a share commensurate with his relative attendance at all the Council's legislative, judicial and executive sessions.\textsuperscript{53} To maximize profit returned for energy expended, it appears Councilors rotated their attendance, especially as to judicial duties. Additionally they shared in another pool of 200 pounds, distributed to the Council for their work as the Court of Oyer and Terminer.\textsuperscript{54} Both salary pools were
paid out of the tobacco export duty levied by the General Assembly, the same revenue source that funded Burgess salaries, and not the King’s quitrent income from which the Governor’s salary was drawn.

A number of the Councilors also received salaries and/or percentages of tax receipts from their other royal offices. Flippin concludes: "That there were opportunities for fraud by Councilors may be reasonably held, since they (often) held offices of trust and profit, and then passed on their own accounts and reports." Most such "irregularities" in his opinion, however, "were largely confined to the period previous to 1720." After that time, Councilors generally excused themselves from participation during obvious conflicts of interest.

The "Great" Virginia Charter of 1618 specifically granted a legislative function to the Council; this was later confirmed after Virginia formally became a royal colony, in the 1628 Instructions to Governor Yeardley. Until the late seventeenth century, the Council sat along with the Burgesses and Governor in a single legislative convocation. After the Council and Burgesses were provided separated legislative chambers in the Williamsburg capitol building (the Council meeting upstairs, and the Burgesses on
the ground floor of their respective wings), the Governor continued to sit with the Council in its legislative capacity until 1725. The Council's legislative minutes were kept by the Clerk of the General Assembly. In the 1950s, the Virginia State Library published these minutes as the Legislative Journal of the Virginia Council, and included Council minutes from all General Assemblies from 1763 though 1773. No Council minutes from General Assemblies in 1774 and 1775 have surfaced.

The official record of the Council's legislative activity in the pre-Revolution period appears sparse and much inferior to the official House of Burgesses Journals of the same period, fueling the notion that the Council fiddled, while the Burgesses burned with patriotic ardor. However, the purpose of the upper legislative House (like that of the British House of Lords) was primarily "to check the popular spirit of the lower House." The very rationale for appointing men of wealth and high social status to the Council existed as an attempt to obtain men tending toward conservative, status quo views, so as to balance the uncertainty of elected legislators. The Council possessed the power to veto or amend any legislation initiated by the Burgesses. It has been generally assumed that the Council did not initiate legislation. While this
is true in regard to tax and spending legislation, there are at least three instances, between 1763-1776, when Council attempted to introduce regulatory legislation. Since the constitutional function of the Council was to wait for the Burgesses to first propose, sift, debate, and pass legislation before its own legislative responsibilities commenced, it is thus natural for its Journal to be filled with empty days. Terse notations of "Adjourned for lack of business", and otherwise appear less substantial than that of the Burgesses.

The legislative schedule of the Council normally consisted of a few busy days at the beginning of the General Assembly: to hear and comment on the Governor's desired agenda, and then a long hiatus of inaction while the Burgesses ground through their bill making process—with a final rush of activity at the end of the session when the Council had to pass, veto, or amend the lower House bills. The last days of the session also brought occasional "free conferences" where several "managers" from each House came together to wrangle out a compromise on a disputed or controversial matter. Minutes of these "free conferences" have not surfaced.

The meager activity recorded in the Council's
legislative journal mask contemporaneous Council activity in its executive and judicial capacity. General Assemblies were often called during April and October, when the Council also sat as the Colony's Supreme Court. It is also clear that during General Assembly sessions, the Governor would meet with the Councilors to review his actions. Anderson's judgment that the Council abdicated its legislative responsibility after the mid-eighteenth century to the Burgesses, may be misleading. The Council's constitutional role was as a check, not as an initiator of legislation. The paucity of the Council's reported legislative activities during 1763-1776 therefore does not automatically translate to proof of a lack of power or influence.

In its executive capacity, as advisor to the royal governor, the Council was known as the "Council Board". Minutes of these Council Board sessions, in which the Governor participated, were kept by the Council Clerk. The Council Clerk also served as Clerk of the General Assembly sessions; thus the legislative and executive minutes of Council were transcribed under authority of the same individual. In the pre-Revolution period under study, a distinguished lawyer always served as the Clerk of the Council. Nathaniel Walthoe, an English born and Oxford educated lawyer, served as Clerk from 1743 to 1770; John
Blair Jr., an American born, English educated, future member of the first United States Supreme Court, followed between 1770 and the demise of the Colonial Council in 1776. The minutes of the executive Council sessions were sent to the Board of Trade and further circulated among the other interested British ministries. Only some of these minutes have been recovered and published as the *Executive Journals of the Council of Colonial Virginia* (Benjamin Hillman, editor)—large gaps exist during the years 1763-1776.\(^6^1\)

The Governor consulted with the Council on "practically every official act."\(^6^2\) Included were petitions by citizens requesting government action, reports on public revenue collection and expenditures, appointments of public officials, conduct of anglican ministers and vestries, activities of dissenting religious bodies, military matters, land patents, Indian affairs, inter-colonial relations, much of the Governor's official correspondence to and from the British government, as well the decisions to call and end General Assemblies. The Council did not just advise; its consent was also often required, either by Royal Instruction or standing tradition. Council approval was needed for the appointment of all county sheriffs justices of the peace, and parish vestries—the very core of local government power—as well as land grants, military matters, and the
calling of the General Assembly. The Council had no official say, obviously, in offices filled by the British government, but, in point of fact, Council members filled most of the major British offices in Virginia. Ironically, one of only two absolutely unfettered appointments by the Governor, without required Council concurrence, was that of Council Clerk. Individual Councilors also served as ambassadors to other colonies, met with Indian delegations, acted to settle boundary disputes, and formed ad hoc investigatory committees.

The Councilors also formed a sort of informal colonial cabinet, representing most of the major royal offices: five of the seven most important officers in Virginia were usually represented on the Council. During the 1763 to 1776 time frame, the Deputy Secretary and Deputy Receiver General sat on the Council for the entire period; the Deputy Auditor and the Surveyor-General of Customs for the Southern Department of America served until their deaths; The Anglican Commissary (who also functioned as President of the College of William and Mary) was represented on the Council from 1770 to 1776. Additionally, a representative of the extensive Fairfax Proprietary in Northern Virginia sat on the Council. The only key Virginia colonial officials not on the Council, were the Treasurer (a Burgesses appointed
position), and the Attorney General, who, though often consulted by the Council, could not serve on that body due to the obvious conflict of interest in his having to try cases before the Council in its capacity as Virginia's Supreme Court.

Limits existed, however, as to how much any Governor could bring the Council into his total confidence. Board of Trade Instructions specifically forbade communication to the Council of the contents of any Instructions to the Governor "except when convenient to royal service." Thus the Council never exactly knew if the Governor was acting in compliance with his Instructions or not. Reliance on Council advice did not grant the Governor immunity from legal challenge. In the 1750s, the Burgesses refused to accept Governor Dinwiddie's reliance on Council approval as legal justification for the Pistole fee. During the 1760s, the Board of Trade dismissed Governor Fauquier's reliance on Council advice as a lawful excuse for failing to attach the required suspension clauses to various pieces of legislation. In the British view, the opinion of the Council did not excuse the Governor of his obligations, for the interests of the Colony could not "depend solely on the uncertain inclinations of the councilors."
The continued role of the Virginia Council as the Colony's Supreme Court, was rather unique in British America. By 1763 most other colonies had established an independent judiciary, some filling their supreme court posts with legally trained individuals. Virginia, on the other hand, chose its greatest landowners not its greatest lawyers to sit as the supreme court. Several pre-Revolution Councilors received legal training at the British bar, but none appears to have been a practicing lawyer in Virginia, perhaps because they were barred from practicing before their Council brethren, in either the General Court or the Court of Oyer and Terminer, the courts that provided the most lucrative work. In "a society dominated by landholders, jealous of their independence and litigious in defence of their boundaries and entitlements" a gentleman's sense of justice was considered more valuable than legal expertise. Governor Gooch conceded that the "Councilors are thought by everybody the only fit persons to judge the property of others."

The General Court developed its authority by custom rather than specific statute or instruction. Burgesses were allowed to sit as part of the General Court until the 1680s when Governor Culpepper stopped the practice, leaving it thereafter in the exclusive domain of the Council. The
General Court met twice a year, on April 10 and October 10 (except if that date was a Sunday); generally it stayed in session for twenty-four days (Sundays excepted). The Governor was the presiding justice, but had only a single vote; it appears that by 1763 the Governor only voted to break a tie. 68

The General Court handled appeals from the county justices of the peace. Felony trials of white persons were not handled by the county courts, but were conducted before the Council. The Council, as General Court, also possessed original trial jurisdiction in civil cases involving more than ten pounds, and in cases involving vestryman and justices of the peace. They reputedly carried a heavy caseload, most cases apparently involved debt recovery.

The General Court combined into a single institution the functions that the British parcelled out to a number of different courts: Chancery, King's Bench, Common Pleas, Admiralty, Exchequer, and Ecclesiastical. 69 Appeal from a General Court decision was to the King's Privy Council in London, and then only if the amount in dispute exceeded 500 pounds—a bar to all but the very rich. Claims of favoritism arose from time to time, understandable since the likelihood of blood or business relations between one of the
litigants and one or more of the Councilors was strong. However, Josiah Quincy, visiting from New England in 1773, pronounced himself favorably impressed with the lack of apparent bias in the General Court of Virginia. British Attorney General Lord Adam Gordon concluded that the Councilors of Virginia seemed to exercise a judicial power "greater than that of any other province." The Councilors also met for two weeks, following the first Tuesday of each June and December as the Court of Oyer and Terminer, a court on which the Governor did not participate. The unique history of this court began when the Writ of Habeas Corpus was first made applicable to the colonies in the early eighteenth century. This required Virginia to speed up the felony trials of white persons arrested between the spring and fall sessions of the General Court. Governor Spotswood commissioned the first Court of Oyer and Terminer in 1712, to "facilitate gaol delivery." Burgesses served on this Court for several years, despite Council opposition; ultimately the Council persuaded Spotswood, in 1718, to limit membership to Councilors. Yet another exalted responsibility occasionally fell to Council, or, more specifically, to the senior Councillor. Upon the death or extended absence of the resident governor
or lieutenant governor, the senior Councillor automatically assumed the position of acting governor, requiring no special commission or instruction from the British government. His authority was circumscribed, however, as Board of Trade Instructions prohibited any senior Councillor acting as governor from calling a General Assembly to pass legislation, "except that which is immediately necessary for the peace and welfare of the colony." From the issuance of this Instruction in 1698 until 1763, only one acting Governor, John Blair, at the height of the French and Indian War in 1758, had ever called an Assembly session. The acting governor was also prohibited from dissolving an Assembly (i.e. dissolving the House of Burgesses and calling a new election). He could only remove another Councillor with the concurrence of seven other Councilors, while any such removal was still subject to review by the Board of Trade. However, the acting governor did possess the full executive, appointive, and military powers of the royal governor. For his trouble, the senior Councillor acting in this capacity (referred to as the Honorable President of the His Majesty's Council and Commander in Chief of the Colony) received half the governor's salary, as well as a special housing allowance so that he could remain in Williamsburg. When not acting as governor, the senior Councillor was "a place of much dignity, but little power."
The Council clearly played a major role in the government of colonial Virginia. Its wide swath of authority only heightens the incongruity of the Council's presumed lack of significance during the pre-Revolution period. If the Council failed Virginia during this critical era, it was not for any lack of a legitimate constitutional role. One must look instead to the caliber of men who made up these last Councils to better determine why they became such a neglected portion of the history of the times.
A. Council Demographics

Who were Virginia’s pre-Revolution Council members, and did they fit into any representative pattern that helps to explain their behavior? Anderson’s analysis of Council members from the Berkeley restoration to the American Revolution found the average age at appointment to be thirty-nine, the average time served in the Council as eleven years, and, significantly, that most of the Councilors came from four lower James-York basin counties: James City, Charles City, York, and Gloucester. By comparison, for the nineteen Councilors serving between 1763 and 1776, the average appointment age was a similar thirty eight, and their average service only a slightly longer thirteen and a half years.

However, two important differences appear in the composition of the pre-Revolution Council. First, only five of its nineteen members came from the four Tidewater counties marked by Anderson as the traditional home of most Virginia Councilors after the mid-seventeenth century (and probably before that date as well). An equal number (five) came from the Virginia’s Northern Neck; three from the
Rappahannock counties of Middlesex and King and Queen; two from Henrico; one from south of the James River; one, a city man, came from Williamsburg; and two were Anglican clerics from England.

Another distinction manifests itself when the six Councilors appointed after 1770 are excluded from the length of service calculations (the Revolution obviously shortened their Council tenure): the result is the thirteen remaining Councilors averaged almost seventeen and a half years of service. Thus, Council members between 1763 and 1776 actually appear more geographically diverse and more politically experienced than prior Councils—adding to the enigma of their presumed insignificance.

All the Councilors of this era were at least nominal Anglicans, many serving as vestry members of their parish church. By occupation, most were wealthy tobacco planters; but four had significant mercantile interests as well, and were clearly part of Virginia's native creditor class; two were clergymen-educators; and one seems to have been a professional placeman, living for half a century off the opportunities of political patronage. Most were well educated; eight received some education in England, and at least three others matriculated for a time at William and Mary College. Most had prior government service, as county
Historians have looked at these factors to explain the subsequent political leanings of the Councilors, and to demonstrate differences between them and the House of Burgesses. For example, claims have been made that the English education, greater wealth, and Tidewater predominance made the Council non-representative of the rising patriot movement in Virginia and inclined toward support of status quo relations with England. Another view sees the Councilors as second rate men, of little ability and little influence, living off the advantages of a prominent family birthright—of which a seat on the Council was one element. Yet, two-thirds of the Burgesses' leadership, as well as almost one-half of all Burgesses, during this period have been identified by Jackson Main as related by blood or marriage to one or more Council members. The leadership of the lower House was also Anglican, relatively well educated, wealthy, and disproportionately from the Tidewater. Thus it is possible, then, that no clear religious, class, or regional distinction existed between the Council and the leadership of the Burgesses.
The backgrounds of the pre-Revolution Council members are therefore critical to unravelling the truth as to their influence and impact on the times. Two studies of eighteenth century Virginia provide particularly good guidance on the likely influence of individual Councilors. One study, by Jackson Turner Main, purports to identify the one-hundred richest Virginians in the 1780s. This survey can be searched for surviving Councilors, or their heirs, to determine if the Council was in fact made up of the wealthiest Virginians.\textsuperscript{80} The second significant study is that by Jack P. Greene, cataloging the most powerful members of the House of Burgesses, as determined by assignments to the various House committees.\textsuperscript{81} If Burgesses, identified by Greene as important, are later appointed to the Council, it lends credence to their likely political influence.

Twelve of the nineteen Council members in the period under review were appointed prior to 1763. The Council, to a large extent, thus represented men with power and influence originating from accomplishments and connections prior to the rise of great tensions between Britain and America. The claim by Anderson, that important Burgesses did not move into the Council after 1750 is misleading in its implication of a total lack of politically influential Council members.\textsuperscript{82} The Council was, in fact, made up of
several men identified by Greene as influential Burgesses, but this influence had largely occurred prior to the start of the French and Indian war.

The position of senior Councillor, from 1763 to 1776, was held by three men: John Blair, William Nelson, and his brother, Thomas Nelson—all of whom were appointed to the Council in the 1740s, during the tranquil administration of Governor Gooch. All three had the opportunity between 1763 and 1776 to serve as acting Governor. Yet, curiously, none of these three men fits the mold traditionally presumed for Council members. None was primarily a tobacco planter, neither were they the third or fourth generation descendants from the great migration of the mid-seventeenth century, nor did their ancestral roots derive from the Wessex area of England, that David Fischer has recently claimed to be the origin of Virginia’s gentry values.3 They also do not conform to the Anderson view of declining aristocrats, whose family influence died with the American Revolution, because all had families that survived the war still in political prominence. Significantly, however, two of these three powerful pre-war Councillors were themselves dead by 1772.
B. Mr. Williamsburg

John Blair Sr. served as a Councilor for over a quarter century, sat as the senior Councilor from 1758 to 1770, and was four times elevated to acting Governor. However, he had the misfortune of finding himself sandwiched between two historically more attractive Blairs: his uncle James Blair, Virginia's first Commissary and founder/President of the College of William and Mary, and his son, John Blair Jr., patriot leader and Justice in the first United States Supreme Court. John Blair Sr. was the son of a Scottish physician, Dr. Archibald Blair, who followed his brother, the Commissary, to Virginia in the 1680s. Archibald, a minor political figure, served in the Burgesses from Jamestown. Uncle James was a major power in Virginia politics from the 1690s until his death in 1745, rising to the post of senior Councillor for much of the Gooch administration. Uncle James died without issue, leaving John Blair Sr. the primary beneficiary of both his estate and his political connections.84

John Sr. was born in Virginia in 1687. He was an old man of 58 when he received his liberating inheritance from Uncle James in 1745, and a very old man while serving in senior Councillor status after 1758. As a youth, however,
he gained some embarrassing notoriety for leading a prankish
rebellion of William and Mary students in 1702, that fueled
a serious breach between Uncle James and Lt. Governor
Francis Nicholson. J. T. Main claims John Blair married
into the Virginia gentry, but this does not appear true,
Blair married Mary Munro, the daughter of an English
clergyman, who did not stay long in Virginia.

Edmund Randolph, in his memoirs of the Revolutionary
period, refers to the Blair family as Scotch,
differentiating them from the native elite. John Blair's
major occupation seems to have been living off political
patronage: "doubtless ow[ing] much to the influence ... [of
his uncle]." Young John secured his first "place" in
1713 as a temporary assistant auditor. As a man in his late
thirty's (the age when the native elite typically were
elevated to Council) he moved up the patronage ladder to
obtain the revenue collection post of naval officer for the
Upper James.

Blair received his first big break in 1728, with his
appointment to one of the major royal offices in Virginia,
the Deputy Auditor. He continued to act in this important
capacity until his death in 1771. The previous Deputy
Auditor for Virginia was Nathanial Harrison of Charles City,
a family into which Uncle James Blair had married. The Auditor of record for Virginia was Horatio Walpole, brother of Robert Walpole, leading Minister in the British government. Thus James Blair's connections with the Harrisons and the Walpoles secured for John Blair half the income and all of the Auditor's work. As Deputy Auditor for over forty years, Blair had responsibility for updating the King's quitrent rolls for each county (based on the input of new land patents he received from the Secretary of the colony and a listing of insolvents obtained from the county sheriffs). He also audited the quitrent collections of all county sheriffs, as well as the colony's regular and exceptional expenditures. An example of the latter being boundary surveys and Indian conferences. Blair was, therefore, a leading bureaucrat in the Virginia government for over four decades, rubbing elbows with several generations of county politicians, and staying influential in the Colony's finances.⁹⁰

In 1736, and again in 1738 and 1740, Blair gained election to the House of Burgesses as a delegate from the city of Williamsburg. Greene ranks Blair as one of the more important members of these Gooch era General Assemblies.⁹¹ It is also clear that during the 1730s and 1740s, Blair was very active in church, college, and municipal affairs. He
served as Bursar and later on the Board of Governors and Visitors for the College, warden and vestryman for Bruton parish, and alderman and eventually mayor of Williamsburg. It was well established by mid-eighteenth century that John Blair "had a known propensity for dabbling in politics." 91

Blair also appears to have been one of the cultural leaders of Virginia. An accomplished musician, he supported a musical ensemble at his home, that still stands in Williamsburg a stone's throw from Bruton church. He was one of the original subscribers to Virginia's first playhouse in 1745, which was coincidentally constructed on his land. He also owned, for a while, the Raleigh tavern of later fame. In religion, he remained a strong Anglican, a proponent of the controversial practice of instructing slaves in Christianity, and, according to Reverend Patrick Henry Sr., Blair was involved in the attempt to stop New Light Presbyterians from preaching in Hanover County during the 1740s. 93

Within months of his uncle's death in 1745, John Blair was appointed to the Council in the place of John Digges. Instructive of this sudden rise to prominence so late in life, is the letter of Governor Gooch to the Board of Trade recommending him for a Council position:
[As this gentleman for many years examined the accounts of His Majesty's revenue, I can't say that I forgot to put him into my list [list of recommended candidates for future Council openings], because during his uncle's, the late Commissary's, lifetime he was in narrow circumstances, but as he left at his death near ten thousand pounds, I must owe it a great oversight in me not to mention him.]

Immediately after elevation to the Council John Blair became a significant speculator in western land. In November 1745 he and several partners founded the Blair Land Company, which received a 100,000 acre grant in the Monongahela River area, in direct competition with the Ohio Company. The Blair Company sat on this grant until 1751, when Christopher Gist of the rival Ohio Company returned from the region with glowing reports. The following year the Blair Company, in alliance with several other small grantees, challenged the Ohio Company claims to the region. The Ohio Company took the Blair challenge very seriously, because of his considerable political influence. In spring 1753, Blair sent a surveying party into the Ohio Company's backyard with a resulting spate of title disputes, and a flurry of competing petitions sent to the British Crown for resolution. The French and Indian war silenced this battle between Blair and the Ohio Company. Apparently the seventy-five year old Blair never restarted this conflict after the war. Years later, in 1770, when British and Pennsylvanian
speculators alleged abuse by the Virginia government of its western land grant powers, Blair was singled out as one of the self-dealing Councilors who exploited the system for personal gain. 95

Neither land speculation nor tidy inheritance pushed Blair into the ranks of the very rich. No Blairs were listed in Main's tabulation of the hundred richest Virginians. Blair, however, was an active and important politician during the 1745 to 1763 period. He actively lobbied the Bishop of London on behalf of both of the Dawson brothers, to be named Commissary and appointed to the Council. Blair evidently forged an early alliance with the more conservative and pliable faction of the Anglican clergy in Virginia. 96 Blair also stood at the center of the Council-Burgesses disputes of the late 1740s and early 1750s. In 1747, after fire destroyed the Williamsburg capitol, the growing western faction in the Burgesses moved to have the capitol rebuilt at a "more centrally located cite." House Speaker John Robinson Jr. specifically suggested Hanover County. Blair, as a leading citizen of Williamsburg, successfully fought off this relocation attempt. During the October 1748 General Assembly, Blair ridiculed John Robinson Jr. with the comment "there goes the man who is behind this hellish scheme." Blair's further
characterization of Speaker Robinson as a liar and a self-dealer was printed in the *Virginia Gazette*, causing the arrest of the publishers on libel charges. A Burgesses delegation marched to Council chambers and demanded access to the Council journals to see what other Council slanders of House members might exist on record. Only an apology by Blair ended this serious Council-Burgesses confrontation. 97

Blair found himself in the middle of the Pistole Fee controversy of 1753-1758, as well as a related battle between the Council and the Burgesses over the college presidency. In 1752, Blair wrote several letters to the Bishop of London strongly opposing the appointment of the chaplain of the Burgesses, William Stith, to the presidency of William and Mary. He accused Stith of anti-Trinitarianism and with being a political radical. 98 Stith won a close election, and proceeded to become a prime instigator in challenging Governor Dinwiddie and the Council over the Pistole Fee. Blair strongly supported Dinwiddie's right to enact the fee which he called a moderate measure, fully endorsed by the Council, and similar to fees imposed by governors of other colonies. Later, Blair maintained that the Governor's action must be presumed legal, with the Burgesses having all the burden of finding a specific law making the Pistole Fee illegal. Blair also criticized the
Blair seemingly served as a member of almost all the important government committees of the 1745-1763 period. He was one of the three Council representatives selected to work with a group of Burgesses in joint committee in 1748-1749 to make major revisions to the Virginia laws. In the 1750s, he received appointment by the Burgesses to several extra-session committees, including ones’ to enlarge Bruton church and to build a lighthouse at Cape Henry. In 1755 he was one of the Councilors sent by Governor Dinwiddie to investigate the forced landing of Acadian exiles on Virginia soil by the British government. Beginning in 1759, Blair served on a joint Council-Burgesses Economic Prosperity Committee, created to encourage the economic diversification of Virginia away from its over-dependence on tobacco, and to grant bounties for "any useful insight or intelligence in any art or manufacture."  

By 1758, at age 71, Blair became senior Councillor and with the recall of Governor Dinwiddie in January, assumed the role of acting Governor until the arrival of Governor Francis Fauquier in June 1758. Blair’s presidency came at
the height of the French and Indian war, and he became the first acting Governor to bend royal instructions and, with Council support, call a General Assembly. Blair pushed an aggressive agenda through this spring, 1758, Assembly, which resulted in raising a second regiment of Virginia troops and floating Virginia's largest paper money issue. Blair was no pushover to British pressure. He rejected British General Forbes' call for Virginia to assume the costs of the Maryland troops then being raised for the pivotal attack on Fort Duquesne. 101

Clearly, Blair stood as one of the more powerful political figures in Virginia at the close of the French and Indian War. He was, however, also almost eighty years old. A life-long beneficiary of British patronage, he had supported the conservative clergy as well as the unpopular Dinwiddie during the 1750s. He sent his eldest two sons to England for their education, was at times a leading irritant to the Burgesses, was a city man of Scotch descent and not a "Cavalier" tobacco planter. Yet, out of this hodge podge of conflicting signals his actions after 1763 have caused both Anderson and Main to rightfully classify Blair as one of the early Whig members of the Council. 102
C. The Two Brothers

The Nelson brothers were the two other Council holdovers from the Gooch era of good feelings. William Nelson, the older brother, was second in Council seniority from 1758 to 1770 and an acknowledged influence on John Blair. Thereafter he succeeded Blair as senior Councillor and was elevated to acting Governor between the death of Lord Botetourt in late 1770 and the arrival of Lord Dunmore in the fall of 1771. He continued on as senior Councillor for a short while until his death in 1772. His brother, Thomas Nelson, followed as senior Councillor, and remained in that role until the end of the colonial era; Thomas Nelson was technically acting Governor of Virginia after the flight of Dunmore in the spring 1775 until the patriot government was formally established in spring 1776.

The Nelsons were the sons of "Scotch" Tom Nelson, who came to Virginia in 1705, as a small merchant-trader from the Cumberland borderland of northern England. This was region of Patrick Henry's ancestry, not that of the Tidewater cavaliers. By 1707, Scotch Tom was an established Yorktown merchant, who married a daughter of Councillor George Reade of York County. He also became an active member of some of Governor Spottswood's business ventures in
the 1710s and by the 1720s branched into the West Indies trade in a big way, with a store, warehouse, wharfs, and at least one ship, all centered at Yorktown.\textsuperscript{104}

William, the first born son in 1711, went to England as a youth in the 1720s to be educated, most likely in a rural grammar school in Cumberland, not the fancy public schools and universities traditionally attended by the richer Virginia gentry. By 1732, Nelson returned to Virginia to work as an understudy in his father's thriving mercantile business. Young William married into the prominent Burwell family of Gloucester County in 1738; the bride was unquestionably his social better. An article in the \textit{Virginia Gazette} of the day referred to the groom briefly as the son of a Yorktown merchant, but extolled the bride as "very genteel and of great merit and considerable fortune."\textsuperscript{105}

William Nelson immediately began to ascend the political ladder, as he was appointed sheriff of York County in 1738, and elected to the House of Burgesses from York for terms in 1742 and 1744. Nelson, ranked by Greene as one of the most prominent members of both sessions, was appointed to several of the more important House committees and served as Chairman of the standing committee on trade in 1744. He participated on the key House privileges and elections
committee, was one of five Burgesses appointed to review the Treasurer's report, served as Chairman of the committee to investigate a liquor duty, and also helped draft a new tobacco inspection law. Nelson, as a Burgess, was also appointed to look into the increasing problem of Presbyterians in Hanover County. 106

"Scotch" Tom Nelson died in 1745, William took over the booming Yorktown trading firm, which he continued to run and prosper from until his own death in 1772. This heavy involvement by William Nelson in both commerce and politics for over thirty years seems to undercut Lucille Griffith's conclusion that Virginia merchants were not involved in pre-Revolution politics. 107 Nelson appears to have been one of Virginia's largest West Indies traders. He was also a major consignment merchant of slaves, a leading Tidewater banker (lending out large sums to other gentry planters), a prominent real estate speculator in Hanover and Spotsylvania, and a significant tobacco planter. By the late 1740s he appears to have become the leading merchant in Yorktown. 108

William Nelson was appointed to the Council, at age thirty-four, on October 14, 1745, hardly a week after his father's death, and only months after John Blair's
appointment. Nelson's prominence as a merchant and Burgess certainly was aided by the influence of his father, who had been a business partner with Governor Gooch in a Fredericksburg ironworks. Nelson joined Blair as a power on the Council from 1745 until the early 1770s. He was one of the three Councilors (along with Blair) selected to work in committee with the Burgesses to fashion the great legal reform effort of 1748/49 in which some eighty-nine bills were passed. Nelson, again with Blair, participated as part of the small group of legislative leaders called by Governor Dinwiddie in 1753 to discuss the British rejection of a number of these 1748/49 reforms. Nelson was publicly upset with this British veto of Virginia's right of self legislation, and blamed the departed Governor Gooch for negative commentary regarding the reforms which "unduly prejudiced the crown." Nelson drafted the Assembly's response to the Board of Trade in 1753, defending Virginia's right to legislate for its own internal affairs. 109

While his views regarding the Pistole fee are not known, there is evidence that he paid the pistole on land deals transacted during the time. William Nelson was undeniably one of the more powerful Virginia political figures during the French and Indian war. George Washington sought out Nelson's assistance in 1752 to secure a separate
military district for the Northern Virginia, and Blair together with the Nelson brothers were on the Council that sent young Washington on the fateful trip to the Ohio forks in 1753. William Nelson was selected by the Burgesses to serve as a Council representative on the controversial committee supervising the expenditure of military funds from 1754 to 1756. Later in the war, he served as chairman of a committee to supervise the disbursement of Virginia's share of British reimbursements for colonial war expenses.\textsuperscript{110}

In 1758, the Burgesses secured the right to appoint their own London agent, separate and apart from the James Abercrombie, who was the official colonial agent in Britain representing the Virginia Governor and Council. The Burgesses then formed a Committee of Correspondence to communicate with and direct the actions of this new agent (Edward Montague), but curiously, they named four Councilors to sit with them on this committee, and further, made William Nelson the committee chairman.\textsuperscript{111} The Nelson brothers, with their commercial experience, served as advisors to Governor Fauquier on obtaining war supplies. John Blair, during his tenure as acting Governor in 1758, likewise relied on William Nelson.\textsuperscript{112} In 1759, Nelson was appointed to the Committee for Encouraging Arts and Manufactures established to diversify the Virginia economy;
and he was reputed to be one of the most generous benefactors in endowing its bounty fund to reward native inventors.\textsuperscript{113}

Nelson owned tobacco plantations in Hanover, Albermarle, and Louisa, but these were a decided sideline to his mercantile interests. A reputed lover of horses and horse racing, he was a compatriot in such ventures with Councillor William Byrd III, and Ralph Wormeley IV, father of future Councillor Ralph Wormeley V.\textsuperscript{114} He had little interest in western land speculation. Though listed as an original partner in the Ohio Company, and also apparently the recipient of some shares in the Loyal Land Company after he resigned from the Ohio group in 1749, he denied ever profiting from western land ventures.\textsuperscript{115} On the other hand his letters show great concern over the threat by the ubiquitous Scotch traders to his export business, as well as their larger menace to the Tidewater gentry's traditional control over tobacco exports.\textsuperscript{116}

Characterized as "a strict Episcopalian", at a time when deism was popular with the colonial intelligentsia, he served on the vestry of York-Hampton parish.\textsuperscript{117} William Nelson was also a member of the Board of Governors and Visitors of William and Mary and active in
Williamsburg social events. His political influence came to bear in helping his oldest son, Thomas Nelson Jr., secure a Burgesses seat from York in 1761. Son Thomas went on to become one of the leading Burgesses of the 1760s and 1770s, and as well as a prominent patriot figure, Revolutionary militia general, and future Governor of Virginia. A second son, William, was also conspicuous in the Patriot cause as a member of the Constitutional conventions of 1776 and 1788. William Nelson died November 19, 1772, but his son Thomas made Main's list as one of the one hundred richest Virginians. The William Nelson home in Yorktown (no longer standing) was reported to equal many of the better English homes.

William's younger brother, Thomas Nelson Sr., known as "The Secretary" to distinguish him from his nephew (William's son) General Thomas Nelson Jr. The Secretary was born in Virginia in 1716, educated in England at the Inner Temple during the 1730s, and admitted to the British bar in 1738. Back in Virginia by 1743, he worked under William in the family business. Upon the death of their father in 1745, Thomas inherited 4000 pounds, but no received interest in the family business.

Thomas Nelson Sr. did not need a share of the family
business to make his fortune, because for some unknown reason he became a hot political property in the 1740s. In 1743, Governor Gooch nominated Nelson, then a twenty-seven year old aspiring lawyer, to become the Colony's Attorney General. Unfortunately the Governor quickly learned that British interests had already appointed Thomas Nelson to the more lucrative place of Deputy Secretary of Virginia, which was perhaps the most lucrative provincial sinecure in Virginia outside the Governorship. The prior Secretary, John Carter (son of Robert "King" Carter), died in 1742, and the position was apparently purchased by William Adair of England, who was the only non-resident, non-Councillor, Secretary in Virginia history. Adair probably sold all the work and half the income to young Thomas Nelson to serve as his deputy; Thomas Nelson retained the position from 1742 until the end of the colonial era. 121

Very few details of Nelson's administration as Deputy Secretary are known because fire destroyed the records, but the post appears to have been second only to that of the Governor in terms of responsibility and influence. The Deputy Secretary kept all the Colony's official records, drafted the official documents, issued the land patents as well as military and civil commissions of office, served as clerk at the General Court sessions, issued and maintained
all birth, death, and marriage documents, and appointed all county clerks. The estimated income from the position was approximately one thousand pounds a year, which, of course, had to be split with Adair.122

Secretary Thomas Nelson, in contrast with his brother, speculated heavily in western land. He was an original member of the Ohio Company in 1745, but resigned in 1749. One month after being named to the Virginia Council, Secretary Nelson switched his allegiance to the rival Loyal Land Company. This conversion likely had political ramifications as Nelson chose to align himself with the John Robinson clique in control of the Loyal Land Company, rather than the Northern Neck faction led by Councilor Thomas Lee that ran the rival Ohio Company. Thomas Nelson also became an early member of the Greenbriar Land Company in southwest Virginia, and appears to have become its leading partner after the death of John Robinson Sr. in 1749. The Greenbriar Company is referred to, in some Council documents, as Thomas Nelson Esq. and Company.123

He married Lucy Armistead of Caroline County in 1746, and was elected to his brother's vacant York seat in the House of Burgesses the same year. Greene ranks Tom Nelson as an important Burgess in the General Assemblies from 1746
to 1749. He served on the House committee of propositions and grievances, the treasury audit committee, the committee to raise troops and provisions during King George's war, and was a House member of the important joint committee that overhauled the legal code in 1748-49. Nelson was also appointed to the 1748 Burgesses delegation that marched into the Council chamber to complain over John Blair's insult of the House Speaker.\textsuperscript{124}

Taking his Council oath of office on April 20, 1749, Thomas Nelson replaced Philip Lightfoot, a rival Yorktown merchant. After his appointment, the Nelson brothers bought a house on Francis Street, across from the Capital (restored today as the Nelson-Gault house) to accommodate their frequent Williamsburg stays. Thomas Nelson was considered "a very popular secretary and councillor", and "one of the most learned men in the county and in all fields of knowledge he is generally revered and esteemed".\textsuperscript{125} Along with his brother, he served on the College Board of Visitors and was likewise appointed by the Burgesses in 1758 as one of the three council members on the Committee of Correspondence. Secretary Nelson also had some prominence in a failed effort to mediate the 1749 dispute between Landon Carter and the Rev. William Key. Their conflict was a contest over gentry control of the Anglican clergy which set
off the string of great religious battles that speckle pre-Revolution Virginia history.126

Thomas Nelson was the only senior Councilor to survive into the American Revolution. His continued political influence in Virginia was demonstrated by the fact that he lost a close election to Patrick Henry in 1776 to become Virginia's first republican governor. The Patriot government offered Thomas Nelson Sr. a seat on the republican Council of State (the successor to the colonial Council) but Nelson declined citing age. Secretary Nelson shows up on Main's list of the hundred richest Virginians.127

Blair, along with the Nelson brothers, successively led the Colonial Council from 1758 until its eclipse in 1776, and all stand as important and influential political figures. Prior to their Council appointment all three were Burgesses of consequence; Blair and Thomas Nelson held important colonial offices having considerable impact on day to day politics throughout Virginia for many decades. William Nelson was one of the Colony's leading merchants and wealthiest men. All three played key roles in the Colonial government during the French and Indian War, and all participated in most of the critical joint Burgesses-Council
committees of the period. These three men remained eminent and respected political figures during the post-1763 colonial period.
CHAPTER V.
The Glory

The glory of Colonial Virginia were its "topping families", of the historic tobacco plantations clustered along the lower James, York, Rappahannock and Potomac Rivers. Council membership became almost hereditary in several of these families, passing down from father to eldest son for two or three generations. Following Blair and the Nelson brothers in Council seniority at the advent of the pre-Revolution troubles in 1763, came seven men more accurately matching the traditional image of an aristocratic elite. Appointed between 1749 and 1758, roughly the Dinwiddie years as Governor, these seven personify the stereotype of the first sons of the leading Tidewater lineages contained in the theories posited by Anderson and Main. With family names such as Randolph, Corbin, Byrd, Ludwell, Lee, Tayloe, and Carter, these Virginians of the bluest blood unquestionably made up a large block of the pre-Revolution Council.

Were these aristocrats inferior men, ineffective, devoid of influence, part of a declining class (as Anderson claims), coopted by a more powerful and vigorous House of Burgesses (as Main implies) or did they in fact
significantly influence the times? They appear to fall into two groups, separated by about a decade in age. One cluster represents Councilors in their mid to late forties by 1763, who had served with distinction in the John Robinson dominated House of Burgesses in the late 1740s. These men were political peers with Peyton Randolph, George Wythe, Richard Bland, and Edward Pendleton in the great Assembly of 1748/49 which attempted to modernize Virginia in a mass of reform. Younger men, mostly in their mid to late thirties, largely from the Northern Neck, and all without significant Burgess experience make up a second distinct grouping of aristocratic Councilors.

A. The Force of 1749

The most senior of these glorious aristocrats on the 1763 Council, was Peter Randolph, of Chatsworth Planation in Henrico County, situated on the north side of the James, just below the falls. Randolph was a westerner by traditional Council standards, living on the farthest edge of the Tidewater plain. He was almost fifty when the French and Indian War ended and would die in 1767, thus limiting his impact on the pre-Revolutionary period.

His Virginia ancestry stemmed back to William Randolph
and Mary Isham of "Turkey Island", in Henrico County—the reputed "Adam and Eve" of the Virginia aristocracy. Peter's father, William Randolph, also of "Turkey Island" Plantation, was a Councillor from the 1720s to the 1740s and the oldest of seven sons, the youngest of whom was Attorney General Sir John Randolph. Sir John Randolph of this junior family branch had two famous sons, John Randolph Jr. and Peyton Randolph, both of whom were later appointed Virginia Attorney General. Peyton Randolph was also elected Speaker of House the Burgesses during the pre-Revolution era and president of the first Continental Congress in 1774. Peter was Councillor William Randolph's second son; the eldest appears to have died without issue around 1750, thus leaving Peter the first son of the first son of the Randolph clan. 128

Born in 1713, Peter Randolph's education is unclear. It is possible, but not certain, that he received some schooling at William and Mary. In 1738 he married Lucy Bolling of Prince George County. He quickly embarked on the typical political apprenticeship expected of a gentry scion, serving first as a county justice, and later as a Burgess from Henrico County. Jack Greene ranks him as one of the leading Burgesses in the pivotal 1748-49 Assembly. It appears that sometime in 1749 he was also appointed Clerk of
the House of Burgesses. Randolph must have had some cultural bent, as he was one of the original subscribers to the first Williamsburg playhouse. 129

Peter Randolph first appeared on the Council in April 1750, apparently his younger brother William replaced him as House Clerk. He sat on the Council that approved the Pistole fee, and during the 1750s served in several important capacities: including as an original trustee in the newly established government of Richmond town, and as a trustee charged with clearing the Appomattox River for navigation. Apparently the Council considered him something of an Indian expert. After Braddock's defeat in 1754, Randolph and young William Byrd III were appointed to handle the sensitive diplomatic mission to secure neutrality and possible material assistance from the Cherokee and Catawba tribes. In 1757, Randolph served as the Council representative on a joint Burgess-Council committee of five directors charged with supervision of Indian trade during the French and Indian war. 130

His influence ascended even further in 1758, when he succeeded Dinwiddie as Surveyor General for the Southern District of America, a lucrative royal office responsible for the collection of Navigation Act duties for Virginia,
the Carolinas, Georgia and Bermuda. Randolph appears to have been the only native Virginian to ever hold this prominent position.131 Peter Jefferson, the father of Thomas, was his close friend, and Randolph administered the Peter Jefferson estate. Thomas Jefferson credited Peter Randolph with influencing him to attend William and Mary to cut down young Tom's expensive habits and broaden his horizons.132 Also a friend of the William Byrds, Randolph took over management of the complicated financial affairs of William Byrd III, while young Byrd was off fighting in the French and Indian war. He continued on as a trustee of Byrd's nearly bankrupt estate until Randolph's own death.133

Peter Randolph remained politically influential until his death in 1767, and his family, represented by cousins John (a Tory) and Peyton (a Patriot) played an active role in the political preliminaries leading to the Revolution. Further, his own son, Beverly Randolph, served as a post-Revolution Governor of Virginia. Four Randolphps are listed in Main's one hundred richest Virginians of the 1780s, but it is not possible by surface examination to trace the estate of the long dead Peter to determine if his heirs qualified.
Richard Corbin, of Lanesville Plantation, in King and Queen County, survived Blair, William Nelson and Randolph, to become the second most senior Councilor after 1772. Both his father, Gawin Corbin (1720-1745), and his great-grandfather, Henry Corbin (1670s), preceded him on the Council (Henry Corbin, according to legend, saved the life of King Charles I at the battle of Worcester). Richard's youth and schooling are clouded, but he shows up as a Burgess from Middlesex county in the 1740s, and was also rated by Greene an important Burgess in the 1748-49 Assembly. Appointed to the Council in January 1749/50, he first took his place in May 1750.\textsuperscript{134}

One of the richest men in the Colony with over 8000 acres of property and 200 slaves, Corbin easily made Main's listing of wealthy Virginians.\textsuperscript{135} The saying "as rich as Dick Corbin" survived into the Twentieth Century folklore of King and Queen County.\textsuperscript{136} His Lanesville plantation was reputed to contain the longest manor home ever built in colonial Virginia. Legend has it that Corbin and his estranged wife, living at opposite ends of the huge home, needed a coach to meet each other for dinner.\textsuperscript{137} In 1768, he participated in building Stratton Major parish on his own property, the most expensive church in colonial Virginia. Corbin was on the vestry of this parish, which was
ministered from 1760 to 1768 by William Robinson, the Commissary of the Bishop of London. Corbin was considered the "leading communicant" of a congregation that also included the House Speaker John Robinson Jr.\textsuperscript{138}

L. G. Tyler, an early biographer of colonial Virginian aristocrats, called Richard Corbin one of the most eminent and influential men of his day.\textsuperscript{139} Tradition has Corbin responsible for helping to secure George Washington his commission as Lt. Colonel during the French and Indian war, and is alleged to have been one of Washington's best friends. Tradition also has Benjamin Franklin calling Richard Corbin one of the wisest men in the colony.\textsuperscript{140}

Richard Corbin, in addition to being a major Tidewater tobacco planter, was a significant speculator in western land, an active commercial trader in tobacco and slaves, and additionally occupied one of the more lucrative sinecures in the Virginia government, that of Deputy Receiver. An original member of the Ohio Company, he, like the Nelson brothers, switched his allegiance over to the Loyal Land Company in 1749. The quick secession of Loyal Land Company partners (Thomas Nelson, Richard Corbin, and later, Philip Ludwell) to the Council from 1749 to 1751, obviously prejudiced the Ohio Company's position, and contributed to
the Ohio Company choosing to have its land patents guaranteed by the British government rather than a Virginia Council dominated by rival Loyal Land Company members. In 1752 Ohio Company member George Mercer caught Councilors Corbin and Ludwell in the act of purloining secret details from an Ohio Company survey of the Kanawha region from the Colonial Secretary's office (Secretary Nelson was also a leading member of the Loyal Land Company). Suspiciously, the Council, in 1753, awarded Richard Corbin and Associates three grants of over 700,000 acres in the same Kanawha region.141

In 1761, Richard Corbin was appointed Deputy Receiver of the Colony, responsible for insuring that the King's quitrents were collected by the county sheriffs and transmitted to England. The Receiver was also charged with paying all colonial government expenses properly charged to this quitrent revenue. Typically, Corbin remitted between 4500 and 9000 pounds per year to the British government, mostly in bills of exchange drawn on the account of his own personal London merchant. His income for this employment was a salary of 500 pounds a year from the General Assembly, and a share of the collected revenue, all of which he had to share with the Receiver of record, Englishman, John Roberts. Interestingly Corbin was granted, or more likely, able to
purchase this Deputy position from John Roberts, despite a strong campaign by Governor Fauquier to have this post granted to his own son. 142

Corbin became a vocal critic of the costliness of the French and Indian war, and its negative impact on the economy of Virginia. 143 He also opposed the Agents Act of 1757, whereby the Burgesses gained the right to engage their own British agent. In letters to former Governor Dinwiddie, then in England, and to the official agent of the Virginia government, James Abercrombie, he warned that the Burgesses were unhappy with Abercrombie for his failure to support the right of Virginia to issue increasing amounts of paper money. Corbin feared that the Burgesses were in a mood to abolish the Abercrombie post. He also claimed the Agents Act an unconstitutional attempt by the Burgesses to usurp the executive power of the Governor. 144

Corbin survived into the Revolution with his great wealth intact, despite becoming the Council's leading loyalist spokesman during the years of increasing British-American tension. His oldest son, Gawin Corbin, was the last appointment made to the colonial Council, and his second son, John Corbin, represented Middlesex County in the Burgesses during the 1770s. Carter Braxton, Burgess leader,
Patriot, and signer of the Declaration of Independence, was Richard Corbin's son in law.  

Philip Ludwell III, of Green Spring, James City County, served as an active member of the Council from his appointment in 1751 until removing himself to the English countryside in 1761. Technically, Ludwell remained a member of the Virginia Council until his death in 1767, but he did not participate in any post-1761 Council activity. A few months prior to his death, the Board of Trade (in January 1767) sent letters to all colonial councilors then resident in England, advising them that they would be removed from their council seats if they did not signify an intent to return to the colonies. Death excused Ludwell from a decision.

Ludwell's membership on the Council, however, illustrates several points. He represented the third generation of Ludwells on the Virginia Council; his grandfather, Philip Ludwell I, was a late seventeenth century Council member (it was he who married the widow of Governor Berkeley). His father, Philip Ludwell II, sat on the Council for over twenty years from 1702 to 1726. Additionally Philip III's mother was the daughter of Councillor Benjamin Harrison of Berkeley Plantation. Philip
Ludwell III seems no drone; he made the Greene listing of important Burgesses in the 1744, 1746, 1747, and 1748-49 General Assemblies. Thus, his elevation to the Council in 1751 represented the elevation of an important Burgess. Philip Ludwell died without surviving sons, thereby ending the line of Virginia Ludwells. One of his daughters, however, married William Lee, the Patriot younger brother of Richard Henry, Arthur, and Councillor Philip Lee.

Neither Randolph, Corbin nor Ludwell represented the second rate, politically inexperienced, declining aristocrat portrayed by Anderson. Yet again, two of these men were dead almost a decade before the Revolution. The Council of 1763 began with political strength, but much of it was gone by 1776.

B. The Lost Grandees

William Byrd III, portrayed as the epitome of thinning bloodlines in the Virginia aristocracy, was a gamester, a spendthrift bankrupt who lost the family fortune, a Tory, and failed man, who ultimately committed suicide on New Year's day 1777. If ever a man inherited the proverbial silver spoon and then lost it to dissipation, William Byrd
III appears the model. He, too, was a third generation Councillor. His grandfather, William Byrd I, served from 1681 to 1704; and his father, William Byrd II, from 1709 to 1744. The Byrd family fortune centered on the Westover Planation in Charles City County, but also included lots in the new town of Richmond, as well as large holdings in Virginia's "southside" near the North Carolina border.

William Byrd III, born in 1728, was a very young man of only twenty-six when appointed to the Council in 1754. Apparently tutored at home, and then, against the wishes of his domineering mother, allowed to go to England in 1748 to read law at the Middle Temple. He returned after only a year abroad, which was time enough to pick up the habits of heavy gambling that would ultimately be his ruin. Commissary William Dawson remarked: "Mr. Byrd, I hear is entered in the Middle Temple, and I am afraid is in danger of being ruined." From his return to Virginia in 1749 until the end of his life, he acquired a reputation as a high stakes gambler, inveterate horse racer, and serious card player. During the 1750s Byrd began selling off land in Lunenburg and Halifax Counties to cover debts. In one Norfolk card game, he reputedly lost an entire southside plantation. A property inventory developed for the financially struggling Byrd in 1757, also showed him owning...
twenty expensive imported English racehorses; a hobby in which Byrd remained one of Virginia's greatest practitioners.\textsuperscript{156}

Byrd entered politics early by his election to the House of Burgesses from Lunenburg in 1752 and 1754, but he does not show up as influential in either session. Along with Peter Randolph, he was named, in 1752, as one of the original trustees in the first government for Richmond town. He married into more wealth and influence in 1748, by taking as his bride, Elizabeth Hill Carter, granddaughter of the late King Carter, and daughter of the late Secretary John Carter. But his new wife was "immature and spoiled", did not get along with his mother, and ultimately proved, along with his mother, the bane of his existence. Byrd moved his own family residence to a newly built home at Belvedere, adjacent to the falls of the James, in what was still Henrico County, primarily to get away from his mother.\textsuperscript{157}

He seems to have made little political impact during his first two years on Council (1754-1756). The only important contribution of his early Council years was as junior member of the mission led by Peter Randolph in 1755, to make peace with the Cherokee and Catawba Indians. Byrd, however, gained much from this mission to the Carolina
backwoods: a taste for adventure, and a good working relationship with several important Cherokee leaders.\textsuperscript{158}

In December 1756, Byrd attended his last Council meeting until 1762. Deserting his wife, and leaving his tenuous financial affairs in the hands of a group of trustees led by Peter Randolph, Byrd left for Nova Scotia to join in the fight against the French. An observer recalled:

Col. Byrd, I am told, has repudiated his wife, who is now in a delirium for his behavior, and is now resolved to make a campaign under Lord Loudoun [Commander of British forces in America], he has committed his estate to the charge of some friends and settled all with a design never to return to Virginia.\textsuperscript{159}

Byrd fought well in Canada, setting "a noble example to all gentlemen of the continent",\textsuperscript{160} but never received the English army commission he so desperately coveted. Byrd then undertook, in early 1758, a special assignment for the British, traveling into Cherokee country, using his Indian contacts in an attempt to secure Cherokee support for the British war effort against the French.

Virginia remembered its prodigal young Councilor, and when the General Assembly under acting Governor Blair authorized a second regiment of Virginia militia in the
Spring of 1758, the thirty year old Byrd was named its commander. Byrd's troops supported the successful British campaign to capture Fort Duquesne. After his regiment was dissolved in late 1758, he prepared to go to England to live and apparently communicated to the new Governor Fauquier the possibility of resigning his Council seat. The Virginia government, however, thought enough of Councillor Byrd's military skills to request him to stay and take over command of the one remaining active Virginia militia regiment, filling a vacancy created by the resignation of George Washington.

In March 1759, Col. Byrd accepted this second appointment to command the Virginia military, and assisted British General Amherst in a road building effort preparatory to an invasion of Canada. Later, in 1760, he took his regiment into southwest Virginia for a campaign against the threatening Cherokee. From the spring of 1760 to the fall of 1761, Byrd attempted to establish an effective military presence in southwest Virginia, despite overly sanguine demands from the British high command to attack, and an obvious reluctance by the Virginia government to provide him sufficient supply. A series of recriminating letters among Colonel Byrd, General Amherst, and Governor Fauquier, left the frustrated Byrd "unable to make war and
Rumors of a feud between Byrd and Governor Fauquier made the rounds as far away as London. In September 1761 Byrd resigned his command, under something of a cloud in some British minds. However, Byrd apparently enjoyed a reputation among Virginians as a experienced military leader, second only to George Washington.

While Byrd was away at war, his wife Elizabeth died, and he quickly took another in Mary Willing, the daughter of a prominent Philadelphia political figure, and future sister in law to Benedict Arnold. Byrd built a house in Philadelphia in 1761, with intent to return there after the war, but for unclear reasons returned to Virginia instead in 1762. Some dispute exists whether he lived at Belvedere or Westover, while his mother remained alive (until 1771). It is not disputed, however, that Byrd reverted to his high living and free spending ways. He also returned as one of the most widely traveled men in Virginia, and certainly the most knowledgeable of the American continent on the Council.

Byrd returned to the Council in 1762, actively participating, despite increased financial embarrassment, until the Revolution. Besides a military reputation and
hallowed name, Byrd's influence seems also to have emanated from his close personal relationships with other Virginia leaders. Future Councillor John Page of North End was his brother in law, Councilors Peter Randolph and Presley Thornton were close friends, as was Speaker John Robinson. Landon Carter and the younger Charles Carter both married his sisters. Byrd was bankrupt at his suicide in 1777, thus there is no need to look for his heirs on Main's list.

John Tayloe II, however, easily made the listing of the richest Virginians. Dubbed "the Great Inheritor", he gained title to some 13,000 acres and 300 slaves after the death of his father in 1747. His father, John Tayloe I was a Councillor from 1732 to 1747. John Tayloe II inherited the family seat, the palatial Mt. Airy Plantation in Richmond County, situated along the Rappahannock River in the Northern Neck of Virginia.  

Tayloe II, born in 1721, went to England for his education and received a degree from Cambridge, and possibly from Oxford as well. Neither was a great accomplishment, as English universities at this time were "sunk in obscurity, stagnation, and conservative ideals."  

In addition to substantial tobacco holdings, Tayloe also inherited ore beds and ironworks along the Potomac and
Rappahannock Rivers. He was a partner in a Spottsylvania forge with Councillor Presley Thornton, and apparently borrowed money from Councillor William Nelson to finance some of his business ventures. Tayloe was a vestry member of St. Mary's parish in Richmond County and, like most prominent Northern Neckers, a member of the Ohio Company. 169 L. G. Tyler labeled Tayloe one of the wealthiest and most influential men on the Northern Neck, but it does not appear that he ever served in the Burgesses. Tayloe objected to having to "kiss the arses of the people." 170

Tayloe's influence stemmed more from his social activities than his political ones. He was known as "one of the most prominent turfmen in America", a major importer of English race horses, and an active supporter of the Fredericksburg and Tappahannock jockey clubs. 171 He married into the prominent Plater family of Maryland. George Plater, a Governor of Maryland was his brother in law. 172 One of Tayloe's daughters married future loyalist Councillor Ralph Wormeley V, another married signer of the Declaration of Independence, Francis Lightfoot Lee. Councilors Robert Carter, Presley Thornton and William Byrd, as well as George Washington and Landon Carter were reputed to be his close friends. 173
The exact date of Tayloe's appointment to the Council is unclear, but he surfaces on the Council for the first time in 1757. It is assumed he got the seat through English influence. Thomas Hay, Viscount Dulpin, the paymaster of British forces during the French and Indian war, is considered his most likely English benefactor. Tayloe, in a 1758 letter to Byrd, complained of the burdens of attending all the Council functions, and he consistently maintained one of the poorer attendance records during his almost two decades on the Council. Anderson summed up that Tayloe "attended meetings, managed his estate and contributed little." But Tayloe was thought well enough of in 1776, to have been offered a seat on the first Republican Council of State. Tayloe declined, citing his age as a barrier to service.

Next in seniority on the 1763 Council was another Northern Necker with an illustrious lineage, Philip Ludwell Lee of Stratford Plantation, Westmoreland County. Although the Lees arrived in Virginia in 1642, they came relatively late to wealth and social prominence. Philip's father, "Mr. President" Thomas Lee, rose in Horatio Alger fashion from mediocre gentry stock to become the most powerful politician in the Northern Neck by the mid-eighteenth century. He accumulated a fortune in real estate speculation, secured an
appointment to the Council, rose to become senior Councillor, and eventually served for a short time in 1749 as acting Governor. Thomas Lee, founder and leading partner of the Ohio Company, led an unsuccessful attempt in the late 1740s to unseat John Robinson Jr. from control over Virginia politics. He had five famous sons, of whom, Philip has received the least attention from historians, though he was the eldest, the richest, and the inheritor of both the family estate and its Council seat. Philip's mother was Hannah Ludwell, aunt of Councillor Philip Ludwell.178

Philip, born in 1726, was educated at Oxford and studied law at the Inner Temple in London. When his father died in 1750, Lee, a young man of twenty-four, immediately returned to Virginia to help raise his younger brothers and manage the extensive family estate.179 Stratford, the Lee homeplace, remains beautiful into the twentieth century and "few locations afforded a pleasanter social life in the closing decades of the colonial era as that section of Westmoreland bordering on the Potomac between the Machodoc and the Yeocomico creeks."180 Philip Lee, heir at law to his father's estate, appeared initially conscientious in raising and educating his younger brothers, Richard Henry Lee, Francis Lightfoot Lee, William Lee, and Arthur Lee, who were all active Patriots during the American Revolution.
Philip seemed especially fond of Richard Henry Lee, for whom he built a plantation house adjacent to his own property. However, it has been assumed on the strength of a number of hostile letters, principally by William Lee, that relations between Philip Lee and his brothers deteriorated later in life.

Elected to the Burgesses from Westmoreland in 1756, Lee ended a short and undistinguished legislative career in 1757 with his elevation to the Council. Like his father, he speculated heavily in real estate, involving himself in the development of Fauquier County and the new town of Leesburg. Lee was a member of the Ohio Company, and later the Mississippi Company. When it became apparent that Britain would win the French and Indian war, Philip Lee joined George Mason and John Mercer in a 1761 effort to obtain a confirmation of the Ohio Company grants directly from the British government, "rather than be remitted to the Government here [i.e., Council] who from jealousy, or some other cause have endeavored to disappoint us in every design we could design to settle or improve the land."

A man of great culture and learning, Lee reputedly had one of the finest libraries in the colony. Fond of music, he often wrote to England for information on the
latest singers, operas and concerts. As King's Lieutenant in charge of the county militia in Westmoreland, Philip enjoyed wearing uniforms to "effect the brusque manner of a soldier and country squire." 184 Lee married Elizabeth Steptoe, a Westmoreland neighbor, with whom he had three children, but no surviving sons. Philip Ludwell Lee died in February 1775, just months before the collapse of the British government in Virginia.

Robert Carter III, the third consecutive Northern Necker appointed to the Council, took his seat in 1758. Considered the richest man in Virginia, with eleven plantations, 60,000 acres of land and 450 slaves under his domain, Carter was the only pre-Revolution Councilor to rate a full biographical treatment, in Louis Morton's Robert Carter of Nomini Hall. 185 Carter also had several years of his household chronicled by his children's tutor in the Journal and Letters of Philip Vickers Fithian. 186 Neither work treats his Council activities or pre-Revolution political views in any detail. Descriptions of his personality, however, abound. One local historian called Carter an idealist, "his mind dwelt with the intangibles, he was something of an inventor, something of a musician and in later life a religious rebel." 187 E. J. Lee maintained that "early in life [Carter's] deposition was marked by a
tendency to art and humor. Afterwards he was the grave councillor and always the generous philanthropist." According to his biographer Louis Morton, Carter was "reserved and serious in nature, but a creative thinker and stimulating conversationalist."  

Robert Carter III was born in 1728, at the Westmoreland County plantation of his grandfather Robert "King" Carter, the richest and the most powerful man of his day. King Carter filled most of political power positions in the Colony at one time or other. He was Speaker of the Burgesses, Treasurer, Councillor from 1700 to 1732, and acting Governor between the administrations of Drysdale and Gooch (1726 to 1729), a period when the Council "was the most powerful governing body in the colony." Robert Carter II of Nomini Hall (Robert Carter III's father) died in 1732 several months prior to King Carter, thus requiring his father's younger brothers, Landon and Charles Carter, to seek special legislation from the General Assembly so that young Robert III would not lose his inheritance to a large portion of the King Carter estate. Robert III's connections on his mother side were almost as illustrious, His mother Priscilla Churchill was the daughter of Councillor William Churchill and remarried to Councillor John Lewis. Young Robert Carter spent his childhood on the Lewis plantation in
Little is known of his early years, but Morton believed Carter less educated than most Virginia gentry. He lived in England from 1749 to 1751, apparently mostly to play and not to learn.\textsuperscript{192} When he returned to Virginia in the summer of 1751 to take over the vast estates that his uncles had been managing for him, he brought, according to one source "the ways and manner of English gentlefolk with him and contributed to the great florescence of the planter aristocracy."\textsuperscript{193} A different view surfaces in the 1751 Journal of Councilor John Blair. Plain old John Blair, perhaps put off by the ways of a anglified young dandy hoped "poor wretched Bob Carter" would not choose to come to Williamsburg to live.\textsuperscript{194}

Carter attempted the role of country squire. He managed his vast estate from the Nomini Hall Plantation in Westmoreland County inherited from his father and called by Philip Fithian "one of the most beautiful homes on the Northern Neck".\textsuperscript{195} Carter was, however, unsuccessful in two tries at a Burgess seat from Westmoreland in 1752 and 1754. It has been suggested by a friendly biographer that growing up in alien Gloucester County disadvantaged Carter with the Westmoreland electorate.\textsuperscript{196} Carter never became
a political force in Westmoreland, as the Lee family pretty much controlled county politics. Louis Morton surmised that politics was just a social obligation for Carter, not a real interest. Carter furthered his political and social connections by marrying Frances Tasker, daughter of Benjamin Tasker, a leading member of the Maryland Council, as well as partner in the Baltimore Iron Works, which was one of the largest and most successful businesses in eighteenth century America. His new wife's uncle, Thomas Bladen, was a former governor of Maryland and a future member of the British Parliament.

In 1756, the twenty-eight year old political neophyte secured a recommendation for a Council seat from Governor Dinwiddie, the appointment finally coming in 1758. Carter later reimbursed the colonial agent James Abercrombie "for expenses incurred" in helping gain Carter his Council seat. Doubtless, Uncle Tom Bladen M.P. was also of assistance. In 1761, Carter left Nomini Hall to reside for the ensuing eleven years in Williamsburg. He gleefully wrote Bladen that he was leaving "my desert for a well inhabited country". Morton's biography of Robert Carter gives very short shrift to his Council activities and leaves the mistaken impression that Carter was not a very active member.
With "little experience and no political influence", Carter moved to Williamsburg, and purchased from his cousin Robert Carter Nicholas, a home on Palace Street, adjacent to the Governor's palace, known today as the Carter-Saunders House. Carter quickly became one of the social lions of the capital. Social activity in Williamsburg bloomed during "public times", when either the Courts or Assembly were in session. The lavishly furnished Carter home was the site for much formal and informal entertainment during the 1760s. Carter had a "good ear for music" and played in an ensemble that included Governor Fauquier and, on occasion, young Thomas Jefferson. His neighbors, and ultimately friends and intellectual companions, included Councillor William Nelson, Peyton Randolph, George Wythe, and Professor William Small. Carter accumulated a large library of some 1500 volumes, including works by Rousseau, Hume, Locke, Puffendorf, Grotius, Blackstone, and Bacon, as well as numerous musical works. L. G. Tyler described the Carter library as "the finest in America". Sometime during the 1760s, Carter, bought up the Ohio Company shares of Augustus Washington, the older brother of the future president.

In the 1770s Carter returned to his Westmoreland plantation, where he became a major proponent of wheat
farming and the use of tenant farmers (in place of slaves) in Northern Virginia. He was offered a seat on the Republican Council in 1776, but declined. History tends to remember most his post-1776 actions in emancipating his slaves and passing through a quick succession of religious conversions: Anglican, deist, Baptist, Swedeborgian, and Catholic. But during his tenure on the Colonial Council Carter was still the largest slave owner in Westmoreland, and an Anglican vestry member. Carter survived the Revolution, apparently making considerable profits from wartime supply contracts to the Colonial forces. He was also active in the management of the Baltimore Iron works, and ended his life in 1804 as a vocal anti-Federalist.

These four young grandees, Byrd, Tayloe, Lee and Carter, clearly lacked political experience when elevated to the Council, with a bare three sessions on the Burgesses among them. None seemed at home with politics, yet each served in the Council for over fifteen years, so it would seem a mistake to assume they were political lightweights. Further their wealth, social and economic connections, personal friendships, and blood relations with leading Colonial and British figures virtually guarantees they were men of influence.
C. The Fringe Players

Rounding out the 1763 Council were two other members representing neither power nor glory. One, came from a relatively undistinguished background, with little family wealth, and no politically powerful family lineage, yet was genuinely wanted on the Council by his peers. In contrast the other possessed the wealth and bloodlines traditionally expected of a Virginia Councilor, but was not wanted on the Council, not even by his own relatives. Interestingly, both of these men possessed significant prior political experience in the House of Burgesses. Also worth considering is a third man who by all rights should have been on the Council but was not, the only Virginia Commissary not appointed to the Council.

Presley Thornton, the most obscure of the Revolution era Councilors, was born in 1721. He inherited his plantation, Northumberland House, in Northumberland County, through his mothers family (the Presley’s), a clear sign of modest lineage. He was a reputed chum of both William Byrd III and John Robinson Jr. Though serving as a Burgess from Northumberland for over a decade, first during the famous 1748-49 session, and again from 1752 to 1761, he was not listed by Greene as an important member. As a Northern
Necker, he was a member of the Ohio Company and, like Philip Lee, a later member of the Mississippi Company. He also formed a business partnership in the Occoquan iron works with Councilor John Tayloe, who was apparently his brother-in-law. 208

Thornton's appointment to the Council in March 1761 was as replacement to Commissary Thomas Dawson, and his active participation began in October of that same year. The fourth consecutive appointment from the Northern Neck, and the fourth consecutive Ohio Company member, Thornton's selection creates a curious fact that invites future investigation. Apparently Thornton's popularity extended to both the Northern Neck faction and the John Robinson crowd. Two very interesting references supporting Thornton for a place on the Council exist. One, a 1758 letter from Councillor John Tayloe to Councillor William Byrd, confides sympathetically: "I have assurances of Lord Halifax's favor of our dear Presley [for the Council]." 209 A 1761 letter from George William Fairfax, a future Councillor, to his uncle by marriage, a member of Parliament, also recommends Thornton as a favorable Council candidate to the interests of the Northern Neck. 210 George Washington reputedly referred to Thornton as a "man of worth". 211 He died in December 1769. No Thorntons make the list of the one
hundred richest Virginians.

Robert Carter Burwell was not wanted on the Council. His views are so clouded that neither Anderson nor Main would venture any opinion as to political leanings—Whig or Tory. Burwell, however, possessed the fine bloodlines of the Burwell's of Gloucester County. His older brother, Lewis Burwell, sat on the Council in the 1740s and early 1750s, where he ascended to senior Councilor and acting Governor. Born in 1716, Robert Burwell was the first cousin of Councilor Robert Carter III and step-brother to Robert Carter Nicholas, Treasurer of the colony. He married the sister of the Nelson Others, and became a double in-law to William Nelson, who married Burwell's sister. Burwell's daughter married future Councillor John Page Jr. of Rosegill.

Variously called Bob and Robin, Burwell made his home in Isle of Wight County, which gave him the distinction of being the only Revolution era Council member from the south of the James. His plantation, "The Rocks" on Burwell Bay ten miles below Hog Island, actually included three plantations. Qualifying as one of Main's richest Virginians, Burwell also served, apparently without any great distinction, as a Burgesses from Isle of Wight from
Governor Fauquier had no intention of recommending Robert Burwell when a Council vacancy occurred in December 1761 due to the death of Philip Grymes. The Governor, instead recommended three other men "of character and consequence ... none of them out of reach of being fetched to a council on a days notice." One of Fauquier's recommendations was Lewis Burwell of Kingsmill plantation, James City County, son of the late Councillor Lewis Burwell, and nephew to Robert Carter Burwell. It may be speculated that Fauquier's particular interest in choosing someone within a days ride of Williamsburg, was related to the four straight Council appointment from the relatively inaccessible Northern Neck.

Robert Burwell, not his nephew, received the King's appointment in April 1762, and he presented himself to Council to take his oath on July 30, 1762. Evidently this appointment upset both the Governor and Council. Fauquier drafted a letter to the Board of Trade, but reviewed it first with the Council members William and Thomas Nelson, Corbin, Tayloe, and Carter. In it he lamented:

I must own I should never put this gentleman on my list, as not thinking him qualified ... as several other gentlemen ... the power and duty of a councillor
is very great and extensive and it requires gentlemen of the greatest abilities and most improved understanding, I must do Mr Burwell the justice to acknowledge that he is a gentleman of a very fine character, of a very good family, and of convenient situation, and their can be no objection to him but relates to his mental qualifications and unwarrantable impetuosity of temper.

If the Governor's opposition were not enough, Burwell's own brother in law Thomas Nelson drafted a Council resolution asking the British government to replace Burwell with someone more able and discreet. Owing to the fact that only five councilors were present at this July meeting, they deferred action until the October 1762 General Court session, when full Council attendance could be expected. No record, however, exists of this resolution ever being resurrected. The Board of Trade testily replied to Fauquier's criticism in a stinging letter of March 1763, that chastised the Governor and noted "that Mr. Burwell was recommended ... upon representation of many respectable persons." The British government went on to remind the Governor that his Instructions never "conveyed to the Governor any implicit right of actually filling the vacancies in the Council." They acknowledged respect for the Governors recommendation "but it would be carrying respect too far if [it] were construed to preclude a nomination ... of any other person." Fauquier saw the light, and sent an apology to the Board of Trade in May
in which he blamed the Council for the opposition to Burwell. Fauquier assured the British government that the discontent caused "on account of the commonly perceived opinion of Mr. Burwell's capacity ... is now subsided and no longer a problem." A contemporary observation of Burwell was "a shallow man, of no great fortune or influence." He died in 1777 at the age of sixty-one.

Some comment must be reserved for one man who did not become a Councillor. Of the six Commissaries representing the Bishop of London in Virginia, between 1690 and 1776, five unquestionably sat on the Council. Ironically the only Virginia born Commissary, became the only one denied the Council place. William Robinson was born in Middlesex County in 1716, son of Colonel Christopher Robinson, and in some way related to the powerful John Robinson clan. He received his B.A. from Oxford in 1740 and returned to Virginia to become pastor of Stratton Major parish in King and Queen County, which was the parish church of Richard Corbin and the John Robinsons. William Robinson apparently had some connections in the English church, as a relative of unclear degree, John Robinson, was Bishop of London during the 1740s. When Commissary and Council member Thomas Dawson died
in 1761, Bishop Thomas Sherlock of London appointed Robinson as Commissary in Dawson's place, but Presley Thornton obtained his seat on the Council. Bishop Sherlock died shortly thereafter, and it took until 1766 for Robinson to gain full recognition of this appointment from the Governor and the Assembly. Only then did the Virginia Assembly finally approve payment of his statutory salary.

Robinson's active participation in the Parson's Cause protest, which I will discuss later, appears to have been his major sin. He joined a small group of Anglican clergy which challenged the General Assembly's right to tamper with clergy salaries. Robinson also went on record to attack the conduct of Patrick Henry for raising constitutional and demagogic arguments against the rights of the Virginia clergy. Governor Fauquier actively corresponded with the Bishop of London in which he criticized Robinson as the cause of the sorry state of Anglican affairs in Virginia.

Robinson predeceased his Nemeses Fauquier by just a few months in January 1768. The denial of a Council seat to Robinson, indicates a reluctance by the Board of Trade to knowingly appoint someone who would antagonize the Governor or inflame political discontent, as contrasted to merely forcing a person of questionable competence, like Burwell,
onto the Council. Interestingly, the Bishop of London made no public effort to push the cause of Robinson.

Returning back to the twelve men identified as the Power, Glory, and margin of the 1763 Council, there is little apparent basis to view them as aristocrats in decline or outsiders in the colonial power structure. Fully eight of these men were experienced politicians, with significant service in the House of Burgesses, prior to their appointment to the Council. Even the four political novices were men of recognized stature. Included in this minority group of neophytes was the colony’s richest man, one of its most experienced military leaders, its most prominent "turfman", and the older brother of a famous Virginia patriot. Simply put, the 1763 Council was a big job seemingly filled by big men, therefore we must move on to the actual events of the 1763-1776 period to discover any justification for the Council’s maligned reputation.
CHAPTER VI.

THE CONSTITUTIONAL PREDICAMENT:

THE COUNCIL DURING THE FAUQUIER YEARS (1763-1768)

Governor Fauquier opened the first executive session of the Council in the new year of 1763 with official news of the long awaited peace agreement between the British and French, that terminated nearly a decade of military conflict in America. The French and Indian hostilities left Colonial Virginia mired in war debt, with uncertain Indian relations, confused over title to its western land, yet surprisingly sanguine about governing its own internal affairs without British interference. During the remaining five years of Francis Fauquier's tenure as Royal Lt. Governor Virginia tackled a host of domestic issues in an effort to restore both peace and prosperity to the colony. The colony also found itself confronted with Lord Grenville's Stamp Act. This British attempt to raise revenue in America by taxing public documents sparked an intense debate over the constitutionality of any tax measure not initiated and approved by their own colonial government. In all the matters from 1763 to 1768, the Virginia Council, however, exhibited a spirit of self assurance in discharging its governmental responsibilities fully equivalent to that of
the House of Burgesses.

A. Paper Money

Virginia financed its lengthy and costly French and Indian war effort by large issues of paper money. Interestingly one of the largest occurred in 1758, when the government was under Council President John Blair. The Council always approved these wartime issues, although after the 1758 capture of Fort Duquesne ended any direct French threat to Virginia, Councilor Richard Corbin began to question the continued need for costly military appropriations. In early 1762, the Burgesses, at the prompting of Governor Fauquier, passed, by huge margins, another fat paper money bill of 30,000 pounds, allegedly to finance a militia regiment in anticipation of a possible outbreak of war with Spain. Paper money was, however, an anathema to the creditor interests, who were forced to accept paper currency as legal tender. The exchange rate between Virginia paper currency and the English pound sterling fluctuated widely, and creditors felt themselves abused by the depreciated paper. A strong Council minority that included the Nelson brothers, Corbin, and Lee actively attempted to derail this 1762 Paper Money bill, which passed the Council by only a bare five to four margin. Councilors
Blair, Randolph, Tayloe, Carter and Thornton voted in favor. This Council battle fought between sound money advocates and those favoring increased currency circulation found future Patriot and Tory Councilors on both sides of the question. The one seeming common denominator in this 1762 vote was that three of the sound money men, the Nelsons and Corbin, were significant creditors. Philip Lee's vote against the easy money favored by most of the planter class, especially in his native Northern Neck, is difficult to explain. Carter, a paper money supporter in 1762, became a major creditor only later in life.

William Nelson, a reputed Patriot, criticized paper money for causing Virginia planters to consider themselves more affluent than they actually were, thus enticing them to become overextended with debt. Richard Corbin, a future Tory, agreed, and as Deputy Receiver of the Royal quitrents, had a special interest in exchange rate gyrations and paper money depreciation, as it prejudiced the value of his revenue collections. Any loss in paper money value also negatively affected Corbin's salary; but that was equally true of Deputy Auditor John Blair, who voted in support of the 1762 Paper Money bill. When Fauquier published a pamphlet in support of paper money in 1762, Councilor Corbin responded in a now lost counter-pamphlet
entitled "Some further Considerations on the Rise and Fall of Exchange, and how far it has (been) effected by Large Emissions of Paper Money with the Disadvantages from our Present Establishment of our Paper Currency to Credit and Trading Interests." 228

The four hard money Councilors "zeal in support of public credit and trading interests of Great Britain obliged them to dissent and show posterity that they tried to check the growth of the bitter herbs that will fall." 229 The four sent a written protestation to England, warning of an inadequate sinking fund to retire Virginia's paper notes and a resulting inflationary spiral in the colony. This appeal touched off an immediate stir from the merchants of London, Liverpool, and Glasgow, who quickly sent their own anti-paper money remonstrance to the Board of Trade. This action pressured the politically sensitive Board of Trade to, in turn, instruct Governor Fauquier to secure legislation straightaway from the Virginia General Assembly protecting British merchants from the ravages of paper currency. 230

With Council approval, Governor Fauquier called a General Assembly for May 1763, specifically to deal with British concerns over the Colony's paper money situation. The Peace of Paris cooled any immediate pressure in Virginia
for more military appropriations, and the Governor, switching his position from the prior year, now requested the Assembly to rein in paper currency and provide for its earliest possible retirement. The Council majority agreed, and expressed the need to assure the British, both government and merchant, that Virginia could put its post-war finances back on a secure and respected footing, in contrast to the paper money anarchy occurring in some Northern colonies. The Council passed a resolution, drafted by Corbin and Thomas Nelson, favoring legislation to protect creditors, and further, to defer to the judgement of the Board of Trade that the legal tender provisions of the outstanding paper issues in Virginia be voided (i.e., allow British merchants to collect their Virginia debts in sterling only). The Council in deference, either to its own limited constitutional role, or else to the remnant of easy money members still on its body, conditioned its recommendations with the caveat that only the Burgesses, not the Council, possessed the actual constitutional power to initiate money legislation in Virginia. 231

However, the Burgesses balked at passing the requested pro-creditor legislation. The Council thereupon attempted to fashion a compromise, acceptable to both the British and the Burgesses. Thomas Nelson and Richard Corbin drafted
another resolution, on May 19, 1763, that defended the original issuance of paper money as indispensable to meet British demands for military assistance from Virginia during the late war, and declaring that such legislation had always been enacted by the General Assembly in full accordance with "principles of Justice and Equity". The Council went on to acknowledge the sufficiency of the sinking fund's original construction, but candidly questioned its current adequacy in light of alleged corruption and inefficiencies by the county sheriffs in collecting the taxes which fueled the sinking fund.232

In one of the few examples of Council initiated legislation, Councilor Corbin proposed, and the May 1763 General Assembly passed, a bill to tighten up the tax collection procedures of county sheriffs.233 Responding to this Council initiated spirit of conciliation, the Burgesses repealed a pro-debtor insolvency bill they had adopted in 1762, and passed a small increase in taxes that the Council quickly approved. The Burgesses also promised a thorough investigation into the adequacy of the present sinking fund. Governor Fauquier, however, considered these small compromise actions insufficient to satisfy British demands for creditor protection. He therefore prorogued the Assembly after only three weeks in session, with the warning
that their inaction might force the British government to resolve the problem itself.234

The Council issued a final resolution at the close of the May 1763 Assembly maintaining its support for greater protection of British creditors, and deference to the wishes of the Board of Trade in fiscal matters, but reconfirmed its lack of constitutional power to initiate money bills.235 This resolution may be seen as a political straddle of the first degree, yet, within the limits of its constitutional role, the 1763 Council took a leadership position on the issue of sound money and creditor protection, all the while reminding the British of the constitutional prerogatives of the popularly elected branch of Virginia government.

Volatile currency fluctuations over the next several years drove hard currency from Virginia, hurt trans-Atlantic trade, and spurred the British Parliament to pass the Paper Currency bill of 1764, that extended to Virginia the prohibition on making future paper money legal tender and mandating adherence to a strict retirement schedule for outstanding paper issue.236 The Council continued to resist Burgess paper money schemes. In 1765, and again in 1767, the Council refused to approve Burgess bills to issue large amounts of non-legal tender paper money. William
Nelson wrote to British contacts: "I have observed that when we have a large quantity of money in circulation and it is easily obtained, it serves only to promote and cherish the spirit of extravagance which has been our ruin." Nelson opposed the 1765 and 1767 Burgess bills that would make paper money legal tender only in Virginia. Due to the British Currency Act of 1764, such a paper issue could not be used to satisfy debts to British merchants, thus Nelson questioned: "what people in their senses will emit a species for partial use and such as not to serve their principal purpose, that of paying their debts." 

B. The Parsons Cause.

The constitutional debate over the right of Virginia to legislate internal matters for itself without British interference, and the emergence of Patrick Henry as a patriot champion, flared in the famous Parsons Cause dispute that hung over the colony from 1755 until petering out in the mid-1760s. Poor tobacco harvests in 1755, and again in 1758, led the General Assembly, with Council approval, to pass taxpayer relief acts allowing public salaries to be paid in currency rather than tobacco. This legislation became known to history as the Two Penny Acts, because of the prescribed tobacco-to-currency exchange rate. These
laws, among other things, lowered the value of the salaries received by the colony's Anglican clergy, who received their income from the public till. An aggressive clique of the more intellectual and independent clergy, led by William and Mary religion professor John Camm, challenged the legality of the Two Penny Acts, pointing out that they did not contain the required suspension clause.

The Reverend Camm took his challenge to England and won a Privy Council decision in 1759 that voided the law. But the manner in which Camm and his co-conspirator the Reverend William Robinson reveled in this victory earned the enmity of Governor Fauquier and other Virginia leaders. This likely contributed to Robinson's later exclusion from the Council. Camm and his supporters subsequently filed suit in the county courts against their respective vestries to recover lost wages. The law suit in Hanover County brought by a Reverend Maury led to Patrick Henry's famous speech against the tyranny of British interference with Virginian self rule. Camm's own suit made it to the General Court in April 1764.

The Council had, of course, originally approved the Two Penny Acts. It had also issued a resolution, in October 1760, opposing the Camm appeal to the Privy Council, and had
publicly supported the inherent right of the General Assembly to pass necessary legislation. Now the Council, sitting as the General Court, in October 1764, rejected Camm's back pay appeal, but by a very close vote. Future Patriots, Blair and Tayloe, along with Tory Byrd, and Thornton and Burwell (of uncertain politics) voted as a majority against Camm. This action effectively ruled the Two Penny Act invalid only prospectively after its disallowance by the British government. Affected clergy thus were not entitled any back pay retroactive to the bills original passage. On the other side, reputed Patriots Randolph and Carter, along with Tory Corbin and Tory leaning Lee, unsuccesfully voted to allow Camm's recovery. The Nelson brothers abstained from voting in the case, as Camm was the minister of their York-Hampton parish. Regionalism did not appear evident in the vote, both the Northern Neckers and the James-York Councilors voted on both sides of the question. Neither vestry membership, nor legal training appear to been a determioning factor either. Thus the Parsons Cause did not disclose any clear ideological template for the Revolutionary stances later adopted by Virginia's Councilors.
C. The Stamp Act

By June 1764, news of an impending British Stamp Act reached Virginia. The General Assembly, called in October 1764, issued a stirring protest against such legislation in separate memorials to the King, House of Lords and House of Commons, declaring: "that the People are not subject to any taxes but such as are laid on them by their own consent, or by those legally appointed to represent them." \(^{240}\) These General Assembly memorials of 1764 insisted that Virginia's founding English ancestors brought with them the entire plethora of constitutional rights affixed to every freeborn Englishman, including taxation only by a representative legislature. The Assembly further asserted that Virginia's right of self taxation was confirmed by Royal charters and the precedence of one hundred and fifty years.

The original 1764 Stamp Act protest memorials were drafted by the Burgesses, but the Burgesses immediately asked for a "free conference" with Council representatives to revue the language. The Nelson brothers and Peter Randolph were named Council managers for this Council-Burgesses conference held in November, 1764. The Council representatives endorsed the address to the King, but made at least one amendment to the memorial to the Lords, and
several to that presented to the Commons. On November 17, 1764, the full Council with Blair, the Nelsons, Randolph, Carter, Thornton, and Burwell in attendance approved and endorsed the final versions of the Stamp Act protest memorials to be sent to the British government. Interestingly, not recorded as present on the day the protest memorials were approved, though present at other times during the October 1764 session, were future loyalist sympathizers: Corbin, Byrd, and Lee. However, the fact remains that the Council helped to draft, and then fully endorsed the official Stamp Act protest of the 1764 Virginia Assembly, insuring British recognition that the leadership of the Council and the Burgesses were united in challenging the legality of the Stamp Act.241

It was not until the end of the next session of the General Assembly, in May, 1765, that Patrick Henry led a rump group of Burgesses in passing his more famous and radical Stamp Act Resolves, which, thanks to aggressive Patriot pamphleteers, received wide circulation throughout America. Only about a third of the Burgesses were in actual attendance for these Resolves, and the largest majority gained by the "the hot and giddy" radicals was five votes.242 Thomas Jefferson later claimed seeing his mentor, Councillor Peter Randolph, feverishly examining
Journals to see if there was any precedent for expunging the radical votes. Governor Fauquier wanted to call the Assembly immediately back into session to publicly disavow the Henry inspired radicalism, but the Council majority recommended against it. "The point which was seriously debated was, whether in the present temper of the people it would be advisable to convene the Assembly at last was determined in the negative" The Council concluded that: "No good was to be expected from calling men together to consider cooling the circumstances of the times, when they were so heated as to shut up all avenues of reason, but on the contrary it was possibly more violent measures would have been proposed." 

The gentry leadership, whether in the Burgesses or the Council, did not seem to favor the radical efforts of the Henry group. Virginia did not send delegates to the 1765 Stamp Act Congress and the 1765 boycott of British imports was not effective in Virginia. On the contrary British imports actually seemed to have increased during this period. In October 1765, Governor Fauquier saw calm in the Tidewater, but agitation elsewhere. He expressed the hope that Virginia would "weather the storm which seems ready to burst over the northern colonies."
But more radical protest resolves, starting in Westmoreland County, home to Councilors Lee and Carter, began to emanate from other counties in 1765. They demanded no taxation without representation, declared tax supporters to be enemies of Virginia, and promised steps, including force, to resist the imposition of the Stamp Act. No Councillor signed any of these county resolves, but the brothers of Councilor Philip Lee were leaders of the Westmoreland protest. The dichotomy between this vitriolic dissent at the county level and the restrained protest by the Williamsburg leadership, both in the Council and the Burgesses, supports the view of Lucille Griffith and Rhys Isaac that revolutionary politics arose at the local level, not in Williamsburg. However, it also shows that the Council's more conservative patriotism was similar in kind to that of John Robinson, Richard Bland, Edward Pendleton, George Wythe, Peyton Randolph, and Archibald Carey, who constituted the Burgess leadership.

Unfortunately, the Stamp Agent appointed for Virginia, George Mercer, arrived in Virginia just when Williamsburg was in the political full bloom of its October 1765 General Court session. The capital citizenry insulted and harassed Mercer. The Governor and several unidentified Councilors sat with Mercer in a Williamsburg coffeehouse to protect him.
from attack by a mob. According to Fauquier the threatening hoard consisted, much to his surprise, largely of erstwhile respectable gentry and merchants, not the common riff raf. Mercer was quickly cowed into resigning his commission. 247

Ironically, Mercer originally sailed to London in 1763, on the strength of a letter of recommendation signed by prominent Virginia leaders, including Councilors John Blair and Peter Randolph, who endorsed Mercer for a sinecure in the British government. Buttressing this was an official Council resolution of June, 1763 signed by Blair, Randolph, the Nelson Brothers, Byrd, Thornton and Burwell, that further recommended Mercer for a British political appointment. 248 The position ultimately offered Mercer came in 1765 in the form the infamous post of Stamp agent. During the 1765-1766 Virginia protests over the Stamp act, Mercer accused one of the protest leaders, Richard Henry Lee, brother of Councillor Philip Lee, of having tried to secure the Stamp Agent's position for himself. This touched off a gentry feud between a faction supporting Mercer and another supporting Lee. The Randolphees sided with the Mercers, whereas Richard Corbin sided with the Lees. During the fracas a letter surfaced implying that Corbin had solicited his British contacts for the Stamp Agent position. Corbin admitted the solicitation, but claimed it was for a
unnamed friend, whom some believe was Richard Henry Lee. The lack of British revenue stamps threw the governmental machinery of Virginia into turmoil as the General Court, the Secretary, and the Surveyor General all fell under the stamp requirement. In the fall of 1765, county justices in the Piedmont and Northern Neck advised the Governor and the Council that they would decline to serve under any Stamp Act requirement. In its October General Court session the Council chose not to name replacements for the resigned county justices since "in few counties are [there] gentlemen enough properly educated and qualified to execute that trust." The Council, in its own capacity as both the General Court and the Court of Oyer and Terminer also suspended operation in the fall of 1765 lest it be accused of violating the Stamp Act. These court suspensions had the beneficent effect of halting all debt collection suits by British merchants. The Secretary, Thomas Nelson, apparently did not process land documents during 1765 and 1766. It does not appear that Surveyor General Randolph made any attempt to interfere with Virginia shipping operating without the required stamps.

The correspondence of William Nelson, Blair, and Carter show their opposition to the Stamp Act. But Deputy
Receiver Corbin, who worried that the anti-Stamp protest might broaden into a boycott against paying the King's quitrents that he was charged to collect, expressed his fervent hope that a British compromise could be found to: "reconcile the affections of the colonies to the mother country". Councilor John Tayloe endeavored to obtain a sample of gentry opinion for an agent of the British Secretary of State, Lord Shelburne, and solicited from Landon Carter an outline of the major points of Virginia's dispute with the Stamp Act.

In March 1766, the British Parliament repealed the Stamp Act. At the very next session of the General Assembly, in December 1766, Robert Carter formally expressed the Council's gratefulness for:

[Y]our Majesty's unbounded goodness and disinterested kindness of your parliament to repeal the late American Stamp Act.... We do with zeal and firmness never to be shaken promise our loyalty ... to your Majesty's sacred person and government, at the risque of our lives and fortunes.

William Nelson expressed privately a similar view:

You will easily imagine that the repeal of the Stamp Act hath put us into a good humor, it hath taken away the hateful cause of disgust and ill blood between the mother country and the colonies which might have brought on ruin of both. For believe me we are so connected in interest and mutual dependence on each other that we should have fallen together, so much justice, such moderation and tenderness shown on the part of our most great sovereign, his parliament and
ministers to procure the warmest returns of duty, gratitude, and obedience. 238

Nelson also thanked the British merchants for their efforts to secure the Stamp Act repeal as: "We ought not ... to forget ... the noble efforts of the merchants of London and elsewhere." 257

D. The Robinson Scandal

The drama of the Stamp Act was punctuated by the tragedy of the death, in 1766, of John Robinson Jr., Speaker of the House of Burgesses and Treasurer of the colony since 1738. Robinson's death had profound consequences because it touched off prolonged struggles. First, there was a battle for political control of the Burgesses that was not resolved until the 1770s, and a parallel scandal over Robinson's embezzlement of more than 100,000 pounds in retired Virginia paper notes, which he subsequently lent out to various friends and supporters. The squabble to fill the political vacuum led to a mild fight between the Randolph family and Robert Carter Nicholas, which ultimately led to the separation of the Speaker's post from that of the Treasurer. The Lee's, and presumably the Corbin's, supported Nicholas; Byrd favored the Randolphs; the Nelson's and Robert Carter seemed friends to both sides. But the Council held veto
power over the separation of these two key Burgess proposals to separate the offices, and did not finally approve the division until several years later. The negotiations to convince Peyton Randolph to leave his Attorney General post to take over the Speaker's office required Council agreement to the higher Speaker's salary needed to entice Randolph. In the political jockeying for a new Attorney General, Councilor Robert Carter actively attempted to influence his British contacts to procure the post for his friend George Wythe, but in the end the position went to another Randolph.

The Robinson scandal also touched the Council, after discovery, in 1766, that William Byrd III was the largest single borrower of Robinson's misappropriated funds. Byrd had obtained over 10,000 pounds in Virginia notes from Robinson. Other benefactors of Robinson's illegal largess were Ralph Wormeley IV (father of future councillor Ralph V), and Carter Braxton (Richard Corbin's son-in-law). No other Councillor shows up as a Robinson accomplice.

However, the Council could not avoid the smear of the Robinson mess. In June 1766, John Robinson's brother-in-law, John Chiswell, was arrested for the murder of a Scotch trader during a drunken brawl in Cumberland County. The
well connected Chiswell also happened to be brother-in-law to Councillor Peter Randolph. Chiswell, after being denied bail by the county court, was then transported by the Cumberland sheriff to the Gaol in Williamsburg for trial before the General Court. Prior to reaching his appointed destination, the sheriff was intercepted by three Councilors on horseback—John Blair, William Byrd, and Presley Thornton. The Councilors demanded custody of poor Chiswell, and thereafter, on their own authority, released him on bail. This incident caused an immediate storm of protest in the colony, that flooded the *Virginia Gazette* with articles attacking the three Councilors as cronies of Robinson, and for abusing their judicial authority.

One protest letter in the *Virginia Gazette* lamented that: "In the present state of things, fellow subjects live only at the discretion of the sublime Board [Council], a Board, which having an unreasonable power by law already, should at least be prevented from usurping one, subversive both of law and reason." The article went on to maintain that the sheriff had the legal obligation to deliver Chiswell to jail and the Council was "no less than others of his majesty's subjects bound to obey his legal commands." Council action to alter this law "is to effect a revolution." Richard Henry Lee, expressed concern that
the Virginia Council enjoyed more power than even the British House of Lords, and complained that:

The security therefor which the constitution derives in Britain from the House of Lords is here entirely wanting, and the just equilibrium destroyed by two parts of three of the Legislature being in the same hands... By this injudicious combination the executive, two-thirds of the legislative and the whole of the judiciary are in the same body....

Eighty year old John Blair penned a defense, insisting that the release was done within the color of law, only after discussions with eminent lawyers, and following testimony from credible witnesses that laid doubt on the guilt of Chiswell. William Byrd unsuccessfully pushed for a grand jury indictment of the publishers of the *Virginia Gazette* for criminal libel in printing the hostile anti-Council letters. Besides the allegation of political favoritism, the public also debated the constitutional argument of whether the General Court, and the Councilors individually, had any right to set bail for felons, or whether the right to bail was instead limited by precedent to county justices. Robert Carter, declaring no personal interest in the politics of the Chiswell flap, defended the Council's right to grant bail:

I shall neither applaud nor censure my bretherens act ... but the only point I beg to examine is, whether their (act) of bailing, was legal or not ... It has always been said that the judges of the General Court are vested with equal authority here as is the judges of the King's Bench in England, and they bail offenders who have committed homicide....
William Nelson commented to his British factor that the two great subjects that engaged the thought of the people of Virginia during 1766 were the death of the Speaker and poor Chiswell's unfortunate conduct, and "perhaps too much has been said upon both."268

E. Government Relations

Relations between Governor Fauquier and the Council seem to have been very good. The Council certainly praised him effusively after his death in March 1768. Fauquier's friendship with Councilors William Nelson and Robert Carter appears especially close. These two, along with Burgess leaders Peyton Randolph and George Wythe, formed a tight fraternity. During Fauquier's final illness he resided with William Nelson. After his death, the four friends were named co-executors of the Fauquier estate, that bequeathed to them four diamond rings cut from the same stone. Fauquier's will requested that his four friends wear the rings "in remembrance of a man who loved them and dies in the belief that they loved him."269 Robert Carter accompanied Fauquier on his intercolonial missions to New York in 1762 and then to South Carolina in 1763.270

The Councils good relations with the Executive, were
complemented by its active legislative role during the 1763 to 1768 period. No foil to the Burgesses, the Council fully participated in the controversial issues of the day, not hesitating to disagree with the lower House. Two different Houses of Burgess met during the Fauquier years. The first, originally elected in 1761, found itself dissolved by the Governor after the radical Stamp Act protests of 1765. John Robinson Jr. was its leader, with Pendleton, Wythe, Bland and Peyton Randolph the chief lieutenants. The General Assembly met four times between 1763 and 1765. It was called for three weeks in May 1763 to deal, unsuccessfully, with the paper money crisis. It was called into session again in January 1764 for two weeks to raise troops for Potiac's uprising in the Northwest. It convened again in October 1764 for a long two month session to conduct general business, and then reconvened for a final time in May 1765 to conclude the 1764 business session. John Blair presided over the Council during all these Assembly sessions; there were no changes in the Council membership during this period.

During the May 1763 Assembly session, Blair, the Nelsons, Randolph, Corbin, Byrd, Carter, and Burwell appear diligent in their attendance. Jackson Main assumed a general lack of Council involvement from the fact that at
this legislative session the Council passed, without amendment, all the House bills. But it must be recalled that during this short Assembly the Council fought a significant battle over paper money, which led to a resolution by Corbin and Tom Nelson critical of the Burgesses. Further, it was the Council that, in fact, initiated the Sheriffs Reform act, providing one of the few concrete responses by the 1763 Assembly to the British demands for creditor protection.

Unlike the Burgesses, the Council did not sit adjourned for the remaining forty-nine weeks of the year. Instead during 1763 the Councilors met for four court sessions of two to four weeks each, as well as in fifteen recorded executive sessions. Heavy on the Board's agenda were foreign affairs. At the start of 1763, as news of the Peace of Paris leaked back from Europe, the Council was concluding a diplomatic mission by Corbin and Burwell to secure Virginia's own peace with Pedro Bermudez, Captain of a stranded Spanish merchant ship, that had been looted by an anti-Spanish mob in Norfolk. The Council, which was very concerned over possible negative repercussions with Spain, did not want Virginia to contribute again to the start of international hostilities, as it had a decade before. Corbin and Burwell apparently worked out a restitution
agreement agreeable to the Spanish captain.

Indian affairs also formed a large part of their executive deliberations in 1763, as it would almost every subsequent year. The Council helped Governor Fauquier prepare for a major conference between the governors of all the southern colonies and the Cherokee Indians, held at Augusta, Georgia, in late 1763, to work out a post-war peace on the colonial frontier. Councillor Carter accompanied Fauquier on this trip. The Council also recommended a 500 pound bonus for two of its own Indian negotiators, Peter Randolph and William Byrd, for their efforts and personal expense in facilitating the 1756 Cherokee and Catawba treaties. They communicated this recommendation, together with the further request that the payment come from the King's quitrents, directly to the Committee of Correspondence for transmittal to Agent Montague, demonstrating that the Burgesses were not in exclusive control of this first Committee of Correspondence. In 1763 the Council also reviewed and approved Dr. Thomas Walker' trip into Kentucky, as well as the petition by the Dismal Swamp Company for a large land grant in the southeastern barrens. Councilors William Nelson and Robert Burwell were partners in the Dismal Swamp Company, along with George Washington.273
The Pontiac uprising quickly became a leading topic at Council's executive meetings during the summer of 1763. Most of these 1763 executive sessions were attended only by Blair, the Nelson brothers, Carter and Burwell. But a full Council meeting was called in August to discuss the Indian war breaking out along Virginia's northwest frontier. The Council did not agree with Fauquier's request for the calling of an Assembly to consider war preparations. "The Council ... were of the opinion that calling the Assembly would be of no use ... , that troops would not be approved [by the Burgesses]." Instead, they advised the Governor that he already possessed the inherent authority as commander in chief to draft militia in those frontier counties actually under threat of Indian attack, thereby obviating any need for Burgess approval. The Council continued to monitor frontier conditions throughout the year, calling for relaxation of military readiness in the southwest, but heightened preparation in the northwest. They reviewed the state of military stores, requesting replenishment from the British government. In addition, the Council went about its typically heavy workload of clearing up land title disputes, appointing county sheriff and justices, and reviewing the colony's revenue and expense records.
The Governor called two General Assemblies during 1764. In January 1764, Fauquier held the Assembly, that the Council had talked him out of calling the previous summer, to raise troops as requested by the British government to help fight the Indian uprising in the Ohio forks region. This session lasted only ten days and led to the result Council predicted. The Burgesses would not fund troops to assist the British military in retaliation for British opposition to the colony's paper money proposals. The Governor fell back on the expedient originally suggested by Council, that he already possessed authority to increase the militia in the frontier counties. William Byrd, and the Governor's boon confidant, Robert Carter, drafted a Council resolution supporting the Governors unilateral action to raise frontier troops.

During this January 1764 Assembly, the Council rejected two significant House bills. They stepped in to protect the Nottoway and Nansemond Indian reservations from the depredations of a bill that would have allowed Indian land to be sold to pay off personal debts. They also rejected the Burgesses' demand to receive their salary in currency rather than tobacco because Virginia law allowed this only if sufficient surplus revenue existed in the colony's treasury. Apparently the Council disagreed with the
Burgesses over the existence of such a surplus, or, perhaps, the Council just played hard ball politics for some unknown reason. Blair presided, and the Nelsons, Randolph, Byrd, Corbin, Carter, and Burwell attended this rare winter legislative session. The Northern Neck members were conspicuously absent, which was not surprising, considering the likely January weather and poor travel conditions.277

A more weighty two month General Assembly was held, beginning in late October 1764, principally to again obtain some Virginia concessions on paper money issue. Apparently a logjam of other general business also existed. This session lasted until the Christmas holidays, after which Fauquier adjourned it until May 1765. This maneuver saved the Assembly from having to reintroduce bills in 1765 that had not been acted on when the 1764 holiday recess came. During this session the Council helped draft the anti-Stamp Act memorials and sent them off to the British government as full partners in an official protest of Virginia’s violated constitutional rights.278

In housekeeping matters, the Council traditionally opened all their legislative sessions at noon, one hour later than the opening of the Burgesses. After the Burgesses passed a bill, a senior lower house member would
carry it to the Council’s upstairs chamber. Any Council answer would be sent via the Council Clerk back to the Burgesses. Copies of parliamentary legislation, together with letters received by the Governor requiring consideration by the Assembly, as well as miscellaneous correspondence were all deposited with the Council Clerk for review by members of both houses. 279

The October 1764 Assembly was fully attended by all of the Councilors. In general they endorsed the Burgesses legislative efforts but rejected a Burgesses’ bill to reduce parish responsibility for the support of bastard children, and they also amended bills restricting entry of North Carolina cattle into Virginia, encouraged settlement of Alexandria and Falmouth towns, and allowed tenants in tail to lease out the land. 280

Few records of the 1764 executive sessions survive. However, in one recorded executive session, Surveyor General Randolph obtained the Council’s advice on improving the collection of import duties. The Council recommended that Randolph bend the wording of the British law to a more practical application. Secretary Tom Nelson also solicited Council advice on an impossible request by the Board of Trade to furnish a complete list of all Virginia land
grants. Nelson complained of the: "endless work, and the imperfect satisfaction it would, if ever finished, afford."

The Council advised sending just the rent roles, imperfect as they were, as Virginia's best records of land ownership. Blair, Tom Nelson, and Corbin were assigned the task of drafting an official Council response to the Board of Trade on the sorry state of land grant documentation.  

The General Assembly, reconvened in May 1765 to complete the business of the 1764 session, remains noteworthy as the first Assembly attended by Patrick Henry, who fashioned the famous Stamp Act Resolves, that ultimately led to the Assembly's dissolution. The May 1765 Council included all but Tayloe and Lee, and aggressively refashioned much Burgesses legislation. Again they rejected a House request to be paid in currency, they rejected a bill restricting the rights of abutting landowners to construct dams and other private obstructions to water flow, turned down a bill to reduce the number of court days in certain western counties, as well as overturned an act barring hogs from running wild in towns. Council amendments were also made to acts involving the slave trade, debtor imprisonment, sale of surplus military equipment, and the terms of indentured servants. The Council also turned down, as previously discussed, a House
plan for non-legal tender paper money. The common thread in Council's legislative actions seems the protection of property and creditor rights. The Council's refusal to reduce court days in western counties, for example, protected creditor access to county courts to bring debt recovery suits.

The Nelson brothers and Byrd participated as the Council representatives in a joint conference with the Burgesses in May 1765 to attempt a compromise on paper money, but the Council, whether from sensitivity to British demands, or from an honest objection to inflated money by a pro-creditor Council majority, refused to back down from its opposition. The Council also stood its ground in refusing to pass proposed amendments to the important Tobacco Inspection Act. The Burgesses came back with a compromise, but the Council refused to drop its objection on this matter either. As some concession of comity to the lower House, the Council reversed itself on the Burgess salary issue (a budget surplus magically appearing), and finally approved the standing House request to be paid in money instead of tobacco, passing an ingeniously named "Act for the ease and relief of the people".

The executive sessions of 1765 show the Council gravely
burdened with problems on the Cherokee border in southwest Virginia. A band of frontier vigilantes, known as the Augusta Boys, in communicative alliance with the more famous Paxton Boys of western Pennsylvania, created havoc by attacking peaceful Indians. Governor Fauquier suggested calling out the militia to protect the Indians, but the Council objected, as it "might be attended with very fatal consequences, as it would send one part of the colony against the other, and sow the seeds of a civil war."

Instead, they gave some sage advice to the Indians--avoid the area--and recommended that a commission investigate and render "an impartial and whole account".  

The Council also had responsibility for reviewing clemency requests from convicted felons, and then passing their recommendations on to the Privy Council. During one 1765 executive meeting, the Council recommended clemency for several convicted murderers, including an Indian woman, whom "had she been a white woman, the jury would have altered their verdict to manslaughter."

Fauquier dissolved the Burgesses in May 1765 on account of the Henry Stamp Act Resolves, probably hoping to convince the British government that he was not suffering rebellious colonials. Fauquier wisely avoided calling another General
Assembly until November 1766, well after receiving confirmation of repeal of the odorous Stamp Act. A new Burgesses, elected in the summer of 1765, contained over forty new members. Landon Carter (Robert Carter's uncle), Richard Henry Lee (Philip Lee's brother), and John Blair Jr. (John Sr.'s son) were identified by Jack Greene as joining the leadership ranks of the Burgesses. The Council returned in 1766 with the same membership.

Governor Fauquier called the November 1766 Assembly, both to announce the Stamp Act's repeal, and, more importantly, to obtain a counterbalancing resolution of contrition from the Virginia legislature. He suggested that Virginia needed "cool and considered reflection ... of its past actions ... the crisis is great and if not properly and seriously attended to may be very alarming." All the Councilors attended, and Corbin and Thornton were called upon to draft an olive branch reply to the British. The Council recognized:

the prudence of his Majesty's conduct and the wisdom of his councils, by which the grievances of America have been redressed and their trade encouraged... The late disturbance upon this continent, of so alarming and dangerous a tendency, was stopped in its progress by the prudence of his majesty's conduct, and the wisdom of his councils, which secured, and fixed, the Happiness of America, upon the true bond of public liberty.
The Council also pointedly stressed its appreciation for the additional British good will in opening Jamaica and Dominica trade to Virginia which was a particular boon to West Indies trader, William Nelson. The Council expressed a sincere thank you, but not contrition.

John Robinson's death and the resulting scandal created a major sidebar to the 1766 Assembly. The Council discussed, but did not approve, the Burgesses proposal to separate the Speaker and Treasurer's positions, even though it appears that some Councilors favored a compromise. Again the lack of candid records make it difficult to determine whether Council opposition stemmed from constitutional concerns or from the practical politics of getting the right candidates selected for these new offices. Councilor Byrd benefitted greatly from the plan proposed by Edward Pendleton, chief executor of the Robinson estate, to allow recipient's of the illegal Robinson loans to pay the estate back over three years, as, in Pendleton's view any faster collection "would ruin many families."

Other than its obstinacy over the Speaker/Treasurer issue, the Council was very supportive of the Burgesses legislative package during the 1766 General Assembly. It amended only a few acts, including one "for the relief of
such Persons as have been prevented from Recording Deeds and Other Instruments within the Time prescribed by Law by the Occlusion of the Courts of Justice during the Confusion lately created by the Act of Parliament for imposing Stamp Duties in America."

No records exist for any executive session of Council in 1766.

The final Assembly of the Fauquier term as Governor was the short four day session held in March 1767, called to deal with the Governor's concern that Virginia needed to build a lunatic hospital, as the current practice of confining the insane to jail might be illegal. The Northern Neck contingent of Lee, Tayloe and Thornton did not attend this session, which never did approve the desired hospital. Councilor William Byrd later followed up on this matter, corresponding with his in laws in Philadelphia, to discuss the feasibility of sending Virginia's insane to the newly built hospital in that city.

The Council acted more aggressively in placing its own mark on the legislation of 1767, than it had in 1766. It amended bills allowing the Germans in the Shenandoah Valley to inherit land, the taxation of court costs to unsuccessful plaintiffs, and the bridging of the Appomattox River. The Council rejected a bill to encourage settlement in the Upper
Augusta county. Their most astute money men, William Nelson and Richard Corbin, reviewed the Burgess audit of the Robinson mess, which revealed that the Robinson estate owed over 100,000 pounds to the colony.²⁹³

More significantly, the Council again blocked a Burgess scheme to issue 200,000 pounds of non-legal tender paper money, to be loaned out to the planters at five percent and redeemed in fifteen years with a new taxes on tobacco and rum. Interestingly, this 1767 paper money plan was referred to as "the John Blair Jr. plan ", which is not surprising since his father, Councillor John Blair, had supported paper money issues both as acting Governor and during the critical 1762 Council vote. However, the Nelson brothers and Philip Lee, opponents of paper money at least as far back as 1762, were named as the Council's representatives on the joint conference to review the Burgess proposal. Predictably, the Council was not moved from its objection. The rebuffed Burgesses, less willing to accept defeat this time around, sent a copy of their paper money plan directly to their London agent, Edward Montague, with instructions for him to circulate it as a trial balloon with his British contacts.²⁹⁴ William Nelson objected to this "money borrowing scheme" because it was merely "designed to serve a few impoverished men" who had run up
large debts when credit was easy. Council opposed having to mortgage their estates again after just "emancipating themselves from a state of bondage" created by the French and Indian war debt. 295

The few recorded fragments of executive Council meetings during 1767, again show a concentration on Indian matters, with Blair, the Nelsons, Carter, Corbin, and Burwell the mainstays of its deliberations. Damages due the Cherokee for the depredations of the Augusta boys were discussed and unanimously approved by the Council in November 1767. The Council also condemned the actions of Virginia traders in making private peace agreements with the Ohio Indians, and stressed the need for Virginians to work through the British Indian Superintendents. Much discussion took place regarding Indian Superintendent John Stuart's request that Virginia fix a formal border with the Cherokee. 296

F. The Committee of Correspondence

After the arrival of Governor Fauquier in 1758, the Burgesses were able to negotiate agreement to a bill allowing them to have their own London agent. Subsequent to 1759, Virginia had two separate British agents, James
Abercrombie, the official agent of the Royal Government in Virginia, and Edward Montague, agent for the General Assembly. In February 1759, the General Assembly set up a Committee of Correspondence as the communication link and supervisory authority to direct the actions of their new agent.

This Committee, naturally, included the Burgess leadership, but it also contained four Councilors as well. The Nelson Brothers, and Peter Randolph were among the original Councilors appointed to the Committee of Correspondence: John Blair and Robert Carter joined later with the enlargement of the Committee's size in 1763. Councilor William Nelson was named the original chairman in 1759, and some reference exists to Blair being its chairman at a later date.\(^{297}\) The Committee's membership was solicited with great care according to E. I. Miller, they had to be men "experienced with the politics and economics of Virginia, who knew British reactions, and had good judgement and were loyal to Virginia."\(^{298}\)

The Council and Burgesses leadership worked in genuine partnership in running this Committee from 1759 through the Stamp and Townshend Act difficulties up to 1768.\(^{299}\) The Committee of Correspondence, with Council member
involvement, lobbied for British support on a number of political issues important to Virginia, including permission to pass their own insolvency law, the elimination of a discriminatory British salt import tax (New England was exempted), and non-interference with the Virginia plan to retire its paper money. The Nelson brothers, both on the Committee, even questioned, in 1763, the high charges of the rival agent, Abercrombie. In contrast, it appears that Richard Corbin remained an Abercrombie intimate, and an opponent of the idea of a separate agent for the Assembly. In January 1764, the Committee, which included the Nelsons, Blair and Carter, drafted letters of complaint against the Sugar Act citing the "injustices of laying duties on and raising taxes on internal trade of the colony without consent."

The Committee of Correspondence took a strong stand against the Stamp Acts and issued a letter to its agent in June 1765 (after the radical Henry Resolves), setting forth the American constitutional arguments as well as any other piece of contemporary literature. Claiming the proposed Stamp Act to be bad precedent and of unconstitutional proportions, they argued it was better to let the colonies voluntarily raise the needed revenue themselves. The Committee made the internal/external tax distinction,
asserting only the latter as a legitimate area for British action. Seeking "to avert a storm so very replete with the most dangerous consequences", the 1765 Committee warned the British that it strongly believed: "that no man or body of men ... have a right to do anything contrary to reason and justice, or can tend to the destruction of the Constitution" If the British needed to raise money in the colonies, the Committee demanded that they do it constitutionally. The Committee also asked both of their London agents to work diligently for repeal of the Stamp Act in conjunction with other colonial agents, and to begin researching all the British records and charters bearing on the specific rights granted to the Virginian government. Councilors Blair, the Nelson brothers, Randolph, and Carter all were apparent parties to these actions.

G. Planter Debt

Planter debt has been viewed as a possible cause of Virginia's ultimate Rebellious stance. As some of the more prominent planters in the colony sat on the Council, their views and experiences on the debt question seem worth reviewing. The 1763 peace brought optimism for an improved economic future, such as Presley Thornton expressed in a
1764 letter of encouragement to the troubled William Byrd.\textsuperscript{303} The source of much planter red ink lay in liberal credit availability, especially from the aggressive swarm of Scotch factors roaming mid-eighteenth century Virginia, causing gentry planters to accumulate great debt in the heady days of rising tobacco prices from 1745 to 1760. Unfortunately tobacco shipments declined in 1760s, specie and capital dried up, and several very bad tobacco crops in 1766 and 1767 made the gentry "uneasy, peevish, and ready to murmur at every occurrence because of their debt".\textsuperscript{304} Complicating all this, was the great fluctuation in exchange rates for both Virginia paper money, and for the bills of exchange drawn on the various British merchants that also circulated as colonial currency. This, in turn, led to large scale speculation and discounting in money and exchange notes. Contemporary accounts describe Williamsburg as filled with money changers during the monthes of the regular Court sessions.\textsuperscript{305} Matters became so complicated that even Virginia's experienced tobacco traders, like William Nelson, confessed confusion.\textsuperscript{306}

The Council represented the richest element in the Virginia economy, and the Nelsons, Corbin, and Carter, in particular embodied the native creditor class. William Nelson had little sympathy with the extravagant ways of the
Virginia planters, but in 1767, even he could not pay his debts to his London factor, principally because he could not collect the debts owed to him by his own Virginia customers. William Nelson believed that the Virginia gentry lacked "any spirit of enterprise", living beyond their means and raising money by drawing on bills of their British merchants which they knew would not be covered. Thomas Nelson remarked that: "our country is at present in so deplorable a situation that a person who may have thousands due him can command no more than he who has little or nothing."

Corbin likewise complained that "if luxury still prevails and extravagance continues all hope of recovery will be lost for the generation." So few Virginian's had "just notions of credit" according to Corbin that it rendered "the collection of money troublesome" Robert Carter, the richest man in Virginia, protested that "the produce of my land and negroes will scarcely pay the demand requisite to keep them." The threat by the Scottish factors to the good living the larger Tidewater planters had made brokering tobacco for the smaller gentry worried William Nelson. He feared that the Scots low cost shipping advantages would ultimately allow them to dominate trade and manipulating prices in Virginia. Robert Carter also showed an anti-Scotch bias, refusing to hire a Scottish
tutor for his children, for fear they would be infected with an undesirable accent.\textsuperscript{312}

On the other side of the spectrum stood William Byrd III, who was one of the colony's biggest debtors. Byrd inherited a large debt from his father, but his inveterate gambling, together with his 1756-1762 flight to escape both his wife and mother, placed his finances in very bad condition. In 1756, Byrd deeded most of his property to a group of trustees that included Councilors Peter Randolph, John Tayloe, Presley Thornton, and future Councillor John Page of North End. The Trustees immediately began to sell off his property to pay debts. Randolph wrote Byrd that the poor economy and lack of specie in the colony made it hard to get a decent price for his land, and that as hard as it was to break up Negroes families, it would be more profitable to sell some of his slaves.\textsuperscript{313}

The 1766 Robinson scandal drew Byrd deeper into a financial morass of no escape. It is not clear whether his reported 10,000-15,000 pound debt to the Robinson estate included an 8000 pound debt owed Robinson in conjunction with a failed lead mine venture he partnered with Robinson and Chiswell in Fincastle County.\textsuperscript{314} A business venture with Presley Thornton in an iron forge along the James River
likewise failed to return the expected profit. A French traveller, visiting Williamsburg in 1765, acquainted himself: "with all the professional gamesters, especially Col. Byrd, who is never happy but when he has the box and dice in hand." 

Byrd and his Trustees put together a scheme during 1767 to raise money by selling off most of his remaining property, including Belvedere, his Richmond town lots, and his rights to tobacco warehouses and ferries along portions of the James River, via a massive lottery. Advertisements for five pound chances to win one of the 839 prizes (valued at some 56,000 pounds) were posted in the *Virginia* and *Pennsylvania Gazettes*. An unsuccessful effort was also made to sell tickets in England. Several Byrd creditors tried to recover their money by lawsuit, but as one creditor found after attempting to employ several attorneys "to prosecute the suit against Byrd, ... all refused as they did not choose to be concerned in a suit against a councillor." One creditor who successfully sued Byrd was fellow Councilor Robert Carter, who as executor of the Tasker estate, took Byrd to court during the 1765-1768 period to recover what may have been a large horse racing debt.
Throughout its existence, the Council acted as Virginia's primary dispenser of land grants, with many individual Councilors prospering thereby. Prior to the French and Indian War, many of the Councilors joined western land companies speculating on settlement beyond the Allegheny Mountains. The more Loyal and Greenbriar Companies boasted Councilors Thomas Nelson, Corbin, Ludwell, and Randolph among their active partners. John Blair and Richard Corbin formed their own western land companies, while Lee, Tayloe and Thornton were members of the Ohio Company. Carter later bought into in the Ohio Company during the 1760s. Competition over trans-Allegheny riches largely died out during the French and Indian conflict, replaced by cooperation between all Virginia factions to regain control of the west from their French and the Indian enemies.

Peace after 1763 failed to restore the Council to its previous power as great western land broker for a number of reasons. In 1753 the British government restricted Council's right to make land grants larger than 1000 acres per individual petitioner. It was easy to evade this limit by making numerous individual grants to every friend and
relative of the real party in interest. However, this new British policy was a clear sign that the British intended to curb Council power over the King’s land. The Treaty of Easton between the British and the Ohio and Six Nation Indian tribes, barred trans-Allegheny settlement, but Virginia resisted recognizing this treaty as binding, as it would put the Loyal, Ohio, Blair and other western land companies out of business. After the Peace of Paris, the British government, fearing that western settlement threatened to set off a major Indian war, issued its Proclamation of 1763, which barred settlement beyond the crest of the Allegheny Mountains. The British further reduced the authority of Virginia Council to negotiate peace or regulate trade with the Indians, by transferring this function to a newly created British bureaucracy of Indian Superintendents, who reported directly to the Board of Trade in London.

In loyal compliance with these British restrictions, the Council turned down a rush of 1763 requests for reconfirmations of pre-war land grants. The Council even turned down such a request from the politically connected Loyal Land Company. Councilor Blair backed off his own western claims, and instead supported obedience to the British Proclamation. Several prominent Virginians,
including some on the Council, however, let it be known that they believed the 1763 Proclamation restriction were only temporary. In 1763, several Ohio Company partners formed the Mississippi Company in an attempt to obtain land grants in the Mississippi Valley directly from the British government, bypassing the Virginia Council. Councilors Philip Lee and Presley Thornton (along with George Washington) were part of this unsuccessful effort. Councilors interested in land speculation were thus forced to look east. William Nelson led a group that included Robert Burwell (and George Washington), which obtained a large Council grant of land in the Great Dismal Swamp. Councillor Byrd was particularly impacted by the 1763 Proclamation, the lead mine venture he had hoped would extract him from debt fell along a gray border area, and was soon left unprotected when settlers pulled back to comply with the 1763 British Proclamation.

I. Coming of the Townshend Acts

The thaw of harmonious relations caused by the Stamp Act repeal in 1766 lasted only until the Townshend Act duties on the colonial importation of glass, tea, lead, paper, and painters colors passed the Parliament in June
1767. By the end of that year Boston had formed a Non-Import Association and sent circulars to the other colonies for support. William Nelson bewailed the corruption and decline of a British government run by:

[S]ome great Lord or rich commoner, and bought and sold a whole borough at a time, as we purchase a cargo of slaves.... Poor old England, she seems to have passed the summit of her power and grandeur and to be verging fast to her decline.... [H]asn't the fall of kingdoms ... generally been preceded ... by venality and corruption.

Nelson particularly feared the return of Grenville to power in Britain:, with his policy of restricting trade between America and the Spanish territories:

This is one of our singular obligations to the author of the Stamp Act, and yet they tell me this man is to be in the Ministry. Poor America, what hast thou to expect and dread from such a man, when in power? Resentment perhaps, revenge from his last disappointment, will set them in no very favorable point of view, before him but plague on the great little fellows, who bellow at their country's supreme authority over the colonies and are only all the time jostling, cropping, and jockeying, in hope to unhorse some jockey that they themselves may mount the saddle.

Thus during the five years following the French and Indian War the Council publicaly stood alongside the Burgess leadership to express criticism of the British Stamp and Townshend Acts. Nor was the Council reticent during this period to challenge the House of Burgesses, especially in regard to such consequential issues
as paper money, the Robinson scandal, and Indian relations. The Councilor's participation on the Committee of Correspondence and in the inter-colonial missions of Governor Fauquier affords additional evidence that they still possessed a high level of influence and respect in the colony. Therefore between 1763 and 1768 the Virginia Council did not carry the air of an inferior institution.
CHAPTER VII.

THE CHIMERA OF SELF RULE:

THE COUNCIL FROM 1768 TO 1771

From the death of Governor Fauquier, in March 1768, until the arrival of Lord Dunmore as Governor in September 1771, the Virginia gentry experienced a springtime of virtual self rule. These times were not entirely a calm before the storm of Revolution. During this period occurred America's protest of the Townshend Acts, the landing of British troops in Boston, the Boston Massacre, the quartering of British troops in American homes, the suspension of the New York legislature, and the British threat to bring political criminals to England for trial. But in Virginia these years saw the colony twice governed by its own Council Presidents: John Blair (March to October 1768); and then William Nelson (from October 1770 until September 1771). In between these two native acting Governors, ruled Virginia's most accommodating Royal Governor, Norborne Berkeley, Baron de Botetourt.
A. Membership Changes

Council membership had remained remarkably stable from 1762 to 1767 composed of eleven active Councilors, presided over by ancient John Blair, and with Philip Ludwell a permanent absentee. Between 1768 and 1771, however, four new Councilors took their seats and a fifth received appointment but never came to Virginia. Effectively, therefore, one-third of the 1767 Council membership turned over by 1771. Both Surveyor-General Peter Randolph and the absentee Philip Ludwell died in 1767, Presley Thornton followed in 1769, and the venerable John Blair Sr. resigned, at age 83, in November 1770. Replacing the loss of a man of Blair's stature and experience (four times acting Governor, senior Councilor since 1758, link to an era before Virginia ever traversed the Blue Ridge, and a major political force in the colony for a quarter century) proved impossible. The void left by Peter Randolph, well connected in both Britain and Virginia, and holder of one of the most important Royal offices in America, hurt as well. The replacement of Ludwell and Thornton, by contrast, provided the Council with an opportunity for a net talent gain. Interestingly, all these departed Councilors were native born, who came to the Council after meaningful prior service in the Burgesses. All, but Ludwell, were considered pro-
Whig by historians. 327

Significantly only one of the four replacement Councilors fits the same description; two were non-natives, and another a home grown Tory. Just as important, only one of these four 1768–1771 era replacements survived on the Council beyond 1774. Thus natural causes, not personal insignificance, played a large role in the obscurity of these men. The aging of the Council’s three senior members also sapped the vigor of the upstairs gentry after 1768. Blair apparently suffered several strokes in the years prior to his death, William Nelson, in 1768, "feeling the weight of his years" cut back on his Council duties, and Thomas Nelson is reported to have been laid up with gout in both 1768 and 1770. 328

The first of the new Councilors, George William Fairfax of Belvoir Plantation, Fairfax County, assumed his seat in April 1768 and immediately became the most remote and western residing member in Council history. George Fairfax was born in the West Indies in 1724, son of William Fairfax, chief justice of the Bahamas and the younger brother of Thomas Lord Fairfax. Lord Fairfax had inherited the proprietorship of the huge Culpepper-Fairfax grant covering all Virginia north of the Rappahannock River. William
moved to Virginia in the 1730s to manage the Fairfax proprietary interests, with young George going to England to receive an education. George Fairfax ultimately joined his father at Belvoir in 1742, as an assistant agent for the Fairfax interests. Controversy surrounds the exact pedigree of George Fairfax. The possibility of African blood was a belief shared by both his wife and some of his father's family who "had the impression that George's mother was a black woman". The Proprietor Lord Fairfax, however, was "too much a practicing Christian to be bothered by such chaff", and took a special interest in young George.

During the 1740s George Fairfax became fast friends with a neighbor boy, George Washington. Fairfax and Washington surveyed together the western reaches of the Fairfax grant, and young Fairfax immersed himself in the efforts to fix a boundary between the Proprietary grant and Virginia proper along the headwaters of the Rappahannock. George Fairfax also participated in the laying out the new port town of Alexandria, which was another Fairfax family venture. The result, however, seems to have been that Fairfax grew to hate the frontier life almost as much as his friend Washington came to love it. Yet George Fairfax and George Washington remained friends for the remainder of
their lives. Fairfax married into the Virginia gentry, espousing Sally Carey, the daughter of Wilson Carey, an important Burgess; Sally Carey Fairfax was rumored to have been a romantic interest of George Washington, even after the marriage. Fairfax's sister married Augustus Washington.332

The 1740s brought boom times to the Fairfax real estate empire, but George hesitated to leave the comforts of Belvoir to move out into the Frederick County frontier, where Lord Fairfax wanted to establish a new land office. S. E. Brown, the biographer of Lord Fairfax, concluded that: "George was soft and he and his James River lady had reached the definite conclusion that the Potomac luxuries were preferable to the possibility of far greater wealth on the frontier and the certainty of less comfort."333 After 1749 George and his Proprietor Uncle became estranged, and he was supplanted as Lord Fairfax's favorite by a cousin, and later a younger brother.

William Fairfax, George's father, served on the Virginia Council, rising to become President in 1750. Family influence brought young George Fairfax the appointments of justice of the peace for both Fairfax and Prince William Counties, and then Custom Collector for the
Eastern shore. At the start of the French and Indian war, George Fairfax acted as County Lieutenant in the frontier Frederick County militia, taking part in some of the important Indian negotiations early in the conflict. He was also an early investor in the Ohio Company. To round out his early political career, he served as a Burgess from Fairfax county from 1752 to 1758, though Greene does not classify him as one of the more influential members.\

George Fairfax's fortune assumed an even better turn after the death of his father in 1757. He reconciled, temporarily, with Lord Fairfax, and, in 1758, was named chief agent of the Fairfax interests in Virginia. At the same time he exchanged his paltry Eastern Shore customs post, which paid barely 80 pounds a year, for his late father's position of Customs Collector for the South Potomac, worth from 500 to 600 per year. He also inherited from his father some 50,000 acres of north Virginia land, easily vaulting him onto Main's list of the hundred richest Virginians. George Fairfax began a series of sojourns back to England after his father's death, journeying back and forth several times between 1757 and 1763. The purpose of these trips seems to have been to protect his claims to a future inheritance from a rich bachelor uncle, and to clear up allegations about his mulatto status. In 1759 he
inherited this lucrative English fortune in 1759. In the opinion of the S.E. Brown "George was more at home with English people than he was with Virginians."\textsuperscript{335}

The inheritances made him financially independent of his Proprietor uncle, and their relations soured in the 1760s. George no longer needed to inherit the Fairfax grant, which, surprisingly, brought in only about 400 pounds in annual revenue. George opined: "I thank my stars, I can stand the utmost screwing [from his uncle] and have enough for me and my wife to live retired upon".\textsuperscript{336}

Between 1757 and 1763, Fairfax concentrated on shoring up his fortune on both sides of the Atlantic, apparently not particularly interested in succeeding his father onto the Council. In 1760 he used his influence with another uncle (this one a member of Parliament) to push fellow Northern Necker, Presley Thornton, for a place on the Council, expressing only worry that the James River crowd would not protect the Fairfax interests without sufficient Northern Neck representation on the Council.\textsuperscript{337}

Fairfax returned to Virginia for an extended stay in 1763. He apparently had good relations with Governor Fauquier, but was not the Governor's choice to fill the next Council vacancy, caused by the spring 1767 death of Philip
Ludwell. Yet, Fairfax received the appointment to the Council in May 1767 anyway, and Fauquier immediately complained to the Board of Trade. The Governor agreed that Fairfax was a good man, but feared he lived too far away from Williamsburg to be of much service. Furthermore this made five Northern Neck Councilors, and as Fauquier reminded the Board of Trade "too many Northern Neckers ... may in some points purely local give that part of the colony too great a weight on some occasions, as moving the seat of government." 338 Fauquier also protested to Secretary of State, Lord Shelburne, about the Board of Trade's failure to appoint his recommended candidates: "they should appoint Burgesses who show themselves in strong support of the government, but instead the Board of Trade is succumbing to the influence of special interests." 339 What incentive do Virginia Burgesses have to support the Governor, asked Fauquier, if he cannot reward them with a promotion to the Council? Fairfax served on the Council only from 1768 to 1773, leaving America thereafter to live permanently on his English estate. He was described as affable, intelligent, and a good sportsman, who suffered from bouts of reoccurring malaria. 340

The next Council appointment went to John Page of North End, Gloucester County, apparently one of the Burgess
leaders who did support Fauquier, as his name was contained in Fauquier's list to the Board of Trade of recommended appointees. Page, listed by Greene as an influential Burgess from Gloucester County between 1754 and 1758, continued to serve in the Burgesses until his 1768 elevation to Council. Perhaps less a part of the legislative leadership after 1758, and more a supporter of the Governor Page was appointed to the Council, shortly after Fauquier's death, in June 1768, to replace Peter Randolph. 341

The Page pedigree stood as prominent in Colonial Virginia as the Randolph's. Descended from the Colonel John Page, who arrived in Virginia in 1650, both his grandfather Matthew Page, and his father Mann Page served on the Council. John Page of North End, born in 1720, the second son of Councillor Mann Page of Rosewell Plantation, Gloucester County, was educated at the College of William and Mary. His North End plantation abutted the North River in the part of Gloucester that is now Matthews County. Page married Jane Byrd, the sister of Councilor William Byrd III, and served as one of the Trustees managing the Byrd property. He was also a member of the Board of Governors and Visitors of the College. Page would die before the Revolution, in October 1774; Jackson Main listed his son as one of the hundred richest Virginians in the 1780s. 342
The death of Councilor Presley Thornton in 1769, and the earlier deaths of the arch enemies, Commissary William Robinson and Governor Fauquier in 1768, conspired to open a Council slot for newly appointed Commissary of the Bishop of London, the Reverend James Horrocks. Horrocks, English born in 1734, graduated from Cambridge University and came to Virginia as an Anglican minister in 1761. Employed first as the headmaster of the grammar school at William and Mary, he secured an elevation to the Presidency of the College in 1764. However, his election only came after a contest of some heat between a militant clergy group led by John Camm and Commissary Robinson, who supported a Mr. Graham, and the secular gentry supporting Horrocks. 343 Councilors Blair, William Nelson, Thomas Nelson, and possibly John Page of North End were members of the College Board of Governors and Visitors at the time and would likely have voted on this matter. The Horrock's presidency from 1764 to 1772 has been referred to as a "balmy time" for the school. 344

Horrocks did not support the Camm-Robinson faction of Virginia clergy in their attempt to pursue the Parson Cause appeals, and this likely cemented his popularity with the ruling gentry, and later contributed to his elevation to both the Commissary and Council posts. 345 Named Commissary sometime in 1768, he received his appointment to the Council
in February 1770. Contemporaries, however, considered Horrocks little more than a likable functionary. Richard Bland's unflatteringly recalled him as: "a person of small ability and address, but by a fortuitous concentration of events and by a sycophantic behavior had risen from a tolerable pedagogue in the gammer school of the college and had accumulated the offices of President of the college, rector of Bruton Parish, Bishop's Commissary, councillor, and judge of the general court and ordinary of Newgate." 346

Horrocks made little contribution to the Council, as he returned to England during the summer of 1771 and died the following year. An interesting sidelight to Commissary service on the Council is that they were often referred to in Council records as "Clerk". Of course they were not the Council Clerk and this designation apparently referred to their status of cleric. 347

In 1770, Governor Lord Botetourt received instructions from the Board of Trade that John Stuart, British Indian Superintendent for the Southern District of America, had been appointed a member of the councils of all the southern colonies, including Virginia. Stuart never attended a single Virginia Council meeting, and resided for the most part in South Carolina. 348
The loss of old John Blair diluted the quality of leadership on the Council. His replacement, Ralph Wormeley V, brought better blood but less stature. Wormeley gained his Council appointment in February 1771, and took his seat in June 1771. He was of a different generation than the other sitting Councilors, being only twenty-seven at his elevation and a contemporary in age to Thomas Jefferson. The Wormeley family came to Virginia in 1649 and his great grandfather Ralph II sat on the Council during the Berkeley years. His Grandfather, John Wormeley of Rosegill in Middlesex County, was an original trustee of the College and founder of the town of Urbanna. The Rosegill Plantation that Ralph Wormeley V inherited bordered on Urbanna creek. 349

His father, Ralph Wormeley IV, an important Burgess from Middlesex, was a beneficiary of John Robinson's illegal loans, and apparently heavily in debt during the 1760s. However, he sent Ralph V to both Eaton and Cambridge for a classical English education of the first magnitude and the son maintained a reputation for scholarship throughout his life, amassing a very extensive library. Ralph V returned from England in 1765 and married the daughter of Councillor John Tayloe. It does not appear that Wormeley ever gained election to the Burgesses, though he did receive a customs
collector position, which the British government mistakenly issued in his father's name, this mistake required considerable effort from Governor Fauquier to correct the matter. Ralph V also served on the vestry of Christ Church, Middlesex. 350

It is not clear why Wormeley received a Council appointment, because Governor Botetourt clearly wanted Dudley Digges, and later complained that Wormeley lived too far away from the capital to be readily available for Council meetings. There is some indication that Major General Alexander Mackay, commander of the British troops in Boston during 1769, helped push the Wormeley appointment. Secretary of State Lord Hillsborough claimed to support Botetourt's choice of Digges, but somehow Wormeley still received the appointment; William Nelson, however, thought young Wormeley was a good choice. 351

Ralph V lacked any real interest in politics, and his political views, perhaps because of his long educational stint in England, were not in harmony with his age group peers. Listed as one of Main's top one hundred Virginians in wealth, he suffered the indignity of being suspected of disloyalty during the Revolution, and was forced during the war to move, under heavy bond, to a plantation in remote
Berkeley County. However Wormeley retained sufficient popular respect to merit selection to the State Constitutional Conventions in the 1780s and 1790s, and also gained election to the post-Revolution State House of Delegates.352

B. The Council Presidency

The seven month administration of senior Councilor John Blair as acting Governor, from March 1768 to October 1768, spanned a time when public anger in Virginia over the British Townshend Acts boiled into the open. Patriot groups in a number of Virginia counties published anti-Townshend Act resolves, and a general fear permeated the colony that any new royal governor sent by the British to replace the deceased Fauquier, would arrive bearing a set of tough Instructions, similar to what had transpired in New England.353

John Blair approached eighty-one years old when he succeeded Fauquier as Governor. Councilor Robert Carter believed that while President Blair was "disposed to govern on principles which his late predecessor adopted; ... the office is pretty lucrative, I imagine the present possessor
[Blair] will enjoy it for a few months only." Councilor Carter was quick to cover his bets, immediately inquiring of his uncle in Parliament about likely replacement candidates for governor, requesting details of their character, service, political affiliation, and their relationship with the then titular Governor of Virginia General Jeffery Amherst. Carter also expected his relative to put in a good word for him with the new appointee. William Nelson likewise anticipated a great scramble in England for the Virginia Governor's position, as he deemed it "a place of great value".

The 1768 Blair Presidency marked the high point of the Council's public participation in constitutional protest activity. Blair had been an activist President a decade before, during the depths of the French and Indian war. This time, in addition to the Nelsons, he seems to have relied on his son, John Blair Jr., patriot and Burgess leader, as advisors. Blair, following the precedent he set in 1758, ignored the British Instruction restricting acting Governors from calling Assemblies except in emergencies; and with the recommendation of his Council brethren called a General Assembly for the last day of March 1768. The Council session supporting this action included the Nelson brothers, Carter and Burwell.
The public reason Blair gave for this General Assembly was a request from the British Secretary of State, Lord Shelburne, for expedient Virginia action to secure peace on its Indian frontier. Specifically, Shelburne wanted Virginia to expedite the establishment of a firm border with the Cherokee, wanted the colony to work better with the British Indian Superintendents, and demanded a full reporting of Virginia activity regarding Ohio Company claims. Additionally, Blair, also acknowledged a demand by General Gage, Commander of the British military forces in America, for Virginia to police better its Indian frontier from the depredations of illegal settlement and trading activities. Blair opened the 1768 Assembly with a message that:

late experience has shown the variety of evils which the inhabitants of the frontier suffered in the Indian war, nor can we forget the torrents of human blood which drenched our lands.... Shall we, can we permit these banditti, these abandoned men in prosecution of their usurped pretensions, to open afresh these sluices of blood.

President Blair asked the Assembly to strengthen the hands of government by allowing him to call up the frontier troops, as requested by Gage, but steadfastly promised to be conservative with taxes, and to vigilantly watch the expenses of this endeavor. Blair reminded the Assembly that "Acts of parliament, ... must invariably be the rules of my conduct and I hope ... will have the proper weight in your
Blair also asked for quick action: "The Inconvenience of carrying on the public business at both ends of the capitol at the same time, is so well known to you that it is unnecessary for me to recommend dispatch in your proceedings, so that they may be finished before the General Court begins." This comment seems a recognition that he perceived the General Court of equal or greater importance to the legislative Assembly. Blair recognized the increased financial burden of his legislative recommendations, but pleaded for understanding from his friends in the Assembly that he was bound as acting Governor to loyally pursue the British government objectives.

Thomas Nelson and William Byrd drafted the Council's response that expressed gratitude for the benevolent prior administration of Governor Fauquier, a readiness to consider measures to restore frontier peace, and an expression of support for Blair. They did point out, however, that the Council had the dual role of both loyalty to the British crown and concern for the economic prosperity of the people of Virginia. The Council also reminded Blair that Virginians already labored under a heavy load of debt and taxes.

A spirit of harmony evidently existed between the
Burgess and the Council during the 1768 General Assembly. The only legislation rejected by the Council involved a bill regarding recovery of the John Robinson debt. The Council passed a resolution recommending more aggressive pursuit against the Robinson estate. The Burgesses, however, were aflame over the Townshend Acts, and this quickly became the foremost topic of the 1768 legislative session. A Massachusetts circular calling for a boycott of British trade, together with militant petitions from various Virginia counties demanding action and resistance, were considered. The Burgesses of Virginia then proposed their own series of protest memorials addressed to the King, Lords, and Commons, enunciating their position that the Townshend Acts violated the constitutional rights of the colonial people. These memorials also attacked the British actions in New York that allowed the quartering of British troops in private residences and the forced dissolution of the New York Assembly.\textsuperscript{362}

In April 1768, the Burgesses asked for a free conference with the Council to review the anti-Townshend memorials. Thomas Nelson, William Byrd, and Richard Corbin were named conference managers for the Council. On April 15, the full Council approved the protest memorials as recommended by this joint conference and suggested that the
Burgesses immediately instruct its London agent, Edward Montague, to work in tandem with the James Abercrombie, the official colonial government agent, for repeal of the Townshend Acts. This Council-Burgesses cooperative effort to protest the Townshend Acts appears a replay of their joint action in 1765 against the Stamp Act, demonstrating full political participation by the Council in the constitutional protests up to 1768. The Councilors present to support this Townshend Act protests were the Nelson brothers, Corbin, Byrd, Carter, Burwell and Fairfax. Interestingly, both Corbin and Byrd were later considered Tories.\(^3\)

These joint memorials expressed the position that the Council and Burgesses considered themselves "the sole constitutional representatives of his Majesty's most dutiful and loyal subjects of Virginia ... [The] natural rights and first principles of the English constitution were very early engrafted into the constitution of the colonies." They went on to recognize that while the Crown certainly retained executive authority over external affairs and the right to veto all colonial laws, when seeking revenue from the colonies, the British government must rely on consent of the colonial Assemblies, as the exclusive representatives of the colonial people. Colonial Assemblies had historically
honored the monetary requisitions of the British government "to the utmost of their Abilities." Virginia, especially, had a long history of raising revenue for the Crown, the French and Indian War being cited as an example.364

The Burgess-Council memorials of 1768 specifically rejected the theory of "virtual representation" of Virginians in the British Parliament. Virginians had no recourse to vote out offending MPs, nor did they even have knowledge of British legislation in most cases until after it had already passed. They agreed that Britain might regulate American trade through duties, but not via "a tax imposed on such British exports, as are necessities of life ... and which are not in the interests of commerce, but merely to raise revenue ... or in plainer words to compel the colonists to part with their money against their inclinations." Further, the Council joined in protesting the Act suspending the New York legislature as:

[St]ill more alarming.... If the Parliament has the right to compel the colonies to furnish a single article for the British troops by the same rule they may be obliged to furnish clothes, arms, and every other thing, even the pay of officers and soldiers.365

Blair prorogued the Assembly on April 16, 1768, thanking the members for their actions, even though they did not seriously address the frontier issues for which they were presumably called. It can not be dismissed that
Blair's real intention, all along, with Council approval, was to provide an official forum for the Virginia protest of the Townshend Acts, with the frontier issue as a mere smoke screen to justify the emergency requirement. These 1768 memorials also contained a special plea for the fatherly protection of the King and the House of Lords "the fixed and hereditary guardians of British liberty", and a thinly veiled attack against the House of Commons for its false claim to be the legislative representatives of the people of Virginia.366 Both the Council and Burgesses claimed to be filled with:

equal grief and amazement ... that they have been represented in Great Britain as disloyal.... But they cannot think it essential to the preservation of the British empire, or the preservation of proper relations between a parent Kingdom and colonies transplanted from her, that they should raise money upon them without their consent.367

On the other hand, Lord Hillsborough, the new British Secretary of State, was, in turn, himself "amazed" at Virginia's bold protest over the Townshend Acts.368

The British amazement soon turned to anger, and, in August 1768, Blair received British Instructions requiring him to henceforth suspend any Councillor who should continue to act with the Burgesses after the dissolution of the body:
Whereas the Council and House of Burgesses have concurred in certain resolutions and proceedings denying and drawing into question the power and authority of parliament to enforce laws binding on the colonies ... you will not fail to lay before them the fatal consequences which must ensue from attempting to introduce unjustifiable and unconstitutional distinctions that can have no other effect but to weaken the authority and lessen the influence of the British Empire.

No Virginia Councilor was ever suspended, but 1768 marks the end of any further public constitutional protest by the Council. Never again would they officially endorse a Burgesses resolution of remonstrance critical of the British government.

The official Townshend Act protest was the signal event of the 1768 Blair Presidency, but Blair ended the Assembly so that Council could get on with the equally important work of holding its General Court. The Council also proceeded to act in executive session, where the General Assembly failed, by appointing a commission to draw up frontier boundaries with both the Cherokee and Iroquois. The 1768 executive meetings covered the normal Council work load of reviewing finances, appointing officials, reviewing British legislation and requests, and acting on land title suits. The executive session minutes also show the Council responsible for acting on petitions to manumit slaves, and for posting rewards for criminals. In the summer of 1768.
the first of the Norfolk riots over smallpox inoculation broke out, which moved the Council to establish a reward and witness immunity for information on the identity of the rioters. 370

The Council also dealt with the great human interest matter of Salim, the Algerian, a muslim, whose tale of trans-continental capture and escape rivaling the best Voltaire novel. A bedraggled Salim, in flight from his most recent Indian captors, emerged from the western Virginia forests and was immediately directed to seek assistance in returning home to Africa from the colony's greatest philanthropist, Robert Carter. Carter apparently brought the matter before the Council, which agreed to fund a return passage for the thankful Salim. Lee and Thornton do not seem to have participated in any of the Council meetings of the Blair Presidency. 371

While acting Governor, Blair also received a letter from Baptists in Spotsylvania County, protesting harassment from local government officials, much as Blair had harassed Presbyterian preachers in his younger days. Blair wrote to the King's attorney for Spottsylvania that he should "not molest these conscientious people so long as they behave themselves in a manner becoming pious Christians ... until
the General Court has heard and decided the matter."

Blair believed the British Act of Toleration applied to the colonies:

[I]t being found from experience that persecuting dissenters increases their number, [the Toleration Act] has given them a right to apply in proper manner for a licensed house of worship.... I am told they... differ in nothing from our church but in that of baptism and their renewing the ancient discipline, by which they have reformed sinners and brought them to be truly penitent. If this be their behavior, it were to be wished we had some among us.

C. An Accommodating Governor

Arriving in October 1768, Lord Botetourt became the first Governor-in-chief to reside in Virginia since the late seventeenth century. Botetourt was sworn in, as per custom, by the three senior Councilors; Botetourt then, in turn, swore the Councilors to their own oaths of office. He was well received by the ruling gentry in both the Council and the Burgesses. After his death in October 1770, a statute of him was commissioned by both Houses, and placed in the Williamsburg Capitol. William Nelson wrote to a British merchant, in November 1768, that the new Governor had made a favorable impression with most Virginians, and he genuinely hoped for the happiness of the new man, but feared trouble in the Assembly. Nelson, however, judged that Virginians would be wise to keep their emotions under
control, and that the gentry leadership was: "determined to
a man to behave with decency, duty, respect; and our cause
being a good one, these are the means to succeed.... For
liberty is a good cause ... if we do not spoil it by our own
Intemperance, violence and folly."\(^{374}\)

In late 1768 and early 1769 the Council again found
itself preoccupied with the Indian frontier. It oversaw
Virginia's participation in the critical treaties of Fort
Stanwix (with the Iroquois) and Hard Labor (with the
Cherokee). The Councilmen worried about a new outbreak of
Augusta Boys' vigilantism, and they fretted over refusal of
the Cherokee to meet on boundary matters until Virginia
better contained its maverick settlers. The Council also
objected to the treaty negotiation policies of British
Southern Indian Superintendent Stuart, who's terms were
often "highly injurious to the colony." Thus, they
recommended a commission to acquaint Stuart with the
Council's concerns.\(^{375}\) A change in British policy that
returned control of Indian trade back to the colonial
governments and promised British consideration of a western
extension of the 1763 Proclamation line, were optimistically
considered by the Council, as was the possible reopening of
real estate speculation in trans-Allegheny land. Councilor
Byrd used this promised British relaxation on western land
policy to petition immediately for bounty land grants for himself and his French and Indian war troops. The Council, still unclear of British intentions, deferred action on all western land petitions on the grounds that the issue of a formal Cherokee border needed to be first decided. \( ^{376} \)

The appointment of a new Governor required the dissolution of the old Burgesses, and the election of a replacement, that was in fact elected in November 1768. Botetourt's first General Assembly convened in May 1769, but lasted only eight days, thus making it the one of the shortest sitting Burgesses in Virginia history. The Governor opened the Assembly with a conciliatory address, publicly recognizing the Burgesses as the best judge of the colony's needs, and requesting only that they act "without passion or prejudice." The Council (in attendance: Blair, the Nelsons, Corbin, Byrd, Lee, Tayloe, Carter, Burwell, Fairfax, and Page) appointed Byrd, Corbin and Lee, their most conciliatory members to pen a resolution of support and loyalty to the new Governor. They also took pains to thank the Board of Trade for sending Virginia its first full governor in seventy years. The Council's presentation of an olive branch to the British government, after their part in the raucous May 1768 Assembly, impressed Botetourt enough for him to respond in kind, promising to advise the Board of
Trade of the renewed loyalty of the Virginia Council.377

Unfortunately, the new Burgesses were still ablaze over the Townshend Acts, and with all the passion and prejudice they could muster, immediately mounted a vigorous defense of the Assembly's actions during the prior session under Councilor Blair. The May 1769 Burgesses reconfirmed its exclusive right to initiate taxes, their inalienable right to directly petition the king for relief from the actions of Parliament, and they further protested the British threat to reinstate the Act of Henry VII revoking due process protection for political offenders. Forced to react, Botetourt informed the Assembly: "Your resolves auger ill, my duty is to dissolve you."378

The Council apparently was not called on to approve any legislation during this short 1769 General Assembly. The Burgesses, perhaps mindful of the British threat to remove Councilors too aggressive in protesting constitutional matters, did not request Council concurrence in their 1769 protest resolutions, unlike 1765 and 1768. Instead, the Burgesses seemingly ignored, at least officially, the Council altogether, and sent its resolutions directly to its London agent, published them in the Virginia Gazette, and circulated its ideas to the other colonies.
This session appears to mark the point at which the Council representatives ceased to participate with the Burgesses on the Committee of Correspondence.

The dissolved Burgesses immediately repaired to the Raleigh Tavern, and under the leadership of Peyton Randolph, formed an Association of Non-Import to "discourage all manners of luxury and extravagance", refusing, after September 1, 1769, to import any of the items dutied under the Townshend Act (except paper), and to be otherwise frugal, reducing their consumption of all British goods. All signers of the Association were honor bound to live by the restrictions. The Burgess leadership that signed the 1769 boycott pact included Council relatives John Blair Jr., Thomas Nelson Jr. (William's son), and Richard Henry Lee (Philip's brother). Interestingly two future Councilors then serving in the Burgesses, John Page Jr. and Gawin Corbin, did not sign. nor did Richard Corbin's other son, John Corbin, who was also a member of the 1769 Burgesses.

No Councilor officially signed on to the 1769 Non-Import Association, likely because of a real fear of removal if they did. The fact that the Burgesses acted without the Council in both the turbulent May 1769 Assembly and in the
Association, however, may be less evidence of Council temerity or Tory leanings, then a conspiracy by the Burgesses to shield their Council brethren from the threatened retaliation by the British government. The Council had previously supported prior Burgesses protests of British interference with Virginia's constitutional rights up to the threatening British Instruction in the summer of 1768. Was it therefore not in the Burgesses' best interest to keep these allies on the Council, rather than having them replaced with men of greater British sympathy?

Councilor William Nelson unquestionably supported the 1769 Association. Having earned his fortune, in large measure, through trans-Atlantic and Caribbean trading ventures, his participation in the boycott must have been personally costly. In November 1769, he wrote his British factor that: "I am an Associator in principle and shall not import any more necessaries till the hateful Acts are repealed." Earlier, Nelson expressed a more militant view that Virginians had to decide whether they were "to be slaves or freemen", an issue he felt was critical "to me, my fortune, my children and their children to the latest posterity." It would seem his brother, Thomas, as well as Blair were likely supporters, and there is evidence that Robert Carter honored the boycott as well. Philip Lee's
younger brother, William, wrote letters to William Nelson, John Tayloe, and John Blair appearing to recognize their support for the Association. Lee's letters to his brother Councilor Philip openly discuss anti-British matters, but do not mention Philip's position. Curiously, William Lee's letters to the future Tory Richard Corbin make no mention of the boycott or constitutional issues. The personal participation by several Councilors in the boycott could not have been hidden from the British government. Thus it appears that the British did not demand from the Council an active stand against the Burgesses, but rather required merely that they refrain from official protest activity.

The 1769 boycott was not unanimously supported in Virginia. While the Northern Neck was a "hotbed of Townshend Act protest", the James-York gentry appeared only lukewarm in support, especially after all the Townshend duties, except that on tea, were repealed in the Spring of 1770. This partial repeal did not satisfy William Nelson who advised a British friend to: "tell them [the British parliament] in plain English that [partial repeal] alone won't satisfy America.... They [the remaining duties] must be taken off or we shall hardly thank them for the other." The Virginia boycott, except in the Northern Neck, was mostly a dead letter by the summer of 1770.
William Nelson "blushed in embarrassment" on reading what British merchant John Norton wrote regarding the Virginia gentry: "that their invoices rather increase than diminish. I wish they were any other people than my own".  

Botetourt's quick dismissal of the Assembly in May 1769, did little to diminish the work load of the Council for that year. The Council remained embroiled in almost monthly meetings on frontier problems. They approved aid for Indian stragglers found within the colony, reviewed a new Cherokee boundary plan from Superintendent Stuart, warned the Governor on the difficulty of surveying any boundary across the rugged New River-Kanawha River line proposed by Stuart, and suggested, instead, that any Cherokee boundary survey be delayed until the final Cherokee treaty with Virginia was signed. Clearly, the Council believed they could negotiate a better treaty for Virginia than the one Stuart proposed.  

The Council continued to receive continuing complaints of skirmishes between white settlers and the Indians along the northwest frontier. A pragmatic Council observed: "that though Virginia's attention ought to be extended to the remotest parts yet those people who have settled beyond the Allegheny Mountains, not only without any legal
authority, but in opposition to all authority, depending entirely on the friendship and good humor of the Indians, have very little reason to expect protection." Believing the problems with the Indians in the northwest to be exaggerated ("just cattle rustling"), the Council recommended that the Governor strongly advise settlers avoid retaliation. 388 However, by October 1769, Colonel Adam Stephen, the militia commander in the area, added his own concerns about an imminent outbreak of uncontrolled violence, especially after a frontier mob freed several white men arrested for killing Indians. The Council appointed Blair, Thomas Nelson and Carter to review the frontier problem. The three recommended a reward for the capture of any vigilante killers of peaceful Indians and requested immediate help from Attorney General John Randolph in bringing the white outlaws to justice. 389

Besides normal Council business, several other significant matters required review in 1769. William Nelson, appointed to review a Massachusetts plan to crack down on fraud by Scottish merchants, agreed that similar fraud existed in Virginia, but believed the Massachusetts approach impractical, and instead recommended tougher inspection of tobacco warehouse transactions. The Council approved the Nelson
plan, apparently without any resort to Burgess concurrence or input. On the more mundane level, Robert Carter was given the chore of working on "the few articles that are wanting in the capitol." This assignment apparently charged him with the refurbishing of governmental offices. 390

The 1769 Council also considered a petition by the Dismal Swamp Company to extend for another seven years the allowed time to survey their grant. The Council approved the extension, believing the Company diligent and their task very difficult. They manumitted several slaves, including the wife and children of a free black man and tightened up on the collection of license fees from Ordinaries to halt a decline in revenue. George Washington petitioned the Council for the bounty lands for his French and Indian war troops originally promised by Governor Dinwiddie in 1754. The Council approved Washington's plan in concept, authorizing a survey to protect the rights of prior settlers. They also ordered Washington to advertise for claimants to this bounty land in the Virginia Gazette. The Council actively discouraged Lord Botetourt's draconian plan to ban all western settlement. 391

They also informed the Governor of the need for a
salary increase for themselves, the 1200 pound sterling pool was no longer deemed adequate. "This sum hath found not only inadequate compensation for our services, but really insufficient to defray the necessary expenses of our traveling to and from, for many of us live very remote." They requested a doubling of the Council salary pool, but worried that the tobacco export duty, which currently funded their salary, but which also provided the main source of colonial revenue under Burgess control, might not be an adequate or politic source for such an increase. Instead, the Council suggested that the Governor tap into the King's quitrent revenue. The Council was "so sensible ... of the necessity of maintaining a budget surplus for contingencies suggest that this extra be funded from the King's quitrents which by wise regulation ... are become very considerable [and] to which will grow ever more with recent acquisition of western land from the Indians." Botetourt agreed to do all in his power to get the Council their raise, but apparently the British government never saw fit to so reward the Virginia Council.

Ever the optimist, Botetourt ordered new Burgess elections in the fall of 1769 and called an Assembly session for November 7, 1769 to tackle the great buildup of general business that had accumulated since their last significant
meeting in 1766. This November 1769 General Assembly sat until the Christmas holidays, when it was adjourned until the following May. All the Councilors attended the start of this fall 1769 session, but by late December the participation dwindled down to a core of Blair, the Nelsons, Corbin, Carter, Lee, Byrd, Fairfax, and Page. Botetourt hoped to pacify the Assembly with the good news that the new Hillsborough government in Britain intended both to repeal the Townshend Acts and to extend the western boundary of permitted white settlement. But the Governor cautioned the legislators that Virginia still needed to settle its own Indian boundary issues, as well as curb frontier violence by white settlers. As incentive to refrain from any further public jostling with the British, Botetourt personally guaranteed his public support of Virginia's constitutional cause; and the Governor promised to use all his power "to the last hour of his life" to oppose British taxation without colonial approval.394

Thomas Nelson, Robert Carter, and Richard Corbin drafted the Council response, thanking the new Hillsborough ministry for its conciliatory actions: "it is extremely agreeable to us; as a repeal of the revenue Acts will be the most effectual method to heal the differences that have unhappily subsisted between Great Britain and her colonies,
and to restore that harmony and mutual confidence, which are so necessary for the welfare and prosperity of both.\textsuperscript{395}

The Council also thanked the Governor for his promised support of the American constitutional principles, and in return promised to support fully his administration.

In its own show of conciliation, the 1769 Council finally approved splitting the House Speaker and Treasurer positions, as well as also finally approving the Burgesses plan to resolve the Robinson debt. These two issues standing unresolved between the two houses since 1766. They amended Burgess legislation involving wolf bounties, clergy rights to lease land, writs of replevin, the exemption of free black and Indian women from the poll tax, as well as a bill prohibiting private lotteries. This latter bill may have an anti-Byrd measure. This November 1769 session marked the first time that the journals of the House of Burgesses gave any details on the content of Council amendments. The Council also rejected several lower House actions: among them, another Burgesses attempt to reduce the number of required court days in western counties, a bill liberalizing the use of tobacco seconds, and an unusual Burgess request to break the entail restrictions of a particular piece of property in shortcut fashion. The Council projected the impression during this session of
being a stickler for legal detail and an opponent of any
dilution of creditor protection. The Burgesses practiced a
little retaliation themselves by rejecting a consumer
protection effort by Councilor William Nelson to introduce
legislation restricting the sale of unseasonable
oysters.396

The Burgesses pulled in their constitutional horns for
the most part during the fall 1769 Assembly as well, but on
several issues they did appeal to the bigger stage. They
passed resolutions for an expanded western boundary far in
excess of that proposed by Superintendent Stuart, and
including that portion of territory east of the Tennessee
(Cherokee) River, that later became eastern Kentucky. The
Burgesses also requested repeal of the British salt duty
discriminatorily applied only to the southern colonies. The
Council reviewed both these resolutions, but did not
officially endorse either of them. Apparently aware of the
efforts by Pennsylvania and British merchants to obtain
western land grants to territory claimed by Virginia,
directly from the British government, the 1769 Burgesses
also requested a search by the Council of all its orders and
grants involving western lands, and imposed a similar set of
interrogatories on the Governor.397
This second Assembly of 1769 was called back into session in May 1770 to conclude its legislative business, but friction between the two Houses seemed to increase from the generally conciliatory fall session. The Governor presented the official British government responses on such issues as Indians affairs, copper money, and the salt tax, directly to the Burgesses, instead of first presenting this type of matter to the Council, which had been the prior practice. The 1770 Burgesses also moved into the traditional Council turf of Indian affairs, by directly considering letters from British Superintendent Stuart on Indian trade, issuing a resolution requesting that Botetourt meet directly with the Cherokee to resolve the south-western boundary, and insisting that any such boundary include Kentucky.

The May 1770 Council, primarily made up of Blair, the Nelsons, Corbin, Byrd, Page, and Horrocks (with Tayloe, Carter, and Burwell participating sporadically; and Lee and Fairfax, not at all) took a tough line. It rejected Burgess legislation changing the county and parish levies, amending the regulation of vestries, changing the method for granting pardons, expanding the exemption from militia duty, and the docking of an entail in a manner that they considered unconstitutional. On this last matter, the Burgesses
proposed to expedite the elimination of the entailed property of one Daniel McCarty because of the "novel and unusual terms" violated a "right which was vested in them." The Council also proposed amendments to a number of house bills. On some bills they reached a successful compromise with the Burgesses, but on others the Council stood firm and blocked passage. The 1770 Council demanded that suspension clauses be added to various house bills as mandated by royal instructions. Council amendments to the tobacco inspection act proved divisive, and the Burgesses requested a free conference, at which the Nelson brothers and Burwell represented the Council, but refused to budge to House demands. An attempt by the Burgesses to regulate fairs was rejected by the Council on grounds that it would be undue trespass on the executive authority of the Governor.

At the conclusion of this long General Assembly, which ended in late June 1770, the Non-Import Association met again in Williamsburg to reaffirm the boycott of British goods, as the Townshend Act repeal of April 1770 had been only partial. The Association authorized each county to set up its own boycott committee. But by late 1770, however, William Nelson detected a definite cooling of the boycott effectiveness in Virginia.
The Council's executive meetings during 1770 followed the traditional pattern: Blair, the Nelsons, Carter, Burwell, and Horrocks (after the latter's elevation to the Council in May 1770) were steady attendees. The Northern Neckers (Tayloe, Lee, and Fairfax) were again conspicuous absentees, and only the sessions contemporaneous with the court days were fully attended. The Council continued to hear cases of frontier attacks on peaceful Indians and the lack of frontier justice; the Council also continued to publicly encourage the arrest of Indian killers. Faced with a growing crisis of forged land grants purporting to transfer Indian land to white settlers, the 1770 Council considered ways to sort out the fake claims. Confronted as well with the question of their legal jurisdiction over murder on the high seas, they granted bail to the accused Captain Ferguson of the "Snow Bety", despite possible conflict with the British Admiralty courts. 401

Reviewing the Burgesses' demand for an expanded Cherokee boundary that included the Kentucky land, and in light of current Lochaber negotiations between Superintendent Stuart and the Cherokee, the Council recognized the need for expedient action to obtain the optimum boundary award. The Council moved quickly to
appoint its own representative to the Lochaber negotiations, selecting Col. John Donelson (Andrew Jackson's future father-in-law) to hopefully obtain a better deal from the Cherokee.\(^4\) This appointment is significant, in that the council no longer chose to send one of its own members to attend important Indian negotiations. Stuart agreed the contested Kentucky land was "fine country" but believed it is absolutely necessary to the Cherokee and Chickasaw for hunting grounds. Stuart further demanded that Virginia advance its share of the treaty costs immediately.\(^3\) The Council agreed to endorse funding Stuart's request, but only if the money came from the royal quitrents, not the colonial treasury, on the grounds that the proposed treaty was a British not a Virginia action. Ultimately they ordered paper money, not specie, sent to pay Virginia's share of the Stuart expenses.

D. The Nelson Year

To the dismay of most Virginia gentry, the respected Lord Botetourt died on October 14, 1770. John Blair Sr., still senior Councillor, but eighty-four years old and in poor health, eased the situation by tendering his resignation from the Council, thus automatically passing the
Presidency over to fifty-nine year old William Nelson. The Council endorsed this selfless act so that Blair "may be more at leisure to attend the duties of his office of Deputy Auditor, which furnishes sufficient employment for one of his advanced years." Additionally, they petitioned the King to grant the retired Blair a pension of 100 pounds a year. Having served on the Council for twenty-five years, half that time as senior Councilor, and four times acting Governor, the Council wanted to see "this faithful old servant of the Crown become the object of your Majesty's care for the short remainder of his days." Blair possessed only "a very moderate estate", and the Council did not want his last years burdened with financial worries after voluntarily giving up his Council income for the good of the colony. Blair died before the British government ever took action on the Council request.

In partial reward, President Nelson appointed Blair's son John Blair Jr. to assume the vacant position of Council Clerk. It is illustrative of either the continued esteem in which the Council was held, or in the income obtainable from the Clerk's post, that Blair Jr., an influential Burgess and prominent lawyer, would give up these positions to become Council Clerk. John Blair Jr. was later applauded by Edmund Randolph for maintaining both the confidentiality of the
Council and the respect of the Patriot leadership throughout his term as Clerk from 1770 to the Revolution. 406

John Blair Sr. died in November 1771, but remained true to his old style Anglican beliefs by refusing last rites from the Reverend Samuel Henley because of Henley's liberal (Unitarian) leanings. 407 Blair's deteriorating health after the late 1760s caused a morbid lottery proposal regarding his office of Deputy Auditor. In 1767, Councilor Robert Carter considered a deal from the Virginia Auditor of record, the Reverend Cholmondly, to sell the future rights to assume the Deputy Auditor's position on Blair's death for 1200 pounds: "The deposit forfeited if Mr. President should survive." 408

Councilor William Nelson became acting Governor on October 15, 1770, and served until the arrival of Lord Dunmore in September 1771, providing Virginia with almost a full year of native rule. The issues facing Nelson and the Council during this year of self rule included the "great fresh" (flood) of May 1771, one of the greatest natural disasters to strike colonial Virginia. Increased challenges from the British government and others to Virginia's control over the trans-Allegheny west, the controversy over an American bishop, the question of the General Court
jurisdiction in ecclesiastical and other matters, a smallpox inoculation controversy, and the threat of another European war also marked the Council agenda during the Nelson term.

William Nelson assumed the Presidency with the view that: "I shall administer the affairs of government at least with a heart disposed to do right, and that the laws of his Majesty's Instructions with the advice of Council shall be the rules of my conduct." The great flood of May 1771 that crested forty feet above normal, devastated the James River valley, causing great loss especially to the public tobacco warehouses. Nelson agonized over whether to call an Assembly to deal with the crisis, in light of the Royal Instructions restricting the calling of colonial legislatures in the absence of British appointed governors.

The Council initially recommended against holding an emergency Assembly, because they did not believe a true state of emergency actually existed; only some private individuals in one section of the colony had suffered loss. Affected James River planters demanded and received an audience with the Council, convincing it that Virginia's tax revenue stood in serious jeopardy if they were not able to get relief for their tobacco losses in the damaged public warehouses that contained much of the prior fall's crop.
The Council reversed itself and recommended a special Assembly, which President Nelson ordered for July 1771. Thomas Nelson, Byrd, Burwell, Page, and Wormeley attended this emergency eight day session called to relieve the suffering of the large James River planters. William Byrd drafted the Council response, concurring that action must be taken to remedy the destruction of the tobacco warehouses, and the resulting loss of tax revenue.410 Byrd and Burwell were the only Councilors with home plantations along the ravaged James River flood plane.

The Council quickly approved the Burgess plan to issue 30,000 pounds in non legal tender notes to replace tobacco losses, and were equally conciliatory in passing the rest of the Burgesses legislation. Nelson took great pains, more so than had Blair in similar circumstances, in justifying to the British government his actions in calling this emergency Assembly. Whether this reflected Nelson's greater caution, or the Council's greater sensitivity to placating the British government after its 1768 threats, is not known.

The various Indian treaties negotiated by the British between 1768 and 1770 (Stanwix, Hard Labor, and Lochaber), opened up the possibility of a renewed real estate boom in the west. A covey of Philadelphia merchants formed the
Vandalia company to found a new western colony. In the late 1760s, they allied themselves with a group of British merchants, under the leadership of Thomas Walpole, with similar designs on millions of acres of trans-Allegheny land claimed by Virginia. In July 1770, an anonymous letter, some attribute to George Mercer, was published in Britain, accusing the Virginia Council of a long history of self-dealing and corruption in issuing western land grants and with wholesale violation of the 1,000 acre per person limit imposed on Virginia in 1753 to the great detriment of the Royal quitrent revenue. Lord Hillsborough, under pressure to approve the Walpole grant, wrote Nelson for an answer to the accusations.\textsuperscript{411}

President Nelson adopted a vigorous stand, defending both himself and the Council, and laying out the reasons for Virginia's opposition to the Vandalia scheme. "The Governor and Council have not in any one instance been guilty of any contravention or disregard of his Majesty's proclamation of 1763 ... notwithstanding the assertions contained in the anonymous letter to Mr Walpole."\textsuperscript{412}
Claiming that most of the large Virginia land grants took place before the 1753 limit, Nelson attempted to assure the Lord Hillsborough that "those gentlemen of the council, who did engage in the grants, have not received one shilling of
advantage from them, nor I believe ever will." He denied any significant personal involvement:

It is very fortunate for me, that ... I don't find my name in any of the grants, tho' I have been twenty-five years a member of this Board, and am therefor not otherwise concerned than to vindicate the honor of the governor and gentlemen of the Council.... My reason for declining such engagements, proceed from an opinion, that little if any profit would arise from them but some trouble, and the experience I have had, now shows that I was right in my opinion.

Nelson believed that any profit from western land should accrue only to those actually moving into the area and not to foreign speculators. Virginians had provided the sweat and blood that had tamed this land, why now should interlopers from outside the colony gain its title from the British. He defended the Council practice of deferring quitrent collection on western land since the Proclamation of 1763 denied the settlers any British protection. Further he contended that a Vandalia proprietary colony would be costly and probably impossible to defend. Quitrents in Vanadalia would be hard to collect according to Nelson "since men in this quarter of the globe, where it is so easy to become an absolute proprietor of lands, are not fond of farming [renting] them."

Virginians, themselves, were not above trying to influence friendly Councilors to represent their own western land schemes. George Mason, on behalf of the Ohio Company,
asked Robert Carter to "make such inquiries and procure such copies [of western land surveys] as you think necessary for the company's information." Mason wanted Carter to influence both the Governor and the Council to aid the Ohio Company in its disputes with the Walpole venture.

Religious ferment hit Virginia during the Nelson Presidency as well. In 1771 Councilor Horrocks, the Commissary, began soliciting the Anglican clergy in Virginia on their opinion of the desirability of a resident American bishop. During the late 1760s and early 1770s the idea of a resident bishop had circulated in the northern colonies. Horrocks called a clergy meeting in June 1771 to determine whether the Virginia clergy should formally petition for an American see, thereby upsetting President Nelson, who questioned the propriety of the clergy making this decision "without knowing the sentiments of the legislature and the people." Nelson's views reflected both ambivalence and agitation:

Virginians, tho' almost all of the Episcopal church, have as yet taken no part in the dispute, the reason I believe is that it is a matter of mere indifference to us than to other Provinces which are full of every kind of dissent... We do not want Bishops, yet from our principles, I hardly think we should oppose such an establishment, nor will the laity apply for them. Col. Corbin assures me that he hath received no petitions to get signed or anything else about it.... But Mr. Horrocks hath invited all the clergy of the colony to meet soon to consider of an application
for the purpose, he tells me he hath done due to pressure from the English clergy to the northward. 419

It is curious that William Nelson considered Richard Corbin the Councilor with the closest links to the clergy.

Commissary Horrocks and his family left for England in the summer of 1771, allegedly for health reasons. Nelson believed that Horrocks' real purpose in going to England was to lobby for the Bishop's post himself. Richard Bland agreed: "The gentleman goes to England for his health this summer, possibly a miter may be his polar star." 420

The legal jurisdiction of the General Court came under test in 1771. The Ferguson case, involving felonies committed on the high seas, and the Lunan case, concerning a vestry's attempt to remove a morally degenerate minister, both touched the gray area between colonial and British jurisdiction. In this age of constitutional quibbling, the Council was reluctant to be seen as stepping outside its legal bounds. Upon his elevation to acting Governor, Nelson immediately wrote Secretary of State Hillsborough for advice on the two cases. It has been suggested that the inability of Nelson to get clear advice from the British on these two issues demonstrates the deteriorating state of the Imperial bureaucracy. 421
The Lunan case had been around for several years, as an attempt by a Nansemond County parish to remove a bad minister, but various Commissaries, including Horrocks, declined to get involved. The 66th Article of the Royal Instructions advised the Governor to "use proper and usual means" to remove scandalous ministers, but Nelson wrote to the British government that "at this time we have no proper and regular means." 42 2

His request for a legal opinion from the British Attorney and Solicitor General was shunted over to the Bishop of London, who recommended a commission of two Virginia Council members, the Commissary, and one neutral clergyman. Any finding of guilt was then to be reviewed by the Privy Council. This impractical advice was ignored, and the General Court heard the case in October 1771. The best legal minds of the colony argued the issue: Attorney General Randolph for the minister; Wythe, Bland, and Jefferson for the vestry. The Council ruled for the vestry, concluding that "the civil court possessed ecclesiastical jurisdiction in general and that as an ecclesiastical court they might proceed to censure or deprive the defendant, if there should be sufficient cause." 42 3

Lunan was granted a rehearing by the General Court, but the parties reached an out of court settlement in 1775.
Another great legal case argued before the Council during the 1768-1771 period involved the Norfolk smallpox inoculation riots. Inoculation against the dreaded smallpox, which had ravaged Williamsburg (and the Blair family) in 1747-48, was still an experimental treatment of great controversy in America. In 1768, an enlightened Norfolk group brought English inoculatist Dr. John Dalgleish to Virginia to perform this cure on several volunteer families at the plantation of Dr. Archibald Campbell. Public pressure in Norfolk quickly arose to prevent these inoculations for fear of starting an epidemic. Curiously, those protesting the inoculations were largely individuals prominent in the anti-British protests over the Stamp and Townshend Acts, while the pro inoculation forces were largely identified as pro Tory.

Anti-inoculation mobs broke into the Campbell plantation during the summer of 1768, setting off a series of suits and countersuits by both sides. Dr. Dalgleish was arrested, although inoculation was not illegal at the time. The atmosphere boiled over again in the spring of 1769, when a ship disembarked some smallpox infected sailors in Norfolk. The anti-inoculation mobs grew more violent with British and Scotch citizens becoming frequent mob targets. Dr. Dalgleish was jailed by local authorities. The Council,
however, offered rewards and immunity to witnesses willing to identify the mob leaders, and in October 1769, the General Court cleared Dalgleish of the charge of spreading smallpox. Blair, Carter, Corbin, Fairfax, Byrd, and Tayloe voted for the doctor’s acquittal; the Nelson brothers, Burwell, and Page voted to convict.\textsuperscript{426} It appears that Fairfax actually received, and Byrd seriously considered receiving inoculations when they were living in England.\textsuperscript{427} William Nelson went on record as accusing inoculationists of opening "a second pandora's box"\textsuperscript{428}

Criminal suits filed against the mob leaders in the April 1770 General Court, led to some guilty verdicts after a nine day trial. But some on the Council (the Nelson's, Burwell and Page) "were inclined to favor the mob from the beginning."\textsuperscript{429} A witness at the trial recalled that:

Mr. W. Nelson, who could not openly prostitute his opinion as judge, after the affair was over, extending his right arm, his face as red as fire, and I thought looked at G. Calvert and me and says 'If I Had the power I would hang up every man that would inoculate in his own house.\textsuperscript{430}

The pro-inoculators, representing the more scientifically enlightened portion of the community believed a fair trial possible while John Blair "a reasonably fair man" presided over the Council and while Lord Botetourt was governor, but when William Nelson succeeded to the senior Council post,
the pro-inoculist forces despaired of receiving a fair trial in Virginia. 431

The 1771 executive sessions under acting Governor Nelson were likewise busy. The Council studied a British plan to solve the Virginia specie problem by shipping over a load of copper pennies. In response to a British request that Virginia stop issuing western land grants until the Walpole matter was resolved, the Council dutifully denied the land grant petitions, including one for 30,000 acres from the Thomas Nelson led Greenbriar Company. On Indian matters, the Council did not recommend, and Virginia did not send, any delegates to an inter-colonial conference on the illicit Indian liquor trade held in New York in 1770. 417 William Nelson doubted anything could be done to keep liquor away from the Indians: "when I consider how bewitching the passions from strong drink is among the lower and unthinking part of mankind." 413 However, when a similar conference was held the following year, the Burgesses sent their own delegation.

Far from being a declining institution in 1771 the Council actively contributed to administration of colonial government. It rejected a community call to increase the number of justices for Elizabeth City County, principally
because the Council objected to increasing the number of persons exempted from militia duty. They closed a significant loophole in the Colony's export duty law, which had allowed non-resident shipowner to claim resident exemptions by merely registering their ships in the name of a Virginia straw man. After reviewing the Lochaber Treaty report of Colonel Donelson, the Council endorsed the results and issued a modicum of praise for their nemesis Indian Superintendent Stuart. With the Lochaber Treaty in place as British approved precedent, the Council finally ended its foot dragging on surveying a precise Cherokee-Virginia boundary and ordered Donelson to proceed. Rumor of a plague epidemic from Hispaniola temporarily threatened Virginia in 1771, and it was the Council that ordered quarantine measures for incoming ships.

With their comrade Nelson in the Governor's chair, the Council became privy to secret British diplomatic dispatches on the recent Spanish invasion of the Falkland Islands, and British preparations for the possibility of a war with Spain. The Council still considered war preparations within their domain in 1771. However, a concerned William Nelson commented that "nothing is so destructive to the true interest of the tobacco planter as a war."
In 1770-1771 the Council undertook a significant effort to update its own capital library and assigned Philip Lee to the task. Lee ordered updated journals of the proceedings of both Houses of the British parliament, Blackstone's commentaries, Hume's History of England, works by Bacon and Harrington, Middleton's "Cicero", and numerous other works from his London factor. Councilors Carter and Horrocks were appointed to update and correct old Council journals as part of a clear effort to upgrade the documentation of past Council actions. These actions might be taken as an indication that the Council was preparing for some sort of constitutional assault.

The benign years of 1768-1771 were ones of economic setback for several Councilors. The General Court decided a case against the Fairfax proprietary interests, ruling in the Hite case that those settling the western parts of the Fairfax grant prior to the 1735 now possessed good title against the Fairfax. How much George Fairfax was adversely affected is unclear, especially since he was at that time estranged from Lord Fairfax. However, the case does demonstrate that a Councilor's family interest in litigation before the General Court did not seem to sway its decision.
The financially embarrassed William Byrd finally held his private lottery, after several delays, in November 1768. Ticket sales were disappointing, and the collection of the ticket proceeds, often paid by promissory bond rather than money, proved tough as well. By 1769 Byrd was insolvent and reduced to purchasing advertisements in the *Virginia Gazette* begging ticket purchasers to pay up:

[I]t gives me great concern to find that I am obliged, once more, to apply in this public manner to those gentlemen who have not as yet paid for the lottery tickets.... I disposed of a fine estate in order to settle my affairs, and to do justice to everybody I had dealings with, but ... have not received a third part of my money. 438

British patronage still provided a lure for Virginia's leading gentry, both William Byrd and Philip Lee became interested in the possible availability of the position of Secretary for the colony, after the serious illness of the aged William Adair in 1770-1771. Byrd wrote General Amherst, proposing that Amherst seek the position himself (which Byrd estimated was worth 2,000 pounds a year), and "to look to me as a proper person to be your deputy". Byrd promised to pay Amherst 1,500 pounds a year for the honor. 439 Councilor Lee apparently also inquired about the same office in 1770. His brother William advised him that 5,000 pounds was the going rate for this place, and that: "English favors can't be expected for minimal
vengeance is so determined against all Americans that it is no time to ask for favors." William Lee then detailed the specifics of the ubiquitous British venality: "no place can be obtained without purchase.... Lord H----gh through whom most if not all American places pass is the most avaricious.... Lord H takes pains to know the value of all places and the price must be paid directly or indirectly."440

Contemporary riots in England--some for democracy, most for bread--also provoked Councilor comment. William Nelson took pains to distinguish the anti-Townshend Act protests of Virginia from the Wilkes rebels in England. "Hang Wilkes and all the rioters among you say I, but we must not call them rebels; tho' the mob at Boston have been honored with that name."441 He wondered why the British praised the Corsican rebels under Paoli as brave soldiers in the struggle for liberty, while Americans were seen as "presumptuous" or "rebellious" in their similar struggle. "Why this difference?" asked Nelson rhetorically "I dare not tell you in plain English, but trust that our cause is just."442 Nelson believed that the British riots stemmed from a degenerative weakness and instability in the British government, which he feared threatened to cross the Atlantic to infect America.
After the Board of Trade's threatened removal, in 1768, of publicly disloyal Council members, the Council curbed its own official tongue. However, between this 1768 British threat and the coming of the last royal governor in 1771, two Councilors actually ran the Virginia government for over one-third of the intervening time. The Council, itself, stayed active in all the important affairs of government from 1768 to 1771 and did not shrink from challenging the Burgesses on a number of occasions. The Burgesses may have gained power and militancy during this period, but the Council was still an important force in Virginia politics at the arrival of Lord Dunmore, the last Royal Governor.
CHAPTER VIII.

REBELLION IS THE CHOICE:
THE FINAL YEARS OF THE COLONIAL COUNCIL (1771-1776)

On September 25, 1771 Council President William Nelson turned over the reins of government to John Murray, Earl of Dunmore, Scottish peer and member of the House of Lords. The new Royal Governor-in-chief took his oath of office from the Nelson brothers and John Page. Dunmore, in turn, re­s­wore the Councilors to four oaths: that of allegiance and supremacy to the Crown, an oath of Abjuration to the Stuart line of pretenders, a subscription to the Test Act of Anglican orthodoxy, and finally, the Council oath of office. Despite the Virginia governorship being a "place of great value", Dunmore unsuccessfully lobbied the British government to let him remain as Governor of New York. Virginia did not appear very happy with the assignment either. William Nelson from the first feared Dunmore would not be Botetourt's equal, "especially as we have various accounts of his disposition". Councilor Nelson frankly expressed the hope that Dunmore would stay in New York. Any working relationship with this new Governor must have been demanding, if Edmund Randolph was correct in his retrospective assessment: "Dunmore generally preferring the
crooked path, possessed not the genius to conceive, nor the
temper to sense the plain and direct way... (and) to the
imperviousness of an army officer was added the arrogance of
a pendent and cynic."445

The Dunmore years in Virginia encompassed the final
straining season of dissolution between colonial America and
mother Britain. The Gaspee Incident, the Boston Tea Party,
the retaliatory Boston Port Act, the series of Continental
Congresses, the reciprocal trade boycotts by America and
then Britain, and finally the gunshots of Lexington and
Concord, all occurred during Dunmore's watch. The Council's
role during this time best divides into three periods. From
late 1771 until the summer of 1773, it attempted to work
with both the Governor and the Burgesses in a business as
usual manner. Between mid-1773 and spring 1775, when
Dunmore fled Virginia to the safety of a British man of war,
the Council assumed the role of mediator in an increasingly
dysfunctional government. Finally during a year of
interregnum, from June 1775 to spring 1776, the Council
attempted to govern the colony in unclear and unequal
competition with the Patriot Committee of Safety.
A. The Last Councilors

The Council lost five members, and replaced three during these last critical years. The newcomers were not of weaker fabric than those they replaced. However, they brought different views and backgrounds into the Council, that actually created a broader political spectrum, but made future consensus more difficult. Commissary James Horrocks, the first to exit the Council, left Virginia for England, during the summer of 1771, purportedly to lobby for a bishop's hat. Horrocks never returned, dying in Europe, in early 1772. Senior Councilor William Nelson became ill early in 1772, and died in November 1772 after a protracted and painful deterioration. The Council thus lost a tame cleric and a powerful old lion of increasing Whig sentiment. Nelson, in particular, was heavily mourned, Horrocks hardly missed. Burgess leader, Robert Carter Nicholas, called William Nelson: "the best of men and the best of Christians" and feared that Virginia had now lost one of its great political mediators. William Nelson left to Virginia both his brother, Secretary Thomas Nelson, now the new senior Councillor, and several active Patriot sons, including future Revolutionary General and State Governor Thomas Nelson Jr.
John Page of North End, concluded his short term as a junior Councillor by dying in October 1774. Philip Ludwell Lee, also did not live to see the Revolution, as he expired in February 1775. The British government replaced Horrocks, Nelson, and Page, but the state of Virginia affairs was too far gone by mid-1775 for the British to bother replacing Lee.

Death was not the only event to erode active membership in the Colonial Council during these final and fateful years. George William Fairfax, exited Virginia in August 1773, purportedly for the health of his wife and to attend to his estate at Toulston in Yorkshire. Fairfax left his Virginia estate in the hands of his good friend George Washington to manage until after the Revolution. It has been said about Fairfax that "Virginia had ceased to be an attractive residence for one so loyal as he." But Fairfax's entire life showed a greater attachment to the material benefits of civilized England than to frontier Virginia. With his wealth primarily in England, and supplanted by a younger brother as favorite and heir presumptive to Lord Fairfax's proprietary lands, there appears more self interest than political interest in the Fairfax exit from America. Surprisingly little of the Fairfax-Washington correspondence has come to light. Thus
the politics of Councilor Fairfax can only be guessed, but his English home became a way station for many American whig expatriates trapped in wartime England. During the Revolution Fairfax thus gained the dubious distinction of not being fully trusted either by the English or the Americans. 

Robert Carter gave up his Williamsburg home in early 1772, perhaps out of dissatisfaction with Lord Dunmore, or perhaps due to a maturing interest in business, he returned, after an eleven year hiatus, to his plantation at Nomini Hall in Westmoreland County. His biographer, Lewis Morton, clearly misread the facts in maintaining that Carter dropped active participation in the Council after 1772. In truth, Carter continued active Council service at least until Dunmore's flight in 1775, and may also have participated in the interregnum council of 1775-1776. But Carter did use the years 1772 through 1776 to become more active in business and in his planation empire.

The richest man in colonial Virginia, and now active in the Baltimore Iron Works, one of Colonial America's leading manufacturing concerns, Councilor Carter also became a major experimenter in the export of Virginia wheat to Europe, and the increasing use of white tenant farmers as a substitute
for African slave labor. Carter's switch away from tobacco upset his British factor, who strongly urged the continuation of the status quo relations between Virginian tobacco planters and British merchants as being necessary for the prosperity of both countries. Councilor Carter obviously did not agree and became a strong advocate of American self-sufficiency. Significant business took place between Carter's Baltimore Iron Works and the Nelson family commercial firm during the 1770s. In an interesting sidelight, Lord Dunmore during his term as Governor purchased a plantation from the wealthy Carter, but never fully paid for the property until after the Revolutionary War.

Unlike George Washington, Carter did not enjoy agrarian tinkering as a release from the strains of other responsibilities, rather Carter seemed to relish the business aspects of plantation management for its own sake. Carter operated through a formal structure of plantation overseers, reporting up through a middle management layer of Stewards responsible for groups of plantations. He also held an eighteenth century version of the modern monthly profit and loss meeting for his plantation domain. He took great pains to keep his finances in balance, never becoming one of the indebted Virginia tobacco planters.
During the American Revolution, Carter operated as one of Virginia's major military provisioners and wartime profiteers.453

The 1770s were particularly debilitating for Councilor William Byrd III. After his mother died in 1771, Byrd finally gained title to the traditional Byrd family home place, Westover Plantation, but inherited little positive cash flow, as he had already mortgaged most of the plantation's future profits. Bitterly disappointed by the decision of his "deluded and superannuated mother" to leave her estate to the estranged and "ungrateful" children of his first marriage, Byrd suffered a further blow when his eldest son, William IV, died in a European military accident in 1773.454 Byrd pushed the Council hard during the 1770s for an allotment of western bounty lands as a reward for his service to the colony in the French and Indian War. Later Byrd joined with John Page Jr. and Patrick Henry in a scheme to acquire land along the Clinch River in southwest Virginia, but the British-American troubles kept these ventures from ever returning any profit.455 In his 1774 will, Byrd wrote that he found himself bankrupt: "thro' my own folly and inattention to accounts, thro' the carelessness of some interested in the management thereof, and the villainy of others". The melancholy Councilor
lamented that this financial misfortune had "embittered every moment of my life." 456

Secretary Thomas Nelson took over the Presidency of the Dunmore Council in late 1772 and served, in effect, as its whig leader until the Revolution. Richard Corbin, now second in seniority, became the titular loyalist spokesman in the Council. Carter and Byrd continued active participation on the Dunmore Council, as did Burwell. Tayloe attended only those Council meetings at or near the court sessions, otherwise remaining at his remote Northern Neck home. Fairfax participated sporadically in 1772 and then was gone. John Page of North End remained generally active up to his death. Surprisingly active on the Council for the first time was Philip Lee, a conspicuous absentee during the 1760s. The reasons for Lee's greater participation under Dunmore is a curiosity that needs further exploration. Ralph Wormeley, defied Botetourt's concern that he lived too remote from Williamsburg and proved an active Council member.

The first replacement Councilor during the Dunmore years was the Reverend John Camm, who, in September 1772, succeeded Horrocks on the Council, after earlier supplanting him as Commissary and President of William and Mary College.
For a time (1771-1773) Camm also served as rector of Virginia's Anglican "cathedral", Bruton parish. Known as "the old parson", he was of definitely different temper than the tepid Horrocks. Camm had led a fifteen year fight for a clergy independent from secular domination by the very government and gentry he now joined. Considered the "most prolific Tory pamphleteer" of the Colonial period, his intellectual ability was unquestioned; but Governor Fauquier had a decade prior sized him up as "a turbulent man who delighted living close to the flame." Opinionated and able, especially in contrast to his dull Commissary predecessor, his long legacy of ideological warfare with the Virginia gentry establishment left him politically isolated. Curiously, Camm preached the funeral services for both John Blair Sr., and William Nelson, men, who in life had been his political opponents. Grudgingly respected, Camm was not a political intimate with any of Virginia's leadership.

Camm, age fifty-four, when fate brought him into the Colonial government that he had fought most of his Virginia life, was born in Hornsea, Yorkshire, England in 1718. Educated at Trinity College, Cambridge in the early 1740s, he graduated as a Doctor of Divinity, and emigrated to Virginia in 1745. He first served for a few years as a minister in Isle of Wight County before moving to York-
Hampton Parish in York County in 1749, which was the home parish of the Nelson brothers. In 1749, he also became Professor of Divinity at the College.459

His battle with the Virginia establishment began after passage of the first of the "Two-Penny" Acts by the General Assembly in 1755. This law allowed the clergy, among other officials, to be paid their public salary in currency rather than tobacco, at an exchange rate prejudicial to the salary recipients. Camm led a small band of clergy in protesting this action, calling it an illegal interference with clergy independence, and illegal under British law, since this act of the General Assembly did not contain the necessary suspension clause mandated by Board of Trade Instructions. Camm likewise complained to the Bishop of London that this piece of colonial legislation violated the rights and common liberty of the clergy, as well as the prerogatives of the King.460

In 1756, Camm drafted a formal petition challenging the Act and then found himself the victim of swift gentry retaliation, as the he was removed from the William and Mary faculty in 1757. Richard Morton found it not "surprising that they [the Governors and Board of Visitors of the College, which in 1757 included Councilors Blair, Thomas
Nelson, Corbin and Ludwell] should soon find an excuse to rid the college of their opponent on the Faculty."\textsuperscript{461} The College Board set about to reduce the influence of the clergy in the college. The technicality used to remove Camm was his refusal to testify before the Board of Visitors regarding the dismissal of a college staff member, which Camm maintained was not within their power to review. Camm, the Anglican and College martyr, returned to his duties as a York county minister, but not without first criticizing the temerity of Commissary Thomas Dawson.\textsuperscript{462}

Another bad tobacco harvest resulted in the passage of a second "Two Penny" Act several years later; Camm called this second Act "virtual treason and intellectual disloyalty".\textsuperscript{463} He then led a convocation of ministers in protest and was selected by them in 1758 to argue their case directly before the British government. Camm's protest mission to England fueled the General Assembly's demand for their own London agent and the creation of the Committee of Correspondence. The first order of business for the newly established Committee of Correspondence, chaired by Councilor William Nelson, involved fighting off the Camm attack on the General Assembly's right to legislate internal matters. Camm was successful in his British appeal, as in August 1759, the Privy Council disallowed the Virginia
The matter did not end. Camm, with the official copy of his victory over the government of Virginia in his pocket, dawdled in England for seven months, and after his return to Virginia, shared his good fortune with friends before finally presenting the order to Governor Fauquier in June 1760. The Governor claimed the document presented to him by Camm was "both open and dirty and worn at the edges and folds" and he "flew into a violent rage", accusing Camm of deliberately embarrassing him and leaking the contents of the order to others. Fauquier thereupon barred Camm from future entry to the Governor's Palace and limited all future correspondence between them to writing. The Governor's ire at Camm spilled over to Camm's close confederate, the Reverend William Robinson, the future Commissary excluded from the Council.

Camm and at least four other ministers promptly sued their respective vestries for lost pay. These lawsuits caused an exchange of political pamphlets from 1759 and 1764 between Camm and supporters of the General Assembly, principally Landon Carter and Richard Bland. Bland's rebuttal to Camm, "The Colonel Dismounted", is considered, by some, to be the first full American dissertation on the
constitutional distinction between external and internal legislation.\textsuperscript{466}

Authoring the "Review of the Rector Detected or the Colonel Reconnoitered" in rebuttal, Camm attacked the Bland advocacy for colonial self rule over internal affairs and was particularly abusive to the views of a young lawyer, Patrick Henry, who had just convinced a Hanover jury to scuttle the back pay award of an appealing clergyman. Camm also complained to the Bishop of London, Thomas Sherlock, that the "Virginia government seems to have nothing more to do then to lessen the influence of the crown and the maintenance of the clergy."\textsuperscript{467} In 1763, the feisty cleric won a second major victory over the Virginia political establishment when the Privy Council ordered him reinstated to the faculty of William and Mary College with full back pay.\textsuperscript{468}

Camm's back pay lawsuit on the Two Penny Act issue was originally filed with the Virginia General Court in 1759. As his York parish included a portion of Williamsburg, this arguably allowed him to by-pass the county court and file his suit directly with the General Court. But the Council delayed hearing the Camm case until April 1764. At that time the Councilors on the General Court rejected the back
pay claim on a five to four vote with two abstentions. Governor Fauquier, however, allowed Camm, the religious rebel, a special exception to appeal the Council ruling to the Privy Council, even though it did not meet the 500 pound jurisdictional requirement for such appeals. This Camm appeal languished in England until 1767, when it was dismissed on a technicality, perhaps as a "convenient excuse for avoiding a difficult and unpleasant situation." The indomitable old parson tried to interest Lord Botetourt in resurrecting the case as late as 1769.

The Parson's cause was not Camm's last tiff with the Virginia establishment. In 1769, as an older gentleman of fifty, he married teenager Betsy Hansford, described as a descendent of one of the Bacon rebels. This marriage broke an unwritten rule that College faculty members remain unmarried. Calls immediately arose for Camm's ouster from the College. A contemporary wrote that: "Mr Camm's" marriage has made great noise here, but pray may not an old man afflicted with the gout have the pleasure of a fine hand to rub his feet and warm his flannels. Comfortable amusement you will say for a girl of fifteen" Some have called this episode Virginia's version of the John Alden saga: "[W]here or when did you see an aged man, but it cherished his very nessais quoi, at the sight of a young virgin led to
The feisty Camm heavily involved himself in the movement to bring a resident bishop to America. As a leader in Horrocks’ 1771 clergy convocation to study the issue, Camm directed a letter campaign in the Virginia Gazette from June 1771 until March 1772 supporting the appointment of a resident bishop to restore order and morality to the Anglican clergy and to help resist the rising tide of dissident sects. This newspaper war became so heated that the Virginia Gazette publishers, and presumably the public, as well, finally tired of the whole issue, barring any future publication of this debate after March 1772. These episcopal polemics were largely carried on between College faculty members; Camm was on one side, while younger, more liberal faculty members such as Samuel Henley and Thomas Gwatkin, opposed an American bishop.

Camm’s career highlights the difficulty in attempting to meld religious and political views in pre-Revolution Virginia. After a long and consistent record of political warfare with the gentry leadership over control of the Anglican church in Virginia, Camm found himself also in combat with young clerics of more modern Unitarian (Socinian) and Deist views. Interestingly, Councilors Blair
and William Nelson, who fought Camm politically, supported the old parson theologically against the young liberal clerics. Blair refused to let Henley officiate at his funeral, preferring Camm instead. While the liberal religious views of men like Henley seem more consistent with the "Enlightenment" beliefs of Washington, Jefferson, Madison et al., the liberal theologians Henley and Gwatkin both fled to Britain prior to the Revolution, while the conservative Camm stayed in Virginia, bequeathing a future generation of Episcopal ministers to new republican state.

As the Horrocks elevation to the Council in 1770 presumes a conscious effort by the British government to appoint a cleric acceptable to the Virginia leadership, Camm's appointment, two years later, must be seen as the opposite. Camm represented the embodiment of the loyalty to the established English church, and its independence from the Colonial government. Camm's appointment, thus, seems a deliberate attempt by the British to place a strong loyalist on the Council. However, Camm's history of opposing Virginia's gentry leadership made it impossible for him to rally support from other Council members, even those that respected him and supported his theology.

Appointed to replace the venerable William Nelson, John
Page Jr. of Gloucester County came to the Council more esteemed in lineage and equal or greater than Nelson in Patriot temperament. However, this John Page was a generation younger, and considerably less established in his political and economic connections. The only Councilor to actively serve in the Patriot government, he later became a member of the Committee of Public Safety, the first Lieutenant Governor (under Patrick Henry) of republican Virginia, as well as a post-Revolution Governor and Congressman. He was the nephew of Councillor John Page of North End; his father, Mann Page II, was John of North End's older brother. These Page brothers in turn were the sons of Councilor Mann Page (1719-1730), a close associate of King Carter, but the older Mann Page dissipated the family fortune through unwise land speculation. Though John of North End did not seem particularly encumbered, older brother Mann Jr., and his son John Page Jr., were in continual financial trouble.473

John Jr., born in 1744, was of the same generation as, but of opposite political temperament from, Ralph Wormeley V. Page, educated at William and Mary, and graduating in 1762, was the oldest son of the oldest son, inheriting the Page family seat at Rosewell Plantation in Gloucester County. John Jr. married Elizabeth Burwell, the daughter of
Councillor Robert Burwell; thus making him also an in-law to the Nelson brothers.\textsuperscript{474}

Representing Gloucester County as a Burgess from 1768 to 1773, Page Jr. actively supported the anti-Townshend Act Association in 1769 as well as the county protest resolves, believing that American solidarity would pressure the British into backing down. He hoped for the quick repeal of "the unconstitutional and impolitic acts\textsuperscript{475}" and was concerned about the frightening decline of Great Britain as a symbol of political liberty. Riots in England convinced him that the mother nation "was little short of rebellion", and he saw a spreading discontent with British rule among her colonies.\textsuperscript{476}

John Page Jr. also perceived the colonies ready to end trade with England and wondered why Britain, with its great prospects for happiness and wealth, and the historic source of "our invaluable constitution" had slipped into such "gross vapors of Ministerial ignorance or villainy".\textsuperscript{477}

The great contemporary English Whigs like Chatham and Camden were admired by Page as "great consolation to thousands of Americans" and he hoped such men would dispel the evil reputation the name of Great Britain in the minds of most
Virginians before it was too late. In 1769, Page Jr. had no doubt that Virginia's resistance to the Townshend Acts was just, writing:

I like the Association because I think it will repeal the disagreeable Acts of Parliament, open the eyes of the people with you [British merchants], and most certainly clear us of debts. All of North America will join this scheme. How must your manufacturers curse the Minister who has driven the colonies to this. I am astonished at Lord Hillsborough. His method of quelling riots in London, and supporting civil power in America, as he terms it, will render him externally ridiculous and odious to both the English and Americans. I am amazed at the influence he seems to have over both Houses of Parliament, their resolves are almost a copy of his letter to Governor Bernard.

Page expressed "shock" that the British were able to get away with the "dangerous and impolitic scheme of sending troops to Boston". Curiously, Page, did not sign the May 1769 Non-Import Association manifesto drafted by the Burgesses leadership at Raleigh Tavern, for perhaps, if he had, he would not have been elevated to the Council in 1773.

Page suffered from financial troubles until the 1790s, he became so strapped that he stopped paying his debts to English creditors in both 1769 and 1771. In 1769 he pleaded a bad tobacco crop, the "worst overseer in the world", scarcity of specie, and the high cost of electioneering for his Burgess seat, as the causes of his financial embarrassment. In 1771, he considered moving west to
Frederick County, where "the tobacco yield is five times Gloucester" as a means of righting his fortunes. Clearly worried that his reputation as an honorable gentleman was being sullied unfairly Page protested to a British merchant:

When you recollect my first letters full of an abhorrence of the extravagance and debt and my others full of fair promises and large expectations: I fear you begin to suspect my honor, and that you do not consider how far the strict economy at Rosewell must exceed the net proceeds of 14,000 hogsheads of tobacco per year.

John Page Jr. maintained a lifelong friendship with Thomas Jefferson, and they were political allies until Page's death in 1808. Like Jefferson, Page found the modern ideas of the European Enlightenment attractive, especially those involving the natural law and science. Page was a charter member of the Virginia Society for the Advancement of Useful Knowledge, an organization dedicated to the study natural law in all its various manifestations. He served as the Society's vice-president in 1773. Credited with inventing a novel rain measuring device, he corresponded with the prominent American scientists of the day: Franklin, Rittenhouse, and Rush. Unlike his friend Jefferson, Page remained a strong Anglican, even serving as a prime witness in a Bruton parish vestry action against the liberal theologian Samuel Henley. Observant
of young Page's talents all the while was a fellow Society member, Lord Dunmore.

Thomas Nelson Jr. wanted very much to assume his father's seat on the Council, and blatantly used his political contacts to lobby for the post. Treasurer Robert Carter Nicholas was at least one such Nelson supporter, and the Earl of Stanford, the Duke of Beaufort and Edmund Montague also apparently pleaded Nelson's cause with the British government. But Dunmore wanted John Page Jr., and as British merchant John Norton advised: "Lord Dunmore's recommendation exceeds any interest that can be made." Robert Nicholas wrote contemporaries that he still believed young Nelson a better man than young Page. Page received his Council appointment in March 1773. Ironically five of Page's children married children of his rival Thomas Nelson Jr.

The last appointee to the Colonial Council was Gawin Corbin, eldest son of Councillor and loyalist spokesman Richard Corbin. Appointed to replace John Page of North End in February 1775 it is not clear that he was ever formally sworn to membership. As the younger Corbin died in 1779, his views and impact remain obscure. Some claim that he, like his father, became a loyalist; while others assert
that he was a Patriot, and that it was his younger brother, John Carter Corbin, a Burgess from Gloucester, who supported their father's Tory stance. 489

Gawin Corbin was born in 1740, and thus was of the same generation as Ralph Wormeley V, John Page Jr., Thomas Nelson Jr., John Blair Jr., and Thomas Jefferson. He received an English education at Cambridge, and possibly also at the Inns of Law, before returning to Virginia in 1761. He married, took over a family plantation at Buckingham House in Middlesex County and was elected to the Burgesses from King and Queen County, serving from 1766 to 1771. 490

Thomas Nelson Jr. lobbied for this Council seat as well. In October 1774, Nelson wrote to a British contact: "If I don't succeed I will give it over and confine myself to my family, where I find a great deal of happiness, perhaps more than I shall find in as more exalted station." 491 It is significant that Nelson, a member of the Virginia Patriot convention of August 1774, a signatory to the 1774 Non-Import Association, and moderator of the York County Non-Import Association, still wanted, at this late date, to be a member of the Council. This seems evidence that the the Virginia gentry still perceived status and respectability in the Council. However, Dunmore
apparently felt safer with another Corbin, than another Nelson.

B. Business as Usual: a final attempt

The Council's workload during the Dunmore portion of 1771 was relatively mundane: approving the county appointment lists for sheriff and justices of the peace, investigating a corrupt tobacco inspector, planning repairs and additions to the Governors Palace, and reviewing government revenues and expenses. They also dealt with occasional manumission requests. During the Dunmore years, however, the number of Council rejections of these freedom requests curiously increased. The standard Council refrain in such rejections: "there not appearing to the Board any proof of sufficient meritorious service ... to entitle him to his freedom." 492 One issue confronting the Council in the waning months of 1771, was a request by George Washington for 200,000 acres of western bounty lands for his war veterans, as originally promised by the Virginia General Assembly under Governor Dinwiddie in 1754. The Council had previously endorsed this grant, but Washington, who was apparently unhappy with the survey requirements, requested a
personal meeting with the Council in November 1771 to lobby for more liberal conditions. The Council listened, but denied the requested concessions.\textsuperscript{493}

The first House of Burgesses under Dunmore was elected in early 1772, and after Council concurrence, the new Governor called his first, and ultimately only successful session of the General Assembly for February 10, 1772. This general business session, lasting until mid-April, opened with Dunmore's call to:

\[\text{[I]nvigorate the Industry of the People in making the best Use of the natural advantages of this Country ... to regulate and encourage Agriculture ... which cannot fail to extend your commerce, open new sources of wealth, and add fresh motives, of mutual benefit, fail to increase the dependence of this important colony and the Parent Country.}\textsuperscript{494}

The Governor advised the worried Assembly that he had received no British government instructions demanding any particular legislative action, and that his primary interest was action to improve the sagging Virginia economy. Evidently both Dunmore and the Council believed that a better economy might heal the growing strain in British-American relations.

In 1771, a speculative surge temporarily boosted optimism about tobacco prices, in contrast to a generally downward trend from 1763, but a severe credit crunch in both
Britain and Virginia cut short any benefit to Virginia planters. British and Scotch merchants were "suffering the worst times they can remember", and the already difficult process of collecting debts in Virginia grew steadily worse. The February 1772 Assembly was well attended by the Councilors, with only Fairfax and Horrocks missing. John Blair Jr. took over as the new Council Clerk. Thomas Nelson, Byrd, and Carter drafted a response to the Governor that promised full Council support for Dunmore's effort to stimulate the Virginia economy, and pledged cooperation with the Burgesses to that end.

Debate exists over whether Virginia suffered less from the 1772-1773 credit crunch than other colonies. However, British merchant John Norton claimed that some 400 Virginians owed his firm more than 63,000 pounds which he could not readily collect. William Nelson, at his death in 1772, was owed 35,000 pounds by his Virginia customers and borrowers, which he had been unable to collect, rendering his estate, one of the largest in Virginia, without enough liquid assets to cover his bequests. Councilor Robert Carter, a significant creditor by the 1770s, found himself vilified in the Virginia Gazette for predatory debt collection practices, and called "worse than a rattlesnake". The difficulty attending the collection
of debts in Virginia during 1773, according to Robert Carter Nicholas were "almost inconceivable and I fear it will increase." Equally worried, Richard Corbin bemoaned that few Virginians "have a just notion of credit."

Whatever the relative economic depravation of Virginia versus other colonies, clearly the Virginia creditor class during the 1770s feared serious economic deterioration.

The Council played a very significant role in this February 1772 General Assembly, the last "normal" legislative session not torn asunder by political protest. They assisted in reconciling the Botetourt estate for his English executors, and ordered a commemorative statue commissioned to honor the late governor. Ralph Wormeley was assigned the task of reviewing yet another Burgesses request to reduce the number of required Court days in frontier counties; Wormeley opposed the reduction. The Council and the Burgesses argued over a bill to pay public officers in currency rather than tobacco. Corbin, Page of North End and Wormeley, the Council representatives in this joint conference, held out for a higher exchange rate (i.e., they demanded a reduction in the exchange value of paper money, thus increasing the value of tobacco); after much wrangling both Houses agreed on a compromise figure.
The 1772 Council rejected House bills on vestry elections, the granting of pardons, and a bill making certain types of hunting unlawful. They expanded the proposed definition of malicious wounding to include both "eye plucking" and "kicking and stamping upon". Byrd, Tayloe and Page were assigned the task of reviewing Burgess legislation to move the Colonial Capital to a more western location. This bill was rejected by the Council, even though Byrd, a likely partisan of Richmond, put forward a compromise. The Council rejected a last minute attempt by the Burgesses to exempt certain counties from the recently worked out tobacco-currency exchange compromise, and they also rejected a bill permitting private tolls on public roads. Councilor Burwell was asked to review a perennial Burgess effort to restrict land owners from blocking water courses, the Council agreed to limited restrictions, but only if affected land owners were reimbursed for damages caused by the removal of any private property. The Council's point apparently was that property owners injured in the name of public welfare must be allowed damage recovery.502

The Council and the Burgesses worked together on several important public works projects designed to expand the potential of the Virginia economy. Councilors Carter,
Page of North End, and Wormeley reviewed legislation to construct a Williamsburg canal between the James and York Rivers. Other proposals to clear the falls of both the James and Potomac Rivers for future navigation were also considered. The Council demanded amendments to all these Burgess proposals. The House and Council failed to agree on the details of the James River project, because the Council desired a reduced stock subscription price and damage recovery provisions for injured land owners. The Council also insisted that similar damage recovery provisions for injured land owners be attached to the Williamsburg Canal, and Potomac projects as well. Approval for a land reclamation scheme in the port town of Alexandria was conditioned on the addition of protection guarantees for absentee land owners. They also amended Burgess bills that allowed the Nottaway Indians to lease their reservation land, the building of a road through frontier Augusta county, ferry regulation, a new bill on tobacco inspections, a bill on changing the terms and appointment conditions of sheriffs, and a bill for the preservation of deer in the colony.503

Major disputes between the Council and the Burgesses arose during 1772 over two issues: slave duties and militia discipline. The facts of this slave duty dispute are not
clear. The Burgesses wanted to petition the King for permission to increase significantly the duty on imported slaves, claiming that the slave trade retarded western settlement and was inhumane. The Burgesses argued further that the interests of a few slave merchants, including possibly William Nelson and Richard Corbin, should not outweigh the security and happiness of the colony as a whole. The Council sought to make amendments to this memorial; the Burgesses stood firm, however the Council ultimately agreed to endorse the Burgess petition. On the other hand, it was the Council that refused to budge on the militia bill. They demanded a more precise definition of court martial offenses, and also wanted justices of the peace made eligible for the militia muster. The exemption of county justices was in the Council's view: "detrimental to forming a regular and useful militia. by withdrawing the services of ... the best qualified to execute the commands of captain, lieutenant, or ensign." The Burgesses refused to bend, perhaps because many Burgesses were county justices themselves, and the bill died.504

The Council also argued for changes in the proposed slave criminal code. Councilor Carter apparently took the lead by insisting that slaves be granted the benefit of clergy in some circumstances, as well as a narrowed
definition of an "outlying" (escaped) slave--thus restricting the circumstances in which a slave could be killed without benefit of trial; the Burgesses would not agree to the later change. The Council did convince the Burgesses to amend the law on tax collection: requiring county sheriffs to provide receipts for taxes collected--as Virginians had "in many instances been imposed upon by Sheriffs ... for want of an account stated separately and distinctly."505 Ironically this flurry of Council activity occurred in an Assembly session that Jackson Main considered thoroughly dominated by the Burgesses.506

The February 1772 Assembly also marked the last non-protest session in Colonial Virginia. The attempt by the Burgesses, the Council, and Dunmore to return to normality, soon found itself undercut by matters from outside the Virginia borders. In June 1772, the Gaspee incident in Rhode Island flared up, which re-raised the issues of British interference in the internal affairs of the Colonies and its threat to try American political prisoners in England.

Both the Council and Lord Dunmore made an effort to work together during their 1772 executive sessions. They met approximately thirty times in Dunmore's first full year
as Governor, which was almost double the number of meetings of most prior years. Thomas Nelson took over as senior Councillor in the autumn during his brother's final illness. Thomas Nelson, Corbin, Carter, Burwell and Page of North End were the Council bulwarks in 1772. Prior to the February General Assembly, the Council reviewed the work and expenses of Colonel Donelson in surveying the Cherokee boundary. The Council also deferred again on a rash of petitions for western land grants, including one from Richard Corbin and another from Byrd. The Council still preferred to wait for definitive instructions from England. Corbin, his son Gawin, and John Blair Jr. had sought a large tract in the Powell Valley of southwest Virginia. Byrd still desired bounty lands along the Ohio for himself and his former troops.  

A British government scheme to export a large quantity of copper pennies to Virginia to help solve the dearth of hard currency came to center stage. The Council expressed a need for some assurance that delivered coin would be minted pure, and that any plan would work better than an unsuccessful earlier British effort in Ireland. According to Robert Carter Nicholas, the Council generally supported the copper money scheme.
The Council listened to complaints by the Greenbriar Company, and others including Thomas Walker, that Virginia land grants in southwest Virginia (including Kentucky) were being overrun by the large influx of settlers from other colonies. The complaintants asserted that many of these settlers acted as though the British Proclamation of 1763 voided all the Council's pre-1763 land grant. In May 1772, the Council issued its own proclamation, ordering all squatters to evacuate the area, and ordered the sheriff of Botetourt County (the county farthest to the southwest) to enforce this eviction, with help from the militia, if necessary. They also heard George Mason disassociate the Ohio Company from George Mercer's unauthorized alliance with the Vandalia group in England. The Council found no need to act on the Ohio Company request for title confirmation, however, since nothing had yet been done in England to prejudice its claims.

During 1772 the Council sat through grueling days of land caveat hearings (land title suits). They also recommended that future county militia adjutants have prior military experience, thereby advocating an end to the practice of the almost automatic transfer of this increasingly important post from father to son. At least Lee, Fairfax, and perhaps other Councilors had themselves
benefitted from such past nepotism. A request from the Governor of Antigua for emergency assistance was considered. The Council continued its dispute with Indian Superintendent Stuart, but refused to pay the expenses of his deputy and directed the deputy to look instead to England for his salary. They thoughtfully reviewed a new British commission appointing the Governor a Chancellor to take charge of "idiots, lunatics, and their estates", thus solving the legal dilemma over incarcerating the insane; Councilor Thomas Nelson, a lawyer, was assigned the task of drafting specific recommendations for dealing with the insane. The Council again rejected a personal appeal by George Washington to expand his western bounty land grant. They also refused to approve Burgess endorsed proposals to move the Spotsylvania and Halifax courthouses to a more western location.511

The Virginia economy suffered further deterioration in 1773. The specie crisis continued full bore, and a political change in the British government stalled the copper money plan. Many Virginians stopped paying their debts altogether. British creditors were no longer purchasing tobacco, but rather took it only on consignment in recognition that many London tobacco factors had recently gone bankrupt. The Virginia situation in 1773 was
aggravated by a major counterfeiting scandal that involved at least one member of the Burgesses. Virginians believed they needed either more specie, paper money, or a significant infusion of credit from England to prime the economy. But now rampant counterfeiting undermined the worth of the already insufficient pool of circulating medium.\textsuperscript{512}

An executive session of Councilors Thomas Nelson, Corbin, Wormeley and Camm met in January 1773 to discuss the counterfeiting crisis, especially that involving the flood relief issue of paper notes in 1771. They recommended a reward for information and arrest of the perpetrators and called for a General Assembly to pass necessary legislation. Dunmore concurred, ordering a March 1773 Assembly to tackle the counterfeiting problem. Dunmore also raised the horrifying prospect that all Virginia paper currency emissions might have been successfully copied, with a resulting impossibility of distinguishing the good notes from the fake. Dunmore asked for "coolness" in deliberation and assured the Assembly that the British government had no hidden agenda to impose on Virginia.\textsuperscript{513}

This Assembly lasted only two weeks and performed only minor work on the counterfeiting issue. The bleak economic
times made it impossible to call in all of Virginia's paper bills. A full Council, with the exception of the recently deceased William Nelson and the soon to depart Fairfax, attended, including the newest member, the Reverend John Camm. Lee, Wormeley, and Camm wrote the Council response that acknowledged the seriousness of the counterfeiting problem, and applauded Dunmore for his aggressive posture on the matter. They further encouraged all branches of the government to work in harmony to stop this "political malady". The Council ultimately approved a mild anti-counterfeiting measure principally aimed at policing the paper money flowing in from other colonies. Making only minor amendments to the sparse 1773 legislative agenda of the Burgesses, the Council modified bills expanding the authority of town government of Richmond, and provided use of the Williamsburg public gaol to counties with inadequate facilities. The Burgesses made another attempt to get the Council to approve its 1772 militia discipline bill; Page of North End and Burwell meet with the Burgesses, but were unable to reach a compromise. 514

The primary topic of the short March 1773 General Assembly, however, quickly became concern about British retaliation over the Gaspee incident in Rhode Island. During this session radicals, like Henry, Jefferson, and
Richard Henry Lee, vied for control of the Burgesses with the older leadership group of Peyton Randolph, Wythe, Pendleton, Bland, and Nicholas. The Burgesses, on March 12, 1773, set up a permanent Committee of Correspondence of eleven members to correspond with the other colonies on the political issues of the day. Unlike the 1759 Committee of Correspondence, no members of the Council were invited to participate. Dunmore prorogued the Assembly on March 15, seeing no good purpose in letting the rebellious Burgesses continue.

This 1773 Assembly represented the end of business as usual for the government of Colonial Virginia. The Burgesses increasingly concerned themselves with national issues and political solidarity with their elected brethren in other colonies, while the Governor increasingly looked to the British Crown for support. Caught in the middle, the council after mid-1773 found itself less a branch of functioning government and more the mediator between two increasingly separate governments.

C. The Dissolution of a Government

The group of Councilors who had been politically prominent in the 1740s and 1750s, and who largely bore the
same views as the conservative Burgess leadership of Bland, Wythe, Pendleton, Nicholas and Peyton Randolph were mostly dead by 1773. Blair, William Nelson, Peter Randolph and, perhaps even Philip Ludwell and Presley Thornton, were all seasoned political hands now lost. Only Thomas Nelson, Richard Corbin, Robert Burwell and John Page of North End remained as former Burgesses of influence still on the Council in 1773. Yet, of these four, Page would die the next year, and Burwell remained of obscure ideology and questionable competence. Therefore by the process of elimination, only Thomas Nelson and Richard Corbin, one a Patriot, the other a Loyalist, arguably represented mature political experience on the Council during these final crucial years.

William Byrd, who was still respected for his military accomplishments, only mired himself deeper in a financial quagmire that cost the Council both his energy and reputation. George Fairfax, no prominent politician, but clearly well connected in Northern Virginia, judged mid-1773 the proper time to leave both the Council and America altogether. Robert Carter, John Tayloe, and Philip Lee remained rich, urbane and well connected, but they were not politicians and they appeared increasingly uncomfortable and ill adapted in the partisan political debate that followed
Iconoclastic Camm, loyalist in sympathy, was isolated from influence by years of battle, and lacked any real blood connection with the native gentry class. However, John Page Jr. and Ralph Wormeley V, two young men from the post-1763 generation of gentry leaders, strangely balanced Nelson and Corbin as the political ideologues of the last Councils. Page, who only joined the Council in 1773, was an active Jefferson-style radical; Wormeley was an anglophile intellectual of a loyalist bent. All this diversity on the Council made consensus difficult and eroded its ability to influence events.

The Council, however, continued to conduct its governmental functions unabated during the remainder of 1773. In addition to the eight to twelve weeks of regular Court sessions, over twenty recorded executive council meetings were held in 1773. Thomas Nelson and Richard Corbin functioned as the Council leaders, with good attendance from the others. Lee and Tayloe, especially, were more prominent in their attendance in 1773 than they had been in past Councils. Byrd, despite his dissolving personal life, and Carter, despite the claims of his biographer, both remained active. New members Wormeley, Camm, and John Page Jr. also attended frequently. No one, but the expatriate Fairfax, was conspicuously absent from
The Councils 1773 deliberations.

The 1773 Council actively investigated Paschel Greenhill, a Burgess, accused in the counterfeiting scandal. It investigated and rejected the claims of the Reverend William Willie for a public salary while acting as interim Commissary between Horrocks and Camm; it advised White to look to the Bishop of London for recovery. A threatened boycott by justices in Berkeley County if they did not get Council approval to move their courthouse, was aggressively resisted by the Council, who won the battle without compromise. They reviewed with interest the British government's partial repeal of the duty on tea in June 1773, arbitrated the competing claims for sheriff in several counties, and finally issued warrants for Washington's bounty lands.515

The principal concern for Virginia in 1773, was neither the Gaspee Incident nor British tea, but rather a new British Instruction largely restricting the Virginia Council from issuing any further trans-Allegheny land grants.516 This Royal Instruction, first made known to the Council in October 1773, also barred the private purchase of Indian land without special permission from the British government, but did allow certain grants of bounty lands to French and
Indian war veterans. This British action challenged both Virginia sovereignty over its frontier and the public's expectation that the recent Indian treaties would finally open the gates again to Western settlement and speculation. The Council astutely maintained that this new British mandate was not retroactive to prevent jeopardizing the legality of the Council's pre-1773 western land grants.

A conflict between Virginia and Pennsylvania over control of the forks of the Ohio region also raised its head in the fall of 1773. Petitions by Virginia citizens in the Pittsburgh area, complaining of governmental neglect, began to flood the Council. The Council blamed this sad state of affairs on the abysmal failure of Virginia to establish courts and other local government offices in the region which was then just a remote northern extension of Augusta County. In an effort to establish some semblance of Virginia control, the Council appointed several Fort Pitt residents as justices of the peace in the Augusta court.517

The Council also expressed indignation over rising antagonism with the Indians of the Ohio River region and an increase in the number of killings and property assaults by both races. In particular, they criticized the private Ohio
Company survey of Thomas Bullitt as a primary cause of antagonism and called for its immediate cessation. Since fraudulent land surveys of bounty lands posed another problem in the late colonial period, the Council leveled the accusation that there was collusion between surveyors and bounty land grantees. They appointed a commission to review the legitimacy of the land surveys in all the frontier counties. To help clarify entitlements to bounty land grants, they spelled out the rights of heirs of French and Indian war veterans to claim bounty lands. The 1773 Council also acted on complaints by both the Greenbriar and Loyal Land Companies that bounty land grant interfered with the Companies' own grants; the Council subsequently ruled that the war veterans could only lay claim to land that was neither already surveyed nor already settled by the two Companies.

Gentry interest in further British patronage remained alive and well in 1773, despite the growing storm clouds. The two remaining political masters on the Council, Richard Corbin and Thomas Nelson, both attempted to use their British contacts for a little self-promotion of the old Council variety. The appointment of a new Receiver General for Virginia, who was a relative by marriage to Lord North, uncovered the fact that the merchant who actually
transporting the quitrent revenue from Deputy Receiver Corbin to England had been skimming off a six percent cut of the proceeds. Corbin feigned surprise and tried to negotiate a split of this skim for himself, but was unsuccessful, indicating that his influence in England apparently no longer what it once was. At about the same time in 1773, Councilor Thomas Nelson pressured his British contacts for aid in securing a Council seat for his nephew Thomas Nelson J. The Councilor, incorrectly assured in July that his nephew had received the appointment, wrote a premature letter of thanks to the Earl of Stamford. These two incidents may only be anecdotal, however, they may also be indicative of a growing coolness in the political connections between Virginia and Great Britain. These were strong indications that Virginians could no longer pull London strings with confidence.

Lord Dunmore, despite the large number of Council executive meetings in both 1772 and 1773, possessed either an inherent distrust of the Council members or an unrealistic expectation of their availability to appear at his beck and call. In February 1773, he wrote the British Secretary of State: "Your lordship must know that I am situated in a large colony without one single member of the Council to advise with on any emergency, there being only
one within twelve miles [Thomas Nelson] and rest from that to 200 miles distant. Gone were the good old days of Fauquier and Botetourt, when the Nelson brothers, Blair, and Carter lived close by, and provided sufficient Council company to satisfy a governor's needs.

The Council finally ironed out the details on the bounty lands for Washington and his veterans, granting them some 200,000 acres of land currently unsurveyed and unsettled in the land claim area of the Greenbriar and Loyal Land Companies. This action had the important legal side effect of acting as a Council reconfirmation of the legitimacy of land already surveyed or settled by these two companies, despite the British Instruction of 1773 barring the Council from further western land grants. This blatant Council endorsement was not lost on the rival Ohio Company, which did not receive any equivalent Council recognition of the legitimacy of its grants. Councillor John Tayloe unsuccessfully petitioned the Council in 1773 to remedy this inequality and to officially endorse the Ohio Company surveys as well. Tayloe, Lee and Carter were the only Ohio Company partners still active on the Council in 1773. The Loyal and Greenbriar partnerships still boasted the more powerful Thomas Nelson and Richard Corbin. Why the remaining Council members continued to favor Loyal and
Greenbriar claims over those of the Ohio Company is not clear.

By the start of 1774 "the thinking part" of the colony worried more over the threatened loss of their liberties than the mundane affairs of daily government. Edmund Randolph recollected that: "Every day intelligence arrived from England of authorized contempts of American powers and courage, and of a callousness to American circumstances." The Council role of running the standing government increasingly became less relevant as Virginia's government proceeded to dissolve into two separate spheres. The popular government, centered in the counties, used the Burgesses as well as various local committees for its political spokesmen. The increasingly isolated Williamsburg government run by Lord Dunmore became ever more arbitrary in its actions.

Relations with both the Pennsylvanians and the Ohio Indians turned sour in early 1774. In February, Dunmore informed the Council that he had take unilateral emergency action in appointing several court justices and militia officers at the Pittsburgh settlement to insure an active Virginia government. He apparently either honestly assumed that the Council would concur with his action, or he no
longer felt constrained to consult with them in advance. Dunmore further advised the Council that Pennsylvanian officials had jailed a Virginia militia officer and that Governor Penn was asking Virginia to remove all its military and judicial officers from the area— an action tantamount to Virginia’s surrender of the disputed region to Pennsylvania. The hastily assembled Council of Thomas Nelson, Corbin, and Page of North End reaffirmed the claim that Pittsburgh was Virginian territory and rejected Governor Penn’s request for Virginia to back down pending British review. The Council further requested Dunmore to demand release of the Virginia officer and write the British government a full account of Virginia’s position.

During the April 1774 General Court session, a fuller Council, minus only Byrd and the expatriate Fairfax, reviewed the boundary dispute with Pennsylvania in more detail. They reviewed Governor Penn’s hostile response which declined to release the arrested Virginia officer. The Council considered the letter "a high insult", advised Dunmore not to respond, recommended that militia be raised to rescue the officer from the Pennsylvanians, and if necessary: "to take him out by force." But later the Council endeavored to find the moral high road by also censuring Virginia magistrates for the retaliatory arrest
of a Pennsylvania official. These violent and illegal Pennsylvanian actions, according to the Council, should, however, only serve to invoke a cautious and reasoned response. Thus they recommended that Virginia refrain from initiating any hostile or provocative actions. The Council issued a proclamation ordering residents in the disputed border area to pay quitrents and taxes to Virginia and instructing the Virginia militia to protect the region from any invasion from either by the Indians, or the Governor of Pennsylvania.\footnote{526}

The Council supported Lord Dunmore's call for a General Assembly to raise troops for a possible confrontation at Fort Pitt. Intermixed with this potential military problem, however, was the fact that by the spring of 1774, extra-legal military companies were being formed and funded by private gentry efforts, that were independent of the official militia. Many historians consider this Pennsylvania border episode, which led in part to "Lord Dunmore's" War, a deliberate attempt by the Governor to break up intercolonial cooperation and to gain control of the Virginia militia.\footnote{527}

Dunmore opened the General Assembly on May 5, 1774 with a request to raise and fund the troops necessary to turn
back an Indian threat and resolve the Pennsylvania boundary dispute. The Burgesses recommended war preparations against the Indians, but peaceful resolution of the disputes with their brother Pennsylvanians. Unfortunately for any expectation of prudence and moderation during this Assembly, the Boston Port Bill, enacted to punish the northerners for their Tea Party, unleashed a wave of anti-British sentiment in Virginia during the spring of 1774. The Burgesses issued a resolution in support of Massachusetts and marked June 1, 1774 as a day of public fasting, humiliation, and prayer in support of Boston. An outraged Dunmore dissolved the Assembly on May 26, after only three weeks in session, declaring: "I have in my hand on paper published by order of your house, conceived in such terms as reflect highly upon his Majesty and the Parliament."\textsuperscript{528} There is no record of the Council approving any legislation during this session.

Some eighty-nine Burgesses retired to the Raleigh Tavern on May 26, 1774, much as they had in 1769, to endorse another Boycott Association, and to call for a convention to be held at Williamsburg in August to select delegates for the First Continental Congress. During the summer most counties created their own boycott committees. The Williamsburg Convention in August 1774 elected seven delegates to Philadelphia, all of whom were members of the
Burgesses. By late 1774 some of the counties were forming private armies, and British merchants were being threatened with tar and feathers.

The Council did not join, on the record, the Burgess resolution supporting the Bostonians. The Council did not pass any resolution commenting on the Boston Port actions. No Councilors were signatories to the 1774 Association, none attended the Williamsburg convention, and, of course, none went to Philadelphia to represent Virginia in the first Continental Congress.

Instead the Council, in well attended meetings during May 1774, attempted to conduct normal business, appoint county officers, and adjudicate land dispute cases. During this time they considered a novel claim by George Mason, who, over time, had bought up a considerable number of headright claims from immigrants, or more likely from immigrant sponsors. Mason demanded that the Council provide him with the resultant land grants as a matter of right under British law, not as a matter of Council discretion. The Council requested an opinion from Attorney General Randolph and subsequently requested an opinion from the British government. In their own effort to diffuse Dunmore's war plans, the Council proposed a plan for
peacefully negotiating the boundary dispute with Pennsylvania. Apparently the Pennsylvania had no similar interest. The Council later unilaterally endorsed a compromise boundary.\textsuperscript{529}

The June 1, 1774 public fast day, which was held in support of the besieged Bostonians, was "obeyed throughout Virginia", at least for appearances sake.\textsuperscript{530} It is likely that Nelson, Tayloe, and Page of Rosewell, supporters of the 1769 boycott would have supported the 1774 version. The Diary of Philip Fithian recounted that Carter defended the Boston Tea party and supported the 1774 boycott Association.\textsuperscript{531} Corbin, Byrd, Wormeley, Camm, and possibly Lee represented a substantial Loyalist block on the Council, but they maintained their silence during the summer of 1774, when peer pressure to adhere to the patriot cause ran at a fever pitch. Some maintain that the spring of 1774 signaled a "transfer of Whig ideals into a powerful communal movement", discouraging open dissent and effectively coopting the operation of normal government.\textsuperscript{532} If correct, such an environment likely inhibited the Council from both normal action and critical comment.

After the summer of 1774 the Council role largely deteriorated to that of hopeful mediator. In June 1774,
after the public demonstration in solidarity with Boston played itself out in Virginia, the Council moved to close the breach between Governor and the Burgesses. On June 16, 1774, they issued a memorial, unanimously recommending that Dunmore call immediate elections for a new Burgess in an obvious attempt to preempt the formation of any radical shadow government, of which the upcoming Williamsburg convention might be a precursor. The Council memorial called for new elections "to redress the many Inconveniences arising from the expiration of ... useful laws and from the hostilities of the Indians." This action by the Council seems a calculated endeavor to return the attention of both the Governor and the radical gentry back to the issues of normal government and away from the dangerous polemics of constitutional rights.

Dunmore disagreed with the Council recommendation, fearing that another General Assembly would only provide "an opportunity of entering into violent resolves, and oblige him to dissolve them again, and it would not be consistent with what he had already written the British government." But the Council persisted in its request for a new election and a new Assembly. Dunmore asked the Council to rethink their advice:

The Governor desiring to know, it being a matter of
great consequence, and which requires maturest deliberation, whether the opinion of the Board on the subject of their representation presented yesterday, continued the same, and they adhering unanimously to that opinion, the governor expressed the following view, my surprise at this sudden change of council sentiments in now urging a General Assembly when council did not object to the dissolution of the May Assembly.533

Elections were held, but Dunmore never called the promised Assembly until May 1775. Curiously there is no record of any executive Council meetings between June 17, 1774 and May 1775. Perhaps the records were lost: or, it may have been that Dunmore attempted to govern without Council in retaliation of their support for another General Assembly. There is evidence that the General Court, as well as county courts, ceased handling debt collection cases in 1774, apparently out of respect for the anti-British boycott.536 Relations between Patriot and Loyalist gentry failed to sever completely, for Tory William Byrd still found it possible to enter into a 1774 land partnership with Patriots Patrick Henry and John Page of Rosewell.537

By 1775 Dunmore doubted the loyalty of both Thomas Nelson Sr. and John Page Jr. The Governor believed Nelson to have too much power as both Secretary and senior Councilor, while he feared John Page Jr. had become too radical.538 In March 1775, the Governor initiated proceedings to remove Page from the Council, as "In these
unhappy disturbances [he] observed a conduct [by Page], as a member of his Majesty's Council, so undutiful to the government." as to justify removal. Dunmore specifically objected to Page's efforts to gain "popularity", which apparently a disloyal and inappropriate act for a Councilor. There is no indication that the Governor took any similar formal action against Nelson.

Following Patrick Henry's vitriolic "Liberty or Death" speech in March 1775 during the second Virginia Convention, held at Richmond, and the opening shots of the Revolution fired at Lexington and Concord, in April 1775, Dunmore seized a small store of arms and ammunition from the Williamsburg magazine on April 20, 1775. The contents were removed to a nearby British warship, probably to forestall its falling into the hands of bands of patriot militia and local "light companies". No evidence exists that the Council was in any way a party to this action. This action immediately inflamed the Patriot faction and Patrick Henry quickly marched a contingent of Hanover militia to Williamsburg to recover the arms. Richard Corbin forestalled violence, as Deputy Receiver he satisfied the Henry mob by payment, on the behalf of the royal government, of 330 pounds for the "stolen" arms. Henry then paraded off to join the Second Continental Congress. Dunmore issued a
proclamation that declared Henry and his men outlaws and then evacuated his family to the safety of a British warship in the York River. 540

On May 2, 1775 Dunmore called the Council into executive session for advice on how to handle the fast deteriorating state of affairs. The Governor correctly concluding that the very existence of his Majesty's government stood in jeopardy. He justified to the Council his seizure of the Williamsburg military cache as an effort to prevent "malevolent designs of the enemies of order and government or to prevent the attempts of any enterprising Negroes." 541 The Governor requested Council aid in drafting a proclamation the crisis created by his arms seizure. A Council of Thomas Nelson, Corbin, Byrd, Wormeley, Page Jr., and Camm initially begged off, asking for time to deliberate. Carter, Tayloe and Burwell did not attend this critical session; Page of North End and Lee had recently died.

The next day, May 3, 1775, the Council presented to the Governor a proposed proclamation. This Council draft appealed for loyalty and order and began with an attempt to explain away the arms seizure. Dunmore was advised to claim that he had acted to forestall an imminent slave
insurrection, since a large number were allegedly milling around Williamsburg the night of the removal. Next the Council recommended a promise by the Governor to restore the arms to the Colonial militia as soon as the present hostile ferment subsided. Those persons publicly vilifying the Governor’s conduct were accused of having a hidden agenda to overthrow the government "under the specious appearances of defending their liberties." The Council document went on to propose that the Governor warn that the current state of anarchy only invited attacks on Virginia’s frontier from the "savage enemy". Law and order were portrayed as absolute requirements for any civilized state, and the Governor was encouraged to assert his eagerness to restore peace and harmony to the "distracted country". Armed resistance to his Majesty’s government, however, was declared intolerable. The Proclamation concluded with a call on all subjects, especially public officials, "to exert themselves in removing the discontents, and suppressing the spirit of faction." This Proclamation was signed by Dunmore, but did not achieve the desired calming effect.

D. The Interregnum

The day after the Governor’s conciliatory proclamation,
Royal Navy Captain Montague, of the warship "Fowey", standing off Yorktown, delivered to senior Councilor Thomas Nelson a note alleging information of a planned rebel attack on Dunmore and spelling out his intention to send British troops ashore to protect the Governor. The British officer asked Nelson to insure that his troops would not be attacked and threatened to fire on Yorktown if they were molested by the colonials. Nelson chose not to make this issue a Council matter, but, instead, turned the threatening letter over to the Yorktown Committee of Safety.\textsuperscript{543} Clearly the Council had no desire to lead any military resistance against the British.

In June 1775 the last Colonial General Assembly was called. However, before it could meet, Dunmore fled from Williamsburg to the safety of a British warship. The Governor requested that the General Assembly continue as scheduled, promising to work with them, but from the protected vantage point of a well armed naval vessel. The Council joined the Burgesses in an address to the Governor asserting that it was unconstitutional for the legislative business of Virginia to be conducted any place other than Williamsburg, thus refusing to recognize Dunmore's right to govern from the York River.\textsuperscript{544} Drawing a figurative line in the sand, the Council demanded that the Governor must
come to them; they would not go to the Governor. Some legislative business actually transpired at this June 1775 Assembly as some thirty bills were passed, of which the Council amended two. No Council minutes for this 1775 legislative session are available.

Councilors Corbin and Carter visited Dunmore on shipboard, requesting that he not send British troops into Williamsburg. Corbin kept up active communication with Dunmore during the summer of 1775. A July 5, 1775 letter from Dunmore to Corbin implies that Corbin wanted to go to England "for business" but feared these actions would be misinterpreted by some of his countrymen. Apparently, Corbin discussed his proposed English trip with some Patriot leaders, and they appeared "agreeable" to this journey. Dunmore encouraged Corbin to go:

[I]f there is but a chance that you can be of the smallest service to your native land ... it is with all my heart, and from my soul wishing that you could be the means of reconciling these very unfortunate differences between two countries ... that upon your return you may find the present unhappy and most wretchedly deluded country in the full exercise of its late happy constitution and government, which I know you sincerely wish.

On the other hand, Dunmore totally distrusted Thomas Nelson, even to the point of removing his senior Naval captain, John Macartney, in July 1775, for the offence of fraternizing with the King's enemy. Macartney had gone ashore to dine
with Nelson after Dunmore warned him that Nelson was "disaffected to the government." 347

Little record exists regarding the activities of the Virginia Council between July 1775 and its formal replacement by a Council of State in 1776. Thomas Nelson stayed on as president of the interregnum Council, coexisting in an unclear arrangement with an eleven member Committee of Public Safety that largely represented the Patriot faction of the Burgesses. 548 Councilor John Page Jr., however, sat as a member of this Committee of Public Safety from 1775 to 1776. With the Royal Governor absent, and Independence not yet declared, Thomas Nelson, by British law and Virginia precedent, acted as Governor, and, along with the Council, as the last operating vestige of Royal government in the Colony. Dunmore never formally extended the Commission of acting Governor to Thomas Nelson, even after Dunmore retired to his naval abode. However, Nelson presided over the June 1775 General Assembly, as well as the unofficial rump Assemblies that were apparently held in October 1775 and March 1776. 549 Nelson, for his trouble, suffered from accusations of disloyalty from the patriot Committee of Safety. 550

Corbin also participated in this interim government and
even attempted to collect the King's quitrents. There is evidence that Dunmore, while exiled to the York River, drafted a commission of Lieutenant Governor for Richard Corbin, but withheld issuing it when persuaded "from [Corbin's] disposition, time of life, and the situation in the country, that he would not accept this honor." It also appears some inquiry was made by Patriot representatives as to Councilor William Byrd's willingness to consider a command in the Virginia Patriot militia. Byrd reportedly declined, and thereafter unsuccessfully solicited a British army commission. Later, upset by Dunmore's threat to foment a slave rebellion, Byrd belatedly offered his services to the Convention of 1776. During his final years on the Council, Byrd was vilified in the Virginia press for his position of moderation and loyalty to Britain. He found a kindred spirit in Robert Munford, author of the famous political farce *The Candidates*. In a 1775 letter to Byrd, Munford wrote what Byrd probably felt: that he disapproved of the "intemperate warmth displayed by the people", and was determined to make one last effort to bring the freeholders "to their due sense of obligation, both of duty and allegiance that bind them to their sovereign and to the preservation of civil order."
CHAPTER IX.
CONCLUSION

Only eleven of the nineteen pre-Revolution era Councilors survived into the Revolutionary War. One, Fairfax spent the war in England, and the death of three others—Byrd, Burwell, and Gawin Corbin—during the early years of the war obscured the extent of their continued influence. Four Council members were offered active positions in the new State government. Senior Councillor Thomas Nelson remained important enough in 1776 to have his name placed in opposition to Patrick Henry for selection as the first Governor of republican Virginia. Nelson lost the election but he received about 40% of the delegate vote against the Patriot hero. Edmund Randolph recalled that:

Nelson had long been secretary of the colony and ranked high in the aristocracy who propagated with zeal the expediency of accommodating ancient prejudices, by electing a man, whose pretensions to the chief majesty, were obvious from his now being nominally the governor under the old order of things, and out of 111 members, 45 were caught by the desire of bringing all parties together...

John Page Jr. actively participated in the new Patriot government. Page served as member of the Committee of Safety during the 1775-1776 interregnum, though it is not clear if he also served on the Thomas Nelson's rump Council
during the same period. Selected as independent Virginia's first Lieutenant Governor, under Governor Henry, from 1776 to 1778, Page later served as a Virginia Governor and Congressman. John Tayloe and Robert Carter were considered sufficiently consequential and patriotic to receive offers of seats on the first Council of State, but both declined due to age. Additionally, the departed John Blair, William Nelson, and Peter Randolph all bequeathed to Virginia sons active in Patriot politics. Councilor Philip Lee, though by family tradition considered a Loyalist sympathizer, left four brothers vigorous in support of American Independence.556

Four Councilors entered the Revolution with publicly loyalist sympathies. Byrd was ridiculed in the Virginia press for his loyalist view. Obviously depressed by his descending fortunes on all fronts, he committed suicide on New Year's Day 1777. During the war, Benedict Arnold, then in British employment, visited Byrd's widow (and Arnold's cousin-in-law) at Westover, yet one of Byrd's son fought in the American army. Richard Corbin, apparently did travel to England before active hostilities commenced as his name appears in a 1778 petition of American Loyalists, who had taken wartime refuge in England, and were now expressing readiness to be of service to the King.557 In 1776 the
Committee of Safety intercepted a letter by Ralph Wormeley V, that was unflattering to the Patriot cause, and they banished the Councilor to a remote plantation in Berkeley County under large bond. The Patriots apparently feared that Wormeley might actively treat with the marauding British, if left accessible at his plantation on the York River. The Patriots also removed Rev. Camm, at age fifty nine, from the presidency of William and Mary College in 1777, undoubtedly because of his known loyalist sympathies. Yet all of these men, except Byrd, survived the war with most of their influence in tact.

Percy Flippin suggested that: "The failure of the Council to fulfill the expectations of the British Government was thus due, not so much to the popular spirit of the colonists, as to an error in the judgement of the British government, for they failed to recognize in regard to the Council that inherent quality in human nature known as self interest." Yet, what exactly were these self interests that caused men, so similar in background and blood, to adopt such diverse views on the wisdom of Revolution. Contemporary Virginians perhaps better understood the loyalist tendencies of some of their brother gentry; Edmund Randolph queried:

What multitude could now be cited, who confounded by
the new order of things, suddenly flashing on their minds, and still entangled by the habits of so many years, were branded as Tories, though spotless as to treason even in thought, who could not comprehend what was to be the issue of provoking the fury of the British Nation, and were yet innocent even as to wishes of harm to their country; who believed in a chance of reconciliation, in excesses were spoiled, who might not feel sufficient irritation at the distant danger of an abstract principle.

Unfortunately no clear economic or geographic pattern emerges to conveniently explain Councilor politics in the Revolution era. For example the Northern Neck, a reputed hotbed of Virginia radicalism, produced five Council members. Of these Carter, Tayloe, and perhaps Thornton were tame patriots. But Philip Lee was a reputed loyalist sympathizer, and Fairfax returned to England. Byrd, Fairfax, and Randolph, the closest thing to western representatives on the Council, did not have the same politics. William Nelson, Carter, and Richard Corbin represented the native creditor class, while Byrd, Page of Rosewell, and Wormeley appear stereotypical examples of the financially strapped tobacco planter, yet again no political consistency among either the creditor of debtor Councilors.

Education, family connections, and age likewise fail to explain Councilor politics during the Revolution. Tories Lee and Wormeley received extensive English educations, but so did Patriots Thomas Nelson and John Tayloe. Whigs John
Blair and William Nelson both sent their older sons, both destined to become Patriot leaders to England for education as well. William and Mary produced Patriot Councilors, in the main, but the Reverend Camm, of opposite politics, served as a professor at that institution for a long time. While the Council was close to being "one vast cousinage", relatives split over Revolutionary politics. Even within Council families, the Corbins, Byrds, Lees, and Randolphs all had family differences over the rebellion. Age provides no better guide, because the pre-French and Indian War Councilors, and those of the Jefferson generation, provided both Patriot and loyalist alike.

The Councilors of the 1763-1776 period were, with only a few exceptions, well educated, wealthy, and politically well connected men from the more influential gentry families of the era. The Council actively managed a broad scope of government responsibilities, almost up until the date of Independence. Co-opted neither by the Burgesses nor the Royal Governor, they navigated an autonomous political course that alternately challenged and mediated between the other branches of Colonial Virginia government. Some of the more prominent Councilors were dead by 1776. If they had lived, or if important Burgesses had been elevated to a greater extent to the Council during the 1760s and 1770s,
this "Upstairs Gentry" might have received more notoriety. Yet, they were important men who performed important work. They did not disappear into oblivion as a "declining aristocracy", nor do the Councilors represent some universal political archetype delineated by loose generalizations of conservatism.

The controlling question—what happened to the Council of 1763–1776—has no single explanation. But if one answer were required, it might simply be: that nothing happened to them. They did their job to the end.

The Council was neither strongly Patriot nor strongly Tory, not because it failed to accurately reflect contemporary gentry attitudes, but rather because it in fact did accurately reflect such attitudes of the Virginia gentry in the late colonial period. There were still economic, political, and cultural advantages to be gained from the British connection, yet British actions challenged the Virginia aristocracy’s tradition of self rule, its notions of constitutional government, and its access to future economic advancement. This must have been a particularly hard balance to weigh for the privileged men who made up the Council. Likely this was an equally difficult choice for the rest of the Virginia gentry as well.
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11. Sloan and Onuf, 268.


15. Ibid.

16. Ibid., 224-225.


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24. Wood, 9, 15, 16.

25. Ibid. 30, 31.

27. Flippin, 152.


33. Ibid.


35. Richard Bland, The colonel dismounted: or the rector vindicated (Williamsburg: Joseph Royale, 1764); Landon Carter, The Rector detected (Williamsburg: Joseph Royale, 1764)

36. Glen Curtiss Smith, "The Affair of the Pistole Fee," VMHB 48 (1940) 212; see also Griffith, 29.


38. Ibid., 694.


40. Ibid., 44.

41. Ibid., 45-46.


43. Anderson, "Governor's Councils," 56.


47. Flippin, 174.


50. Flippin, 46,47,153; Anderson, "Governor's Councils," 104-105.


52. Ibid., 47-48.

53. Flippin, 157-158; The salary pool was increased from L350 to L600 in 1734, and then further raised to L1200 in 1754.


55. Flippin, 161.

56. Ibid., 167, 206.


58. Flippin, 169.


60. Anderson, "Governor's Councils," 22.


62. Ibid.
63. Flippin, 164-165; Anderson, "Governor’s Councils," xi, 16.

64. Labarree, Royal Instructions, 2:46-47; Flippin, 92-93, 163.

65. Flippin, 166.


68. Flippin, 308.

69. Ibid.

70. Rankin, "The General Court," 146.

71. Ibid.; 147.

72. Ibid., 144; Flippin, 309.

73. Flippin, 176-177.

74. Ibid., 175-177.

75. Anderson, "Governor’s Councils," 148.

76. Main, Upper House, 46.

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79. Main, Upper House... 45-46.


82. Anderson, "Governor’s Council," 60.


88. Johnson, II: 337; Reese 3: 144.

89. "Virginia Council Journals" VMHB 32 (1924): 383


94. William Gooch to the Board of Trade, February 26, 1744, in VMHB 30 (1922): 306.


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104. Van Horne, xix.

105. Ibid., xix-xx; Evans, "The Nelsons," 16; Virginia Gazette, February 10, 1738.


110. Ibid., 60, 71.

111. Ibid., 86.

112. Ibid.
113. Ibid., 93
114. Ibid., 25-28


120. Evans, "The Nelsons," 34-36; Tyler, _EVB_ I: 157-158.

121 Rankin, "General Court," 149.


126. Isaac, _The Transformation of Virginia_, 143.

127. Acomb, 196; Main, "The One Hundred," 379.


131. Flippin, 37; Reese, 3: 1338.

132. Griffith, 181; Chandler, 304.


135. Main, "The One Hundred," 371.


138. Ibid., 447.

139. Tyler, EVB, 1: 158-159.


143. Egnar, 425.
144. R. Morton, 2: 288.

145. L. E. Gray, 28; Rosenblatt, 219, 221; Virginius Dabney, review of Old Houses of King and Queen County, Virginia by Virgina D. Cox and Willie T. Weathers in VMHB 82 (1974): 503.

146. Tyler, EVB 1: 160.

147. Reese, 3: 1434.

148. Green, 491; E. Lee, 127-130.

149. E. Lee, 129.


151. Tinling, 2: 604; Manarin 103, 104; Anderson, "Governor's Councils," 319.

152. Tinling, 2: 603.

153. Ibid.

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159. Ibid.

160. Ibid.

161. Ibid., 607.

162. Ibid., 710.


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178. E. Lee, 103, 112; Tyler, EVB, 162-163.

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182. William Lee to Philip Lee, January 19, 1770, April 20, 1770, October 3, 1770, February 25, 1771, August 8, 1771, mss., Virginia State Library, Richmond Virginia.


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189 Morton, Robert Carter, 40-41.

190. E. Lee, 357-359; Eley, ix; Morton, Robert Carter, 51.


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197. Ibid.

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199. Eley, x; Anderson, "Governor's Councils," 110-111.

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204. Morton, Robert Carter, 68.
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The Author was born in Alexandria, Virginia in 1948. He was educated in the Connecticut public school system and graduated with a B.A. in political science from the University of Vermont. He received a J.D. from Villanova University and practiced law for several years in Connecticut. Since 1976 he has been employed by the Reynolds Metals Company in Richmond, Virginia, serving in a number of human resource and labor relations positions. He is married and has two children.