

1961

The Early Political Career of Robert Carter Nicholas, 1728-1769

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<https://dx.doi.org/doi:10.21220/s2-df2m-r775>

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THE EARLY POLITICAL CAREER OF ROBERT CARTER NICHOLAS

1728—1769

A Thesis

Presented to

The Faculty of the Department of History

The College of William and Mary

In Virginia

In Partial Fulfillment

of the Requirements for the Degree

Master of Arts

by

William J. Lescure

January 1961

APPROVAL SHEET

This thesis is submitted in partial fulfillment of
the requirements for the degree of
Master of Arts

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ACKNOWLEDGEMENTS

The author is greatly indebted to Dr. Lawrence W. Towner for his interest and help during the years taken to complete the work for the master's degree, to Dr. William W. Abbot for his advice and suggestions on organizing and starting this thesis, and to Dr. M. Eugene Sirmans for patiently criticising and directing the work chapter by chapter.

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ABSTRACT

This thesis, a study of Robert Carter Nicholas's early life and political career in Virginia up to the year 1769, attempts to show how Nicholas entered politics and became a leader of his day.

As a Burgess Nicholas was important to Virginia's role in the French and Indian war and in protesting against British colonial policy. After years of neglect and mismanagement, the Virginia Treasury was taken over by Nicholas in 1766. In that post he restored order to the colony's fiscal policy. Because of Nicholas's influence in the House of Burgesses and his integrity, he was a leading figure in pre-Revolutionary Virginia. His accomplishments and his invaluable service to the House were recognized by his contemporaries, although later generations know little of him.

THE EARLY POLITICAL CAREER OF ROBERT CARTER NICHOLAS

1728--1769

CHAPTER I

THE YOUNG LAWYER, 1728-56

In eighteenth-century Virginia a small clique controlled the colony's economy and government. Its members were wealthy landowners and gentlemen politicians, usually Burgesses or Councilors. A majority of the members of the Governor's Council and the House of Burgesses were related to each other by blood or marriage. The economic and social position of these men meant that they had the necessary education, experience, and time to be political leaders. Riches and family prestige, of course, did not assure the political aspirant a seat in the House of Burgesses; he first had to prove his ability in county politics in order to win the freeholders' votes. From there he would move to higher office in the colony. Robert Carter Nicholas's early life followed the typical pattern of the Virginia gentry.¹

Robert Carter Nicholas was born January 28, 1728, the third son of Dr. George Nicholas of Williamsburg and Elizabeth Carter

Burwell. Nicholas's father was a leading physician in Virginia and a member of the House of Burgesses; his mother was the daughter of Robert Carter of Corotoman and the widow of Nathaniel Burwell. The Carter family was not only rich but politically powerful.²

John Carter, the great-grandfather of Robert Carter Nicholas, came to Virginia in 1649. He managed to get property, a seat in the House of Burgesses, and eventually a place on the Council. His son Robert increased the family fortune to such an extent that he was nicknamed "King." Robert Carter was never a Burgess, but the Governor appointed him to the Council where he served as President. In addition to his own vast landholdings he had obtained grants of 90,000 acres, which he gave during his lifetime to sons and grandsons. At his death in 1732 he left an estate of 330,000 acres plus mercantile interests.³

Elizabeth, the eldest daughter of Robert Carter, first married Nathaniel Burwell and, later, Dr. George Nicholas, the father of Robert Carter Nicholas. Dr. Nicholas was a native of Lancaster County, England, who had arrived in Virginia about 1721. He was a surgeon in the British Navy and a prominent physician in the colony.⁴ Soon after settling in Virginia, he obtained grants of 400 acres in Hanover County and 3,000 acres in Spotsylvania. He lived in Williamsburg where he was a member of the Bruton

Parish Vestry and where he served as a Burgess from the College of William and Mary in 1730.⁵

Before Robert Carter Nicholas was five years old his personal estate was already large. In 1730 Robert Carter gave a tract of 50,212 acres in Shenandoah County to some of his heirs. This land was divided into eight parts of equal value and young Nicholas received one share.⁶ At Robert Carter's death in 1732, he provided that £5,000 be paid in trust to Dr. Nicholas when Robert Carter Nicholas was ten years old. The will stipulated that the doctor invest the capital and use the interest for the benefit and maintenance of his son.⁷ Family background acquainted young Nicholas with politics and wealth gave him the advantages of a formal education and legal training.

After finishing college at William and Mary,⁸ Nicholas read law and in 1750 began to practice as an attorney. In those days, a test, similar to a bar examination today, was required of law students before they could practice in the courts. A board composed of justices from the General Court examined the students and decided upon their eligibility. Before taking the test a student had to present a certificate from a justice of a county court stating that he was of good character and qualified to be an attorney. Probably Nicholas read law in Williamsburg, and a justice of James City County vouched for his character and

training. After passing the examination, Nicholas received a license stating that he was eligible to practice in any inferior or county court in the colony.⁹ Nicholas must have taken his examination in 1750, because on May 21, 1750, he presented his license to practice in York County and took the prescribed oath.¹⁰ On June 7, 1750, he again followed the same routine and was admitted to the bar of Warwick County.¹¹

In each county where Nicholas practiced he had to present his license to the court. He probably tried cases in York, Warwick, James City, Elizabeth City, and Charles City counties, for this was the natural circuit he would have followed. There were no definite county circuits in Virginia, and while a lawyer could practice in any county, he usually limited his business to his own and neighboring jurisdictions because of the difficulties in traveling. Court days were so arranged by statute that lawyers would have no trouble going from one county to the next in the natural circuit. Nicholas probably presented himself in 1750 to all courts on the circuit, but because the records are lost or incomplete, it can only be proved that Nicholas appeared before the courts of Warwick and York Counties.

The Warwick Court records for 1750 show that in three suits for debt Nicholas was attorney for the plaintiffs. His name appears in 1751 as attorney for the plaintiff in another debt

case, and in 1753 he appeared for an infant in a case concerning ownership of a slave.¹²

In addition to pleading cases, Nicholas served as agent for several wealthy planters, with authority to collect their debts. In 1751 he advertised in the Virginia Gazette that Lewis Burwell, President of the Council, had empowered him to settle accounts. Nicholas notified all naval officers, county clerks, and others who were indebted to Burwell as President that he would attend the General Court in order to receive Burwell's dues.¹³ In that same issue, Mordecai Booth and Company announced that Nicholas would collect their debts and bring suit against those who did not settle accounts or give bond or security, and Nicholas advertised that he would be at the General Court and at the Gloucester and York County Courts to receive payment from the Company's debtors.¹⁴ Nicholas did not practice before the General Court in 1751, but he and many other lawyers were in Williamsburg during the session to collect debts and do other business outside of the court. In a colony where cash was scarce and travel was difficult, collecting debts for clients such as Burwell and Booth was an important function and a lucrative business.

At the same time Nicholas was establishing his law practice in the counties his personal life was centered around his sixteen-

year-old wife and their infant daughter, Sarah. In 1751 Nicholas had married Anne Cary, the daughter of Wilson Cary. Cary, whose many acres extended into six counties, was collector of duties on the lower James and presiding magistrate of Warwick County.¹⁵

Sarah Nicholas, the first of ten children, was born in 1752.

Nicholas and his family lived on the palace green in Williamsburg in what is now known as the Carter-Saunders House.¹⁶

Most of Nicholas's children became prominent in Virginia.

John (1756-1819) was a member of Congress from 1793 to 1801;

Wilson Cary (1761-1820) was Governor of Virginia from 1814 to 1816;

Phillip Norbone (1775-1849) was Attorney General, member of the

Virginia Convention of 1829 and 1830, and Judge of the General

Court; George (1754-1799) and Lewis (1766-1840) did not enter

politics; Sally (1752-?) married John Hatley Norton of the English

merchant family; Elizabeth (1753-1810) married Governor Edmund

Randolph; Mary (1772-?) died unmarried; Robert and Judith died in

infancy. Henry S. Randall, Jefferson's biographer, called them

"the powerful family of Nicholases--powerful in talents, powerful in probity, powerful in their numbers and unity."¹⁷

The members of Bruton Parish elected Robert Carter Nicholas to the vestry in 1754, and he continued in that office for many years.¹⁸ This was an important post, because the vestry, the county court, and the militia handled all local problems, political

and otherwise. The vestry acted as a jury in cases of moral conduct, determined the annual tax for support of the Church, and looked after the poor. It was usually composed of twelve of the most important men in the parish.

Nicholas soon had to decide whether to continue trying cases in the county courts or to limit his practice solely to the General Court. In 1748 the Assembly had passed an act forbidding lawyers who appeared before the General Court to practice in the counties. Nicholas chose the higher court. The General Court was composed of the Governor and his Council acting in a judicial capacity. It was the court of last resort in the colony, and only the Privy Council in England could reverse its decisions. Criminal cases, except those involving slaves, and cases concerning more than £10 or 2,000 pounds of tobacco could originate in or be appealed to the General Court. It sat in April, October, June, and December. The lawyers who practiced before this court were the ablest in the colony. Nicholas, Edmund Pendleton, George Wythe, John Blair, and Thomson Mason, an outstanding group of young lawyers, joined the bar of the General Court about the same time.

Nicholas qualified for the General Court some time between 1753 and 1757. Since Nicholas tried cases in Warwick County in 1753, he could not have been at that time a lawyer of the General

Court.¹⁹ In 1757, however, Nicholas and Wythe were counsel for the executors of the estate of Daniel Carroll of Maryland in a case appearing before the General Court.²⁰ Nicholas and Wythe jointly represented George Washington in 1758 and 1760 in suits over land titles.²¹ British merchant firms, especially the Nortons and Jamiesons, gave Nicholas most of their legal business and relied on him for advice in matters outside of the law. When Nicholas became Treasurer of the colony in 1766, the new duties forced him to give up most of his law practice.²²

There are no portraits of Nicholas, only a few descriptions to reveal something of his appearance and personality. Hugh Blair Grigsby said that he was "not above the middle stature, his features rather delicate than prominent, and inclined to be bald, he commanded attention rather by the gravity of his demeanor and from his great reputation than by any mere physical qualities. He was a strong and ready rather than eloquent speaker, a sound lawyer, a good financier, and a wise statesman."²³ Nicholas's son-in-law, Edmund Randolph, said of him that "by nature he was of a complacent temper; in all his actions he was benevolent and liberal. But he appeared to many who did not thoroughly understand him to be haughty and austere."²⁴

Nicholas's experience in the county courts and the vestry of Bruton Parish was good training for understanding politics

and people. His practice before the General Court gave him experience in affairs of a larger scope and widened the circle of his acquaintances and connections. Nicholas was prepared for the time he would enter the House of Burgesses to make laws and cater to the needs of the public.

Footnotes -- Chapter I

¹Charles S. Sydnor, Gentleman Freeholders (Chapel Hill, 1952), 78-93; Jack P. Greene, "Foundations of Political Power in the Virginia House of Burgesses, 1720-1776," William and Mary Quarterly, XVI (October 1959), 486-492.

²"Historical and Genealogical Notes," William and Mary Quarterly, 1st ser., XXVII (October 1918), 132; "Virginia Council Journals 1725-1753," Virginia Magazine of History and Biography, XXXIII (January 1925), 43, 23; hereafter cited as Va. Mag.

³Louis Morton, Robert Carter of Nomini Hall (Williamsburg, 1945), 1-18.

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⁶"The Papers of Richard Evelyn Byrd I," Va. Mag., LIV (April 1946), 106.

⁷"Carter Papers," Va. Mag., VI (July 1898), 17.

⁸E. G. Swem, ed., A provisional list of Alumni, grammar school students, members of the faculty, and members of the board of visitors of the College of William and Mary in Virginia, from 1693 to 1888 (Richmond, 1941).

⁹On legal training and the practice of law, see David J. Mays, Edmund Pendleton, 1721-1803, A Biography, 2 vols. (Cambridge, 1952), I, 23-28, 39, 224-236.

¹⁰York County Judgments and Orders, 1746-1752, 307, York County Records, microfilm, Virginia State Library, Richmond, Virginia.

¹¹Warwick County Minutes, 1748-1762, 58, Warwick County Records, microfilm, Virginia State Library.

¹²Ibid., 59, 60, 90, 158.

- 13(Hunter) The Virginia Gazette, 11 April 1751.
- 14 Ibid.
- 15 "Old Farms out of which the City of Newport News was erected," William and Mary Quarterly, 2d. ser., XV (July 1935), 258.
- 16 Mary A. Stephenson, Carter-Saunders House, Block 30 (1956), research report prepared for the architectural Department of Colonial Williamsburg, Williamsburg, Virginia.
- 17 Ibid.; Henry S. Randall, The Life of Thomas Jefferson, 3 vols. (New York, 1858), I, 360.
- 18 "Bruton Church," 180.
- 19 Warwick County Minutes, 1748-1762, 158.
- 20 Legal papers of Nicholas and Wythe, Alderman Collection, Alderman Library, University of Virginia, Charlottesville, Virginia.
- 21 John Fitzpatrick, ed., The Diaries of George Washington, 1748-1799, 4 vols. (Boston, 1925), I, 147, 163; Robert Carter Nicholas to George Washington, Williamsburg, January 5, 1758, Stanislaus Murray Hamilton, ed., Letters to Washington, 5 vols. (Boston, 1898), II, 256.
- 22 (Purdie and Dixon) The Virginia Gazette, 1 January 1767; Robert Carter Nicholas Papers, Alderman Collection; Norton Papers, Colonial Williamsburg Research Department, Williamsburg, Virginia; Neil Jamieson Papers, microfilm, Colonial Williamsburg Research Department.
- 23 Hugh Blair Grigsby, The Virginia Convention of 1776, (Richmond, 1855), 65.
- 24 "Edmund Randolph's History of Virginia," Va. Mag., XL (January, 1935), 125.

CHAPTER II

BURGESS, 1756-61

Robert Carter Nicholas entered politics during times of turmoil and anxiety. In 1756 the French and Indian War was the pressing business in the House of Burgesses. The French were establishing by force their claim to the territory west of the Appalachian Chain. This was Virginia's frontier, and it was her duty to protect it. For seven years after 1756 the war dragged on draining Virginia's Treasury. During the war sessions of the House the main problem was raising money; and it was at this time that Nicholas began his role in colonial finances, the focus of his attention throughout his career.

When Nicholas took his seat in the House of Burgesses to represent York County for the session beginning March 25, 1756, he was not among strangers. There were many of his friends and

kinsmen in the House.¹ Nicholas's uncles, Landon, John, Robert, and Charles Carter, were leaders among the Burgesses; and his uncles by marriage, Mann Page of Rosewell and Benjamin Harrison of Berkley, were prominent members of the Council. Such political connections were obviously an advantage; it meant that influential men were interested in Nicholas's success. To remain in the good graces of these men, however, he had to prove his ability.²

The session of March 1756 began with the traditional ceremonies. The Governor summoned the Burgesses to the Council Chamber and directed them to elect a speaker. The Burgesses then returned to the House and unanimously elected John Robinson. Robinson had the respect and confidence of the Governor and the Burgesses. He had been Speaker of the House for eighteen years in 1756 and would continue ten years more; thus electing him was such an accepted routine it was almost tradition. As Speaker of the House and the Treasurer of the Colony, Robinson was the most powerful member of the House of Burgesses. After electing the Speaker, the Burgesses heard Governor Robert Dinwiddie's address in which he stated the reasons for convening the Burgesses and mentioned certain problems they should consider.³

The next day the House organized for business. Speaker Robinson appointed the five standing committees which did most of the preliminary work in the House. The number of standing committees

on which a Burgess sat was indicative of his importance in the House, and very few were on more than two. Robinson usually appointed the same men to the same committees; they were the old leaders of long experience and tested ability. This group was often referred to as the Robinson clique. Aside from the regular standing committees Robinson appointed temporary committees for specific assignments such as drafting bills, considering petitions, and writing memorials. Matters of great importance were not handled by the standing or temporary committees but by the committee of the whole house. In such a situation the Speaker gave his seat to the chairman of the committee of the whole. After the issue was discussed, the Speaker returned to his seat; and the chairman reported on the proceedings of the committee of the whole. Then temporary committees could work on the proposals initiated in the committee of the whole.

The sessions of the House from March 1756 through October 1761 were unique. There were eleven sessions of which only three conducted routine business. The other eight sessions were concerned solely with raising money and recruiting men for the war. During the three regular sessions of April 1756, February 1759, and October 1760, Robinson appointed all five standing committees. At each session Nicholas sat on the standing committees of Propositions

and Grievances and of Privileges and Elections.⁴ The fact that Robinson appointed Nicholas immediately to the two most important standing committees indicated that the older Burgesses favored him.

During the regular sessions Robinson appointed Nicholas to many temporary committees. Frequently the temporary committees considered petitions of people seeking payment for services rendered or expenses incurred on behalf of the colony. Nicholas was on committees that investigated the petitions of a surgeon who cared for a wounded soldier, of a captain who paid for a horse he injured in line of duty, of a blacksmith who loaned some soldiers tools that were not returned, and of others who had similar problems.⁵

Nicholas was also on special committees which drafted bills, later enacted into laws, concerning the institution of slavery, the election of Burgesses, the suspension of proceedings in the courts of law and equity, ownership and descent of land, and settlement of estates.⁶ Nicholas drafted bills which became acts increasing the corporate powers of cities and enlarging the limits of cities.⁷ Other committees on which Nicholas sat wrote a resolution praising an officer's bravery, a bill to regulate ordinaries and tippling houses, and a bill to transport to England neutral Frenchmen who were in Virginia.⁸ These miscellaneous committees show not only the diversity but the number of duties Nicholas had.

During this period the Burgesses devoted most of their time and effort to the war. The eight war sessions were emergency sessions where time was an important element. If the Virginia troops were not supplied at the right moment, the enemy would advance on the frontier. At two war sessions only the standing committee of Privileges and Elections was appointed, and at the other six sessions no standing committees were appointed. Standing committees were not necessary because the House was not concerned with regular business, only the most important and urgent matters, which the Burgesses discussed through the committee of the whole.

When the Burgesses convened March 1756, the war was the immediate business. The cloud of despair occasioned by Washington's surrender at Fort Necessity and the massacre of Braddock's army had not been lifted by any good reports. The pro-French Indians were still on the war path along the frontier, and the Shawnee were plundering the western settlements. For the moment the Cherokees were friendly, but they were not dependable. The French had moved so far east that communications between Winchester and Fort Cumberland were cut. Colonel Washington needed men and money immediately. Nicholas was on the committee that drafted the bill to appropriate £25,000 for the emergency. The bill stated that the money would be raised by a tax of one shilling or ten pounds of tobacco on every 100 acres. The tax was to

continue for three years. The bill also provided for a draft system for the counties which did not meet their quota of volunteers.⁹ After the House passed the bill, Robinson appointed Nicholas to the committee that allotted the money for raising, maintaining, and providing for the recruits.¹⁰

Before the act went into effect, reports arrived of new French advances on the frontier, and the Burgesses realized that the appropriations were not sufficient. The House then approved an additional fund of £30,000 which was to be raised by a three year tax of two shillings or twenty pounds of tobacco on each freeholder.

Due to the scarcity of hard currency and to the distressed times the Treasury was empty. When money was needed, the Assembly empowered the Treasurer to issue paper currency in anticipation of collecting the taxes levied. The two new appropriations of £25,000 and £30,000 had to be issued in paper currency. Nicholas and Peyton Randolph were given the task of signing the new notes.¹¹

After the Governor prorogued the House in September 1756, Nicholas and the other members of the defense committee met during the recess to study expenses. They examined Washington's accounts and considered the money needed for his future operations. Washington and the committee agreed that maintaining Fort Cumberland was unnecessary and expensive. The Governor disapproved of

Washington's plan to abandon the fort, claiming that it was the King's property and not Virginia's.¹²

Fort Cumberland was only one of many issues on which the Burgesses and the unpopular Governor Dinwiddie disagreed. A few years before there had been an argument over appropriations. The Burgesses insisted that since they originated money bills, they should also supervise the spending of the money thus raised. There had also occurred the heated dispute over the pistole fee (a small charge which the Governor demanded for issuing land patents). Nicholas was in the camp opposed to the Governor, as his following statement indicates; "I have been desired to go with him [Mr. Butt Roberts] to the Governor, but I have no interest there, and I never intend to have any; tho' to serve a poor man in distress, if I thought it would avail I would nerve my face for once."¹³

Because the Burgesses were inexperienced at war and reluctant to demand heavy taxes and effective manpower from the colonists, their defense measures were inadequate. Not realizing the need for fast action the colony lost the help of the Indians, who waited three months after Braddock's defeat in order to see how the Burgesses would react. While the Burgesses did nothing, the French persuaded the Indians to side with them. The Burgesses appeased the people by spending money on forts rather than on good offensive forces to attack the Indians. They enacted weak

draft and militia laws which produced few men but kept the favor and votes of the people. A man called to service was able to avoid actual duty by paying £10 to the Treasury. Only freeholders could vote, and they could usually find £10. The number of recruits was further limited by draft dodgers and deserters. The Burgesses often helped their friends evade the law. Robert Carter Nicholas once interceded with Washington on behalf of a draft dodger and then pleaded with the Governor to make an exception to the law for his friend.¹⁴ Washington was able to apologize for these blunders; "Virginia is a country young in war. . . . It is not therefore, to be imagined, that she can fall into proper measures at once."¹⁵

When the Burgesses met April 14, 1757, England had formally declared war on France. On the frontier Washington was helpless. His army had dwindled to about 400 men, and there were no supplies. To the Governor's request for men and money the House responded by passing a new defense bill. The Burgesses increased the army to 1,270, and appropriated £36,000 for raising and maintaining this force. The House enforced a new draft law which was like the others: the freeholders and those eligible to vote were exempt. £25,000 was allotted for back pay and for building the unfinished Cherokee Fort. £9,000 was approved to maintain Indian allies and to organize three companies of rangers to protect the southwestern

frontier. Nicholas was on the committee which allotted the £25,000 of back pay money.¹⁶ To raise the money the House levied new taxes and issued more paper currency in anticipation of the tax returns. Again Nicholas and Peyton Randolph had the job of signing the notes.¹⁷

During the April 1757 session Governor Dinwiddie announced that he was returning to England. Nicholas commented: "We have not yet heard who is to succeed him, God send it may be some body better acquainted with the unhappy business we have at hand."¹⁸ Dinwiddie left Virginia in January 1758, but the new governor, Francis Fauquier, did not arrive until June. During the interim John Blair, President of the Council, was acting governor. In England Pitt had just been appointed to direct the war. Pitt's plans depended on colonial co-operation, and he asked that Virginia supply as large a force as possible to join General John Forbes's expedition against Fort Duquesne.

Blair convened the Assembly March 30, 1758, to consider Pitt's request. Nicholas was on the committee which drafted a bill providing for raising the armed forces other than militia to 2,000 men, allotting £21,500 to maintain the force, and giving £8,000 to the Indian allies and the rangers. Again the committee ordered another tax to support a new issue of paper currency.¹⁹

The tedious job of signing the new notes fell to Nicholas and Peyton Randolph.²⁰

Inflation threatened Virginia, but there was no other way to provide money. The Burgesses decided to present their problems to the King, and Nicholas was on the committee to prepare the address. The committee presented to the King's attention the "unhappy state" of the colony and begged for his intervention so that his subjects could be relieved of a "heavy burden."²¹

Soon after his arrival Fauquier called for an election. Most of the Burgesses were returned, Nicholas among them. The House convened September 14, 1758, to hear the Governor's address. Again finance was the main problem; the Governor commended the Burgesses on the money Virginia had contributed to the war, but he informed them all appropriated funds had been spent, and he asked that more money be raised. The Governor also reported the disheartening news that the expedition against Fort Duquesne, already partly under way, had been postponed until the following year. Two Virginia regiments were waiting in Pennsylvania, and they needed pay and supplies. The Burgesses had but one choice, to levy new taxes and issue more paper currency.

To support the Virginia regiments in Pennsylvania, Nicholas helped to prepare a bill which appropriated £20,000 to maintain both regiments until December when one regiment would return to

Virginia for local protection. The act provided another £15,000 for the other regiment which was to continue with the Duquesne expedition until May 1, 1759.²² The bill allowed for the additional taxes necessary to issue more paper money, and again Nicholas and Peyton Randolph signed the new notes.²³ Meanwhile the militia was the only force left to protect the frontier, and Nicholas was on the committee which amended the act for regulating and disciplining the militia.²⁴

On November 25, 1758, a few days after the session adjourned, the British captured Fort Duquesne. This was the long-awaited event that made Virginia's frontier safe from the French. No longer would the war be such an urgent problem. Nevertheless paper currency, heavy taxes, and an empty Treasury caused concern for many years. The capture of Duquesne was important to Virginia but not decisive in the war. England and France fought for five more years, and Virginia continued taxing the colony to meet the requests of Parliament.

The next four sessions of the House, from February 1759 to October 1760 were also war sessions. Again the Governor asked for more money to support the war and to protect the frontier. After the capture of Fort Duquesne, Virginia abandoned one regiment and kept one for the colony's protection. Nicholas helped draft two bills raising £26,289.17.8 and £10,000 to maintain the

regiment.²⁵ During these sessions Nicholas and Peyton Randolph signed many of the notes issued.²⁶

By April 1759 the British captured Niagara, Ticonderoga, and Quebec. In Virginia, however, the frontier settlements were again at war, this time with the Cherokees. The immediate cause of the war was the murder of Cherokee hostages held at Fort Prince George in South Carolina. The strained relations between the Cherokees and the British were worsened by French propaganda. After the incident at Fort Prince George, the Cherokees went on the war path all along the southern frontier. £15,000 was raised for support of troops to fight the Indians.²⁷ The forces sent against the Cherokees had met reverses, and Fort Loudoun in Tennessee was likely to be lost if aid did not arrive quickly. Another bill was drafted and passed raising £32,000 for relief of the garrison at Fort Loudoun.²⁸ This help was too late; the fort was surrendered.

Many of the notes issued at the beginning of the war were returning to the Treasury, which meant extra bookkeeping. Since the number of notes returned would increase from year to year in the future, Robinson appointed a committee to handle the problem. Nicholas was on the committee which was to examine twice a year the notes paid back to the Treasury, give the Treasurer a receipt for the amount, and then burn the bills.²⁹

When Governor Fauquier addressed the Assembly October 6, 1760, the war in North America was won. Nevertheless the Governor asked that one Virginia regiment be kept in service until April 1, 1761. For this purpose £20,000 was appropriated, and Nicholas worked on the committee that drafted the bill.³⁰ This time there was a change from the usual routine of levying taxes and issuing notes. Parliament had given Virginia £20,000 sterling to help defray war expenses. The committee issued bills of exchange drawn on the money which Parliament had given the colony. After drafting this bill, Nicholas and his committee wrote an address to the King congratulating him on the success of the war in North America.³¹

During these first years in the House Nicholas not only learned the ways of colonial politics and finance, but he did work which was important to the success of the war. He drafted many bills to appropriate money and levy taxes. He was a member of supervisory committees that administered finances for building forts, recruiting men, and providing supplies. Even the seemingly insignificant jobs of signing new notes and burning old ones were vital. The faster Nicholas signed notes the faster they got to the frontier to pay soldiers and Indian allies. Nicholas showed he had the ability to make decisions on policy and the efficiency to organize detail.

During the war Virginia issued £539,962.10.0 of paper currency and levied many extra taxes. Referring to Virginia's part in the war Nicholas said: "Perhaps we might have furnished more than our just Quota, but it was not a time for us to have stood upon nice calculations, with our sister Colonies."³²

Footnotes -- Chapter II

¹J. P. Kennedy and H. R. McIlwaine, ed., Journals of the House of Burgesses, 1619-1776, 13 vols. (Richmond, 1905-1915), 1752-1758, x; hereafter cited as JHB.

²Morton, Robert Carter, 1-18.

³On the routine of the House of Burgesses, and the events of the French and Indian War, see Mays, Pendleton, I, 63-64, 116-155; Green, "Foundation of Political Power," 486-492.

⁴JHB, 1752-1758, 338, 417, 418; 1758-1761, 7, 57, 201.

⁵Ibid., 1758-1761, 28, 29, 37, 42, 34, 174; 1752-1758, 359.

⁶Ibid., 1752-1758, 359, 394, 408; 1758-1761, 22, 122, 147.

⁷Ibid., 1752-1758, 470; 1758-1761, 42, 68, 81.

⁸Ibid., 1758-1761, 115, 150, 152; W. W. Hening, ed., The Statutes at Large; being a Collection of all the Laws of Virginia, from the First Session of the Legislature, in the Year 1619, 13 vols. (Richmond 1809-1823), VII, 39.

⁹JHB, 1752-1758, 404.

¹⁰Hening, Statutes, VII, 13.

¹¹Ibid., VII, 18, 19.

¹²Mays, Pendleton, I, 125.

¹³Robert Carter Nicholas to George Washington, Williamsburg, Aug. 18, 1756, Letters to Washington, I, 336.

¹⁴Ibid.; Robert Carter Nicholas to George Washington, Williamsburg, Aug. 28, 1756, Ibid., I, 339.

¹⁵Mays, Pendleton, I, 127.

¹⁶Hening, Statutes, VII, 76.

¹⁷Ibid., VII, 83.

- 18 Mays, Pendleton, I, 125.
- 19 JHB., 1752-1758, 499-500.
- 20 Hening, Statutes, VII, 167.
- 21 JHB., 1752-1758, 504.
- 22 Ibid., 1758-1761, 32.
- 23 Hening, Statutes, VII, 175.
- 24 JHB., 1758-1761, 12.
- 25 Ibid., 1758-1761, 71, 142.
- 26 Hening, Statutes, VII, 259, 336, 350.
- 27 JHB., 1758-1761, 173.
- 28 Hening, Statutes, VII, 361.
- 29 Ibid., VII, 466.
- 30 JHB., 1758-1761, 188.
- 31 Ibid.
- 32 (Purdie and Dixon) The Virginia Gazette, 30 Sept. 1773.

CHAPTER III
COLONIAL RESISTANCE 1759-69

During the period when resistance to British authority changed from respectful petitions to acts of rebellion, Robert Carter Nicholas was a key figure on the political scene. As a member of the Committee of Correspondence Nicholas worked to protect Virginia's legislative and economic processes, which meant protesting against British colonial policy. When Parliament attempted in 1764, 1765, and 1767 to levy new taxes on the colonies, Nicholas and George Wythe defined the colonies' constitutional rights as opposed to the powers of Parliament. Virginia's resistance strengthened as Parliament continued to insist on unlimited powers over the colonies. Nicholas was one of the men who shaped the resistance movement in Virginia.

In 1759 the General Assembly passed the act which made Edward Montague Virginia's agent in England. To direct Montague

the act created a Committee of Correspondence composed of Councilors William Nelson, Thomas Nelson, Philip Grymes, and Peter Randolph, and Burgesses John Robinson, Peyton Randolph, Charles Carter, Richard Bland, Landon Carter, Benjamin Waller, George Wythe, and Robert Carter Nicholas. This Committee of Correspondence sent the agent all orders and instructions from the General Assembly as well as the orders and instructions the committee thought necessary for the promotion of the commerce and welfare of the colony. The agent's job was similar to that of a present-day lobbyist. He pleaded for the colony's requests, encouraged the Board of Trade to approve the acts passed by the Assembly, and defended the decisions of the General Court when they were appealed to the Privy Council.¹

Speaker Robinson selected from the House experienced men for this committee. These men had to present effectively Virginia's problems to the home government; such a task required a keen understanding of politics and finance. Nicholas and the other members sat on two or more standing committees where they had demonstrated their ability and leadership. Nicholas's appointment to the Committee of Correspondence indicated his high standing among the Burgesses and his acceptance by the Robinson clique of old tidewater leaders.

Even though the Committee of Correspondence was a joint committee of the General Assembly, the House controlled the Committee, because a majority of the members were from the House and had authority to act for the whole. The Committee of Correspondence was both a standing and a recess committee: it had authority to meet and conduct business any time, not only when the House was in session but also during recesses. The Committee presented its minutes at each session of the House. Thus the House knew what was done between sessions and what the agent reported from England. The Committee and its personnel had almost a permanent status. By the act of 1759 members held office seven years. The same committee was created again in 1765, for five years.²

Nicholas lost his seat in the House of Burgesses at the general election of 1761, and he did not return until 1765, when he was chosen to represent James City County. Even though out of the House for five years, Nicholas remained a member of the Committee of Correspondence. This was the only committee on which a Burgess could continue when he was not re-elected.³

From 1759 to 1765 there are records of twenty-three meetings of the Committee of Correspondence; Nicholas was absent only three times. At each meeting the members selected a sub-committee to write the London agent; then those present approved and signed

the letter.⁴ Four times Nicholas was recorded as being on sub-committees for such purposes. Only a few times are the names of the men on these sub-committees recorded, a fact which suggests that Nicholas may have personally written other letters.⁵

The Two Penny Act, paper currency, the Stamp Tax, and the Townshend Duties were the main issues England and Virginia disputed from 1759 to 1769. Nicholas and the other committee members instructed Montague on these matters.

The Two Penny Act referred to a law of 1755 which allowed all debts payable in tobacco to be satisfied either by that commodity or by money at the rate of two pence per pound of tobacco. Virginia used tobacco as a medium of exchange, and in 1755 a long drought caused a shortage of tobacco and an increase in its value per pound. This meant that debtors would have to pay their bills at a higher rate of exchange and thus would lose money. The purpose of the Two Penny Act was to allow debtors, which included most of the Virginia planters, to pay their debts at the same rate of exchange under which they had incurred them. This act was to last ten months.

The clergy were upset because the Two Penny Act affected their annual salary of 16,000 pounds of tobacco. While the price of tobacco soared, the clergy--paid in cash at two pence per pound-- could not profit because the Two Penny Act meant

that their salaries would remain the same. The clergy noted the act did not contain the required clause suspending its operation until the approval of the Crown was obtained. Hoping to secure its disallowance, the clergy petitioned the Bishop of London to present their case to the Privy Council.

When in 1758 another bad tobacco crop threatened a new rise in the price of tobacco, the Assembly again passed a Two Penny Act. The clergy in November 1758 sent their representative, John Camm, to London to plead their case. Camm was successful; the Privy Council on August 10, 1759, disallowed both Two Penny Acts. Camm and other parsons, taking the position that the disallowance rendered the acts void from the beginning, sued in the county courts for the difference between the two pence a pound they received and the inflated tobacco price.

Since Camm's parish included part of Williamsburg, his case was brought up originally before the General Court in October 1759. The court delayed action until April 1764, and Nicholas was defense attorney for the colony. The argument which Nicholas used to win the case was that the act was effective up to the time of the Crown's disallowance; because the act of 1758 expired before the disallowance, Camm had no case.⁶ Nicholas's argument depended on the point that the Crown's disallowance was not retroactive. Because of slow communications and slow procedures

in England, knowledge of the Crown's allowance or disallowance of an act was often a matter of years, and emergency measures demanded quick legislation. The many appropriation bills the Assembly passed to support the war were important precedents for Nicholas's argument. If the required suspending clause had meant that these war measures were not effective until the Crown approved them, Virginia could not have raised the money to help finance the war. If Camm had won his case, it would have meant that Virginia would have to acknowledge that all acts of the Assembly would be effective only after the Crown approved them.

Despite his defeat in the General Court Camm did not give up. The Governor granted him permission to appeal the decision to the Privy Council. While Camm's case was delayed in the General Court, other clergymen brought suits against their vestries. In 1759 the Committee of Correspondence explained to Montague the background of the Two Penny Act, and told him to defend the Virginia vestries if proceedings were brought against them in England.⁷

In 1760 the Committee advised Montague to inform the Board of Trade why such legislation was necessary. The Committee claimed that the Assembly never passed acts amending or repealing those assented to by the Crown or acts of more than two years duration without the suspending clause.⁸ The Committee wanted Montague to

impress the Board of Trade that the Assembly should be allowed to pass emergency legislation limited to less than a two-year period without the suspending clause. Nicholas and the other committeemen vehemently denounced the clergy. They wrote Montague that the old instruction of Charles II requiring the suspending clause would still be forgotten "had it not been for the Clamour of a few dissatisfied Clergy, who preferring their own interest to every other Consideration, have not hesitated by their cunning and artful Insinuations, and by their false and scandalous Representations to blacken the Character of the Legislature of this Colony."⁹

In 1764 Nicholas wrote Montague a letter briefing him on the arguments he had used before the General Court in the Camm case. He advised Montague to find old charters and other precedents which might be helpful to combat a possible reversal of the General Court's decision.¹⁰ In 1767 Camm's case finally came before the Privy Council and was quickly dismissed. Probably the work of the Committee and its agent influenced the decision.

Virginia's paper currency presented another problem for the Committee of Correspondence. British merchants complained about Virginia's treasury notes being used as legal tender for sterling debts. In 1759 the Committee told Montague the reasons and

conditions which forced Virginia to issue notes so he could explain the situation to the Board of Trade.

The Committee explained that Virginia had issued her first paper currency in order to finance expeditions against the French. Because war expenses continued and because no hard currency was available, Virginia had to issue more paper currency during the war. The notes were backed by taxes, the receipts of which would eventually retire them. To protect the British merchants the Assembly passed an act in 1755 which empowered the County and General Courts, when judgments were obtained for sterling money, to determine in each case the exchange rate of paper for sterling, based on the prevailing rate at that particular time.

Nicholas and the Committee, however, were puzzled when the merchants opposed the act allowing the courts to determine the rate of exchange. The Committee informed Montague that the act was intended to benefit the merchant. Since the value of notes fluctuated, it was to the merchant's advantage that the rate of exchange should accordingly fluctuate. The Committee thought that complaints came from merchants who wished to speculate.¹¹ After taking advantage of high prices during the war, some merchants wanted to profit again by stopping paper as legal tender. Some merchants had accumulated a large quantity of Virginia currency when the exchange rate of paper for sterling was high.

If Parliament stopped paper as legal tender, the exchange rate would be low; and the Virginia currency still in circulation would be more valuable. Perhaps the Committee's arguments had some influence on the Board of Trade. In 1764 Parliament passed the Currency Act, which upheld all the old issues of paper currency but prohibited any future issues being legal tender. The Committee was satisfied because they did not believe that Virginia would have to issue any more paper currency.

The Committee succeeded in getting Virginia's share of the money Parliament appropriated to defray the colonies' war expenses. Montague was informed when the Assembly had passed bills for raising money and recruiting men so that he could impress Parliament with Virginia's war effort.¹² At times the Committee was disgruntled about the money Parliament gave colonies which had not contributed as much as Virginia to the war. Montague was told to make the Lords of the Treasury aware of such injustices.¹³

Montague, in a letter of March 10, 1764, informed the Committee that Parliament had passed resolutions to renew duties on imports such as wine and sugar. This letter also mentioned Parliament's plan to levy a tax in the form of stamps which would be required on all legal documents and other papers.¹⁴

The Committee met June 15, 1764, to consider the letter, and they selected Nicholas and George Wythe to write Montague instructions and arguments to use in opposing the new taxes. On July 28, 1764 the Committee met to read the letter, which was the first official colonial protest against the Stamp Act.¹⁵ The arguments Nicholas and Wythe used were often repeated in later years when the colonies voiced their grievances against Parliament.

Because news arrived that Parliament passed the tax on wine and sugar, it was useless for the Committee to discuss those measures. "The Proposal to lay a Stamp Duty upon Paper and Leather is truly alarming; should it take Place, the immediate effects of an additional, heavy burthen imposed upon a People already laden with Debts, contracted chiefly in Defense of the Common Cause and necessarily to continue by expresse Stipulation for a number of years to come, will be severely felt by us and our Children."¹⁶ Again Montague was instructed to impress upon the Board of Trade that Virginia's staggering war debts would be a burden for many years. Under such conditions a new tax was ill timed. This was a minor complaint.

"We only wish that our just liberties and Privileges as free born British subjects were once properly defined, and we think that we may venture to say that the People of Virginia, however they may have been misrepresented, would never entertain the most

distant inclination to transgress their just Limits."¹⁷ Here Nicholas and Wythe implied that the constantly changing colonial policies of Parliament confused local legislation. Nicholas knew from experience in the disputes over the Two Penny Act and paper currency that the home government was now challenging practices long accepted in the colony. Nevertheless Nicholas and Wythe were definite as to what the colony's constitutional rights should be.

"That no subject of the King of Great Britain can be justly made subservient to Laws without either their personal Consent, or their Consent by their representatives we take to be the most vital Principle of the British Constitution; it cannot be denied that the Parliament has from Time to Time, where the Trade of the Colonies with other Parts was likely to interfere with that of the Mother Country, made such Laws as were thought sufficient to restrain such Trade to what was judged its proper Channel, neither can it be denied that the Parliament, out of the same Plentitude of its power, has gone a little Step farther and imposed some duties upon our Exports; but to fix a Tax upon such Part of our Trade and concerns as are merely internal, appears to us to be taking a long and hasty Stride, and we believe to us to be taking a long and hasty Stride, and we believe may truly be said to be of the first importance."¹⁸

d.

The main argument was that such a tax would be unconstitutional. Parliament would be levying a local tax, which was an accepted power of the General Assembly. The fact that Virginia had no representation in Parliament prevented that body from taxing strictly local matters. Nicholas and Wythe distinguished between trade regulations and internal taxes. For years all local taxes had been levied by the Assembly; Nicholas and Wythe explained

that it was unconstitutional for Parliament to ignore precedent and usurp this power of the General Assembly. Because Parliament often taxed the colony's imports and exports, Nicholas and Wythe accepted her power to regulate trade. This distinction Nicholas and Wythe made between trade regulations and local taxes, as well as the claim that the colonies should be represented in Parliament and the claim that it was the long accepted power of the colonial assemblies to levy local taxes, became popular American arguments to justify the revolution.

It was not sound reasoning, however, to deny Parliament the power to tax the colonies "internally" merely because it had never been done. This mistake was corrected by a post-script in which Nicholas and Wythe distinguished between what was Parliament's right and what was Parliament's power. "His Majesty may raise Money upon the people of England by Proclamation, but no man surely dare be such an Enemy of his Country as to say that they [Parliament] have a Right to do this. We conceive that no Man or Body of Men, however invested with power, have a Right to do any thing that is contrary to Reason and Justice, or that can tend to the Destruction of the Constitution."¹⁹

As a final instruction Nicholas and Wythe told Montague that he should urge the Board of Trade to ask the colonies for appropriations instead of taxing them; then the Virginia Assembly

could levy the local tax. This way England would get her money, and Virginia would keep her constitutional privileges.²⁰

When the Burgesses met October 30, 1764, they immediately sent an address to the King, a memorial to the Lords, and a memorial to the Commons, all protesting the Stamp Tax. These memorials repeated the arguments Nicholas and Wythe used in the Committee's letter of July 1764. Virginia's efforts were of no avail. Parliament passed the Stamp Act and the King approved it on February 17, 1765.

Throughout the colonies there was opposition to the Stamp Act. In Virginia the colonists destroyed the stamps and intimidated the agents. Because of colonial opposition and pressure from British merchants, who needed colonial trade, Parliament repealed the Stamp Act in March 1766.

In 1766 Virginia's Agent's Act expired, and by re-enactment the same committee and agent were appointed for five more years. Nicholas continued on the Committee of Correspondence, but we know nothing about his activities because no records of the Committee from 1766 to 1771 are extant. When the Agent's Act came up again before the House in 1772, the Burgesses rejected it.

When Nicholas returned to the House of Burgesses for the session of November 1766, after an absence of five years, Virginia

was alarmed by the proposed Townshend Acts, import duties on paper, paint, glass and tea. The Acts provided that customs officers could look for smuggled goods as well as issue warrants for that purpose. The Burgesses forgot caution and began openly to defy Parliament. Nicholas actively joined in the opposition to the Townshend Duties.

The Burgesses voted in April 1768 to send a petition to the King, a memorial to the House of Lords, and a remonstrance to the Commons against the new taxes. Nicholas was on the committee that wrote these protests.²¹ The petition to the King was mild while the memorial to the Lords stated that "No Power on earth has a right to impose taxes on a people or take the smallest portion of their property without their consent." The remonstrance to the Commons claimed that the exercise of anti-constitutional powers in any part of the empire might prove dangerous to England herself. Nicholas's committee boldly threatened, "Should the remonstrants be disappointed in their hopes the necessary result will be that the colonists, reduced to extreme poverty, will be compelled to contract themselves with in their little spheres and obliged to content themselves with their homespun manufactures."²²

When the new Governor, Baron de Botetourt, arrived in October 1768, he advised the Assembly "to desist from their unwarrantable

claims and pretensions and yield due submission to the supreme authority of Parliament."²³

Nicholas expresses his anxiety about relations between the colonies and England in a letter to John Norton in London. "Let but things return to their old channel from which mutual and reciprocal advantages to all come. I am and shall ever be happy in our connections. We affect not, nor have not the most distant wish of an independency. We only desire a free enjoyment of our birth rights; possibly these may be taken from us, but the Americans, I am persuaded will never resign them."²⁴ Nicholas claimed attachment to the Crown, but the letter indicated that he would not peacefully submit to Parliament's demands.

In 1769, Parliament, in an effort to control uprisings in Massachusetts, revived an ancient law which required traitors to be tried within the realm. The May 1769 session of the House of Burgesses was short. Because of a rash petition John Blair wrote the King against sending colonial criminals to England for trial, the Governor dissolved the House. The Burgesses then gathered on May 18 at the Raleigh Tavern to discuss their problems. Even though the Burgesses could not claim official status, they organized as a committee and elected Speaker Randolph chairman. This extra-legal meeting was for the purpose of making a forceful protest against the Townshend Acts. The Burgesses decided to form

associations pledged to boycott British goods. The associations would undertake to dissuade the colonists from importing the taxed articles and from buying those already in the colony. The associations would disband only when Parliament repealed the taxes. Ninety-four of the one hundred sixteen Burgesses signed the pact. Peyton Randolph was the first and Nicholas the second to sign the association agreement.²⁵

Nicholas wrote Richard Henry Lee two letters stating his support of the boycott associations. Judging from these letters, it appears that Nicholas tried to convince himself that he could be a loyal subject of the Crown and at the same time oppose Parliamentary measures. On May 31, 1769, he wrote, "I have always professed myself a friend to Decency and Moderation, but at the same time I am as firmly attached and riveted to the main Principle as any man alive." Nicholas continued by saying that the colonists were loyal Englishmen and were distressed that they alarmed Parliament by trying to protect their privileges. "However, we are the easier under these reflections when we consider that it is in their power, by a single act of justice, to make us easy. Let things but return to their old channel, and all will be well; we shall once more be a happy people."

In a similar vein, Nicholas wrote on December 29, 1769, "Though we are at present only promised a partial repeal of the

disagreeable revenue acts yet perseverance in our Associating Scheme, which I am resolved religiously to adhere to, I am persuaded will, in time perfect the good work. Our only wish is that things may return to their old channel, and we flatter ourselves that they are finding this way. #26

Footnotes — Chapter III

¹Hening, Statutes, VII, 276.

²Ibid., VIII, 113.

³William G. and Mary Newton Stanard, The Colonial Virginia Register (Albany, 1902), 154, 172.

⁴"Proceedings of the Virginia Committee of Correspondence, 1759-1767," Va. Mag., IX (January 1902), 353-360; X (April 1903), 337-356; XI (July, October, April 1903-1904), 1-25, 131-143, 345-354; XII (July, October, January, April 1904-1905), 1-14, 157-169, 225-240, 353-364; all the known proceedings of the 1759 Committee of Correspondence have been published in these issues.

⁵Ibid., IX, 356; XI, 22, 133; XII, 7.

⁶William Wirt Henry, Patrick Henry, Life, Correspondence, and Speeches, 3 vols. (New York, 1891), I, 45.

⁷Va. Mag., X, 347-353.

⁸Ibid., XI, 15-16.

⁹Ibid., XI, 15.

¹⁰Ibid., XII, 12.

¹¹Ibid., X, 345-346, 347-348; XI, 3-5.

¹²Ibid., XII, 8-9; X, 343.

¹³Ibid., XI, 23-24.

¹⁴Ibid., XII, 6.

¹⁵Ibid., XII, 7.

¹⁶Ibid., XII, 9-10.

¹⁷Ibid.

¹⁸Ibid. (italics mine).

19 Ibid., XII, 13.

20 Ibid.

21 JHB., 1766-1769, 158.

22 Ibid., 1766-1769, 165-171.

23 Alf J. Mapp, Jr., The Virginia Experiment (Richmond, 1957), 336.

24 Robert Carter Nicholas to John Norton, Williamsburg, October 3, 1768, Norton Papers.

25 JHB., 1766-1769, xlii.

26 Robert Carter Nicholas to Richard Henry Lee, Williamsburg, May 31, 1769, December 29, 1769, "Selections and Excerpts from the Lee Papers," The Southern Literary Messenger, XXVI-XXVII (September 1858), 184-185.

CHAPTER IV
TREASURER, 1766-69

When Robert Carter Nicholas returned to the House for the session of November 1766, he was not only the newly elected Burgess of James City County but also the newly appointed Treasurer of the colony, an office he held until 1776. It was as Treasurer that he achieved real political reputation and power, because he stabilized Virginia's economy and returned order to a Treasury disrupted by scandal and confusion. As Treasurer and as a member of five standing committees Nicholas was second only to Speaker Peyton Randolph as a leader in the House of Burgesses.

Nicholas had been out of the House of Burgesses for five years; and his assumption of leadership immediately upon his return was unusual. Nicholas became Treasurer due to events that occurred in 1766, events which shook the colony. John

Robinson, the old and revered leader of the House who had held the offices of Treasurer and Speaker for twenty-eight years, died, and investigators discovered that the Treasury was in arrears £100,761 because of Robinson's misuse of public funds.

The Robinson scandal resulted from Virginia's financial plight after the French and Indian War. During the war Virginia issued paper currency well backed by taxes; with paper currency Virginia supported the war effort and satisfied her creditors. When the war was over, Parliament passed the Currency Act of 1764 which prohibited new issues of paper currency to be used as legal tender. England adhered to the mercantilist philosophy by keeping the colonies financially dependent on the mother country. British trade regulations required the colonies to send their raw materials to the English manufacturers and merchants, who were guaranteed a ready market for their goods in the colonies. To protect further their trade advantage England prevented the colonies from developing among themselves any commercial system which would lessen their dependency upon England. The Currency Act prohibited land banks and strictly regulated issues of paper currency and curtailed local industry. The result was that Virginia planters had credit in England but no currency of any type with which to carry on local business. Governor Fauquier informed Lord Halifax of the problem in 1766: "Circulating

currency is grown very scarce so that people are really distressed for money of any kind to satisfy their Creditors; and this Evil is daily encreasing; for the Treasury Notes are annually diminished by the burning and sinking all that are received for Taxes.⁴¹

Many of the notes Virginia issued during the war were in the Treasury because they had been collected through taxes, and Robinson should have burned them. When planters needed money, Robinson lent them notes from the Treasury, and he was careful to take proper security from the men borrowing the money. Such a practice was a breach of trust, but it was not considered illegal. Robinson's own large fortune and the security he received from the borrowers covered the debt owed to the Treasury. The problem was that the debt had grown so large there was not enough currency in circulation to back the security of the debtors. Because of the scarcity of ready money the debtors could not liquidate their property.

Robinson probably used public money for private loans throughout his administration, and it was generally known. In 1764 rumors about the peculiar state of the Treasury prompted a movement to separate the office of Speaker and Treasurer; thus one office would be a check upon the other. Richard Henry Lee was suspicious, and he asked for an investigation of the Treasury by a committee of Burgesses. The committee reported on May 29, 1765

that they had examined the Treasurer's accounts and found them "truly stated."² Either the committee made a very cursory investigation or they decided it was politically wiser to forget their findings. Nicholas remarked that because he was on the committee authorized to burn the treasury notes, he had suspected misappropriation of the public funds.³ Due to the confusion in the Treasury no one was eager for the office. Such circumstances were opportune for Nicholas's appointment to the Treasurership.

Treasurer Robinson died on May 11, 1766. The same day Governor Fauquier wrote the Board of Trade that he planned to appoint James Cocke, the late Treasurer's clerk, to the office until the General Assembly appointed another. The first letter, however, was followed by a second dated May 22 in which the Governor stated that he had withdrawn his recommendation in favor of Nicholas. It seems that Nicholas asked the Governor for his appointment to the Treasurership. "Mr. Nicholas a gentleman of an unexceptional character who is of the House of Burgesses, had desired the Treasurership, for which he is willing to vacate his seat." The letter also warned that Nicholas was interested in separating the office of Speaker and Treasurer. "It now begins to be whispered about that Mr. Nicholas's friends who are pretty numerous will endeavor to divide the offices of Speaker and Treasurer to secure the last to their friend."⁴

The circumstances of Nicholas's appointment are described by two reliable sources. Nicholas himself said that he had not previously solicited the office, but due to the persuasion of friends and the disorder in the Treasury he offered his service to the Governor until the Burgesses could elect their own Treasurer.⁵ Years later Nicholas's son-in-law, Edmund Randolph, attributed the following statement to Nicholas. "I am told Sir [Governor Fauquier], that the Treasury is likely to be conferred on a man, in whose hands it would not be safe, and that the reason assigned for such an appointment is that an adequate candidate is not within your knowledge. Of myself I shall say no more, that if you deem me equal to the public expectation, I will abandon my profession, superior as it is in emolument."⁶

On May 21 Nicholas publicly announced in the Virginia Gazette his temporary appointment as Treasurer. In the same advertisement Nicholas told the sheriffs that he had not examined the Treasury records but understood that many sheriffs were behind in submitting their tax reports. Nicholas asked that these reports be submitted immediately so that he could make a proper accounting of the Treasury. At the end of this notice Nicholas stated, "If I should be fortunate enough to give the wished for satisfaction to the public, I shall think myself extremely happy and own that I shall not be without some hopes of being continued in office."⁷

In May Nicholas wrote personally to each member of the House and Council. He again stated his ambition to satisfy the colony and continue as Treasurer. The difference between these letters and the advertisement in the Gazette was that Nicholas advised the Burgesses to separate the office of Speaker of the House and the Treasurer of the Colony. Nicholas soon received letters opposing the separation of the two offices. Some claimed that Nicholas's plan was insidious and inflammatory. Others thought that Nicholas was the head or the tool of a party which would divide the House into factions. Nicholas stated that the idea of party division in the House was "odious" to him. These objections to Nicholas personally as well as to his plan prompted him to publish in the Gazette of June 27 his argument for separating the office of Speaker and Treasurer.⁸

Nicholas claimed separation of the offices was not an unnecessary refinement, but one which would give each position more attention and thus benefit the management of the colony. The nature and duties of the two offices were strikingly different; a man could be suited for the Treasurership and not the Speaker of the House. Nicholas thought the great power and influence both positions gave one man was dangerous. If the two offices were separated, the one would act as a check upon the other. He continued by saying that it was the nature of humans to want to

help others. When one man has the power to serve another, he wants to oblige. Thus the influences subjected upon an important office often become a danger to society. Such arguments were appropriate in light of Robinson's career; everyone from the Governor to the freeholders knew there was something wrong in the Treasury.⁹

Nicholas continued by saying that at first he intended to say nothing on the state of the Treasury until the Assembly met in November. He did not want to conceal anything from the public but feared people would claim he had "inflamed" the country and turned circumstances to his own advantage. Nicholas decided, however, that it was only fair and just to the colony that someone should speak out to acquaint her with the true situation. Following this apology Nicholas stated that the Robinson deficit had grown over a long period of time and resulted from too implicit a confidence in one person's integrity, a situation which kept him above suspicion. "Whether you call this influence or a peculiar goodness of heart, the dismal consequences of the country are the same."¹⁰

With dramatic words Nicholas described the state of the Treasury and its effect on the colony.

"But now it comes out that a great part of the money, squeezed from the people for their taxes instead of being sunk in our treasury as it ought to have been was thrown back into circulation. This is not the only bad effect; the public faith being pawned for the redemption of our

treasury notes, the country is a debtor of every man possessed of them, according to their respective value; but how is this money to be redeemed? Must it depend upon the sums, which may be received of the late Treasuere's debtors and his securities? Or must there be a new tax laid upon the people to support the credit of the country? Of the money which was redeemable in March 1765, there is at this time upwards of fifty thousand pounds in circulation; there is pretty near the same sum in circulation of the notes, which are redeemable next September and not four thousand pounds in the Treasury."11

Nicholas may not have wanted to alarm the people, but during the summer of 1766 the colony was excited and the Gazette published many articles concerning the separation of the offices, the details of the Robinson affair, and the character of Nicholas.

An editorial by "Philantos" supported Nicholas's argument for separating the two offices. The purpose of the article, however, was to condemn Nicholas's motives and to justify Robinson's conduct. "Philantos" claimed that Nicholas sought the Treasurership because of the advantage he possessed in the Governor's friendship. His "modesty" realized that his popularity in the Burgesses would not allow him to continue in the office of Treasurer and also secure the position of Speaker. Thus it was argued he wisely decided to advocate the separation of the offices with the hope of gaining the Treasurership, the more lucrative of the two. "Philantos" charged that in order to "ingratiate himself to the public favor" and to secure his position, Nicholas had published to the world the "groundless" opinion that

Robinson was guilty of misconduct. "Philantos" hoped there would be in the House enough opposition to Nicholas to keep him from continuing in the office. As for Robinson's conduct "Philantos" claimed that he had acted in the interest of the public. Robinson knew there was no currency in circulation. Because of the restrictions Parliament placed upon the colony, the Assembly could not remedy the situation. It was, accordingly, for the general good that Robinson did not burn the notes but kept them in circulation.¹²

Another anonymous writer, "An Honest Buckskin," criticised Nicholas's article. "Buckskin" thought that no "derogatory statement" about Robinson should have been made until there was a proper investigation of the Treasurer's accounts. Until the Burgesses made such an investigation in November any charge of misconduct was unjust. "Buckskin" was, perhaps, quite right.¹³

An article by Benjamin Grymes warned that the controversy would divide the House into opposing factions because the party against the late Treasurer was now in favor of Nicholas. He charged that Nicholas and his friends made accusations in order to influence the Burgesses as well as the freeholders who directed their representatives what to do.¹⁴

One writer, "A Freeholder," sided with Nicholas. He claimed that the people had long been suspicious of the late Treasurer

and had openly discussed their fears. Nicholas's account according to "Freeholder" added nothing to what was common knowledge, and had not alarmed the people more than they already were. "Freeholder" said that the condition of the Treasury was apparent to the people in 1765 when holders of notes tried to redeem them. The Treasury was almost empty and could not redeem the notes. The people realized the public funds had been misused and blamed Robinson.¹⁵

The arguments were settled when the Burgesses convened in November. Nicholas's recommendations were approved. On November 11 the House resolved that the Speaker of the House and the Treasurer of the Colony should not be united in the same person.¹⁶ Several Burgesses urged that the House appoint a board of five members to the Treasurership instead of one individual. The extra expense of such a plan plus the confidence many had in Nicholas defeated the proposal.¹⁷ The Burgesses continued Nicholas as Treasurer and elected Peyton Randolph Speaker.¹⁸ Randolph received a salary of £500 a year, and Nicholas was given a commission of five percent of all money received and accounted for to the General Assembly. The Assembly also paid Nicholas £100 annually for auditing and settling the tobacco inspector's

accounts.¹⁹ Nicholas was able to continue as a Burgess from James City County and thus take part in all the regular activities of the House.

Because the Treasurership demanded so much time and effort, Nicholas limited his law practice. In the Gazette of January 1, 1767, he announced that he would personally attend to his clients' unfinished business, but would not take any new cases. He recommended John Blair Jr., who was to continue the law practice, but said that he would still handle the most important cases.²⁰

During the session of November 1766 the main business in the House was the Robinson scandal. The day after the Burgesses convened the Speaker had appointed Nicholas to a committee to examine the Treasury records. The investigation revealed that Robinson's debtors owed his estate £138,708 and that Robinson had taken from the Treasury £100,761 in paper currency, which he loaned out instead of burning. This meant the colony was in debt £100,761, and the committee discovered that there were about 250 debtors. Many prominent members of the House and Council owed large amounts. The Treasury records also showed that many sheriffs, inspectors, and court clerks were in arrears. Some had rendered no accounts for several years, and others had made only partial settlements.²¹

The facts concerning the Treasury were now officially recognized, and Nicholas could begin his job. He had the fore-

sight to realize that the Robinson debts would be paid slowly, and that the empty Treasury would be helpless during an emergency. If there were a public calamity, the Treasury would have to issue more paper currency. Nicholas began to prepare for such an event. He conferred with the Council on the matter. Then Nicholas and a committee of Burgesses wrote an address to the King explaining the scarcity of money and asked leave to issue more paper currency if the need arose.²²

Nicholas wasted no time in pressing the sheriffs to settle their accounts with the Treasury. Even before the Burgesses investigated the Treasury, Nicholas ran advertisements in the Gazette pleading with the sheriffs to prepare their accounts properly and submit them on time. Many accounts were in arrears as well as confused by years of inefficiency. The sheriffs remained indifferent about their duties, and by fall Nicholas's advertisements changed from pleas to threats. "What is the Treasurer to do in such a situation? His duty as well as that of all other officers is plainly pointed out by law."²³ Nicholas warned that he would use the power of the court to force the sheriffs to comply with his requests. Nor was this an idle warning; Nicholas obtained judgments in the General Court against certain sheriffs for their balances due and for penalties of bonds where no accounts were returned. After the long years of Robinson's laxity such

strictness was a drastic change. Nicholas soon disciplined the sheriffs to do an efficient job.²⁴

One of Nicholas's duties was to account for the paper currency in circulation and for the currency which was retired through taxes or was redeemed at the Treasury for new issues or hard currency. Such bookkeeping was impossible, because there were fourteen issues of paper currency each one bearing a different retirement date. Such was the confusion that people paid taxes with whatever bills they had. New issues returned to the Treasury, and issues that should have been retired were kept in circulation. Many people kept their old notes instead of redeeming them for gold and silver, because paper currency was easier in transacting business. Nicholas said that it was "impossible to wind up any one emission at the period of its redemption." Consequently he decided to accept all Treasury notes offered; otherwise, he claimed, "the credit of the whole money would have sunk at once." Nicholas realized that if the taxes were collected and properly accounted for, the notes would eventually return.²⁵

Nicholas's strict enforcement of the tax laws retired the outstanding notes so quickly that circulating money became scarcer each year. There was £220,000 in notes outstanding in 1765, £130,000 in 1769, and only £60,000 in 1772.²⁶ Nicholas realized that the rate at which he retired notes, combined with

the normal lack of circulating money, made it difficult for people to pay their taxes. Without the sanction of the Assembly Nicholas devised a plan which solved the tax problem and benefited the general economy.

Nicholas established an account for the Treasury with John Norton in England where bills of exchange payable in England could be deposited. Bills of exchange were similar to a present-day bank check. A planter could write a bill payable to a third party backed by the credit he had with his consignment merchant in England. If the planter's credit were good, the merchant would pay the bearer of the bill and deduct the amount from the planter's account. Because these bills had to be negotiated in England, Nicholas established the special account with Norton. Thus planters who had credit in England were able to pay their taxes in bills of exchange, which Nicholas forwarded to Norton. Then Norton arranged to transfer the planters' credit from other accounts to the Treasury's account. The plan made it possible to collect taxes when currency was scarce. Treasury business was also made easier because Nicholas could pay creditors in England by drawing on this account. Nicholas was not sure that the Assembly would approve his arrangement, but it did, and the system continued until the Revolution.²⁷

Norton helped Nicholas with another matter. The House passed a bill, subject to the King's consent, to introduce the first copper coinage into Virginia. Nicholas had to work out the details of the project. He wrote Norton: "I am directed to import as many half pence as £2,500 sterling will purchase; but as I am pretty much a stranger to a thing of the sort, I should be glad of your advice in the mean time, how it is to be procured upon the best terms." This was the beginning in 1769 of a long correspondence between Nicholas and Norton concerning copper coins. Finally in 1775 the coins arrived in Virginia. The new coins increased circulating money and helped stabilize Virginia's economy.²⁸

Nicholas was not directly involved with settling the Robinson estate. The administrators of the estate had the long and tedious task of collecting the debts owed Robinson. Nicholas kept an account of the colony's deficit as it slowly diminished. From articles Nicholas wrote about the state of the Treasury it seems he approved of the way the administrators planned to settle the estate. Nicholas agreed that Robinson's own assets, plus the securities he held for the Treasury loans, would eventually satisfy the deficit. The scarcity of money, however, made rapid liquidation dangerous.²⁹ Not until 1781 was the Robinson debt completely repaid to the Treasury. Nicholas's Gazette articles in 1766 strongly censured Robinson, but his opinion changed, and

he publicly stated that both mismanagement of the finances and not forcing collectors to settle accounts, "I have abundant reason to believe, in Respect to the Treasurer himself, were more owing to a mistaken Kind of Humanity and Compassion for persons in Distress, than any View to his own private Emolument." Nicholas said the Assembly was at fault because they placed too much confidence in their Treasurer who had "grown old in this and another important Office; both of which he had filled, for a great number of years, with much reputation."³⁰

During the first years Nicholas was Treasurer, the House did not levy additional taxes or issue new paper currency. In 1769 floods destroyed many tobacco warehouses, and a new issue of paper currency was needed to help the distressed people. Nicholas had tried to prepare for such a crisis, but the address to the King in 1767 asking leave to issue new paper currency had had no effect. Because of the Currency Act of 1764 it was still illegal to issue paper money as legal tender. The Burgesses, however, circumvented the law by issuing £10,000 of new currency payable only for public debts but not legal tender between individuals.³¹ "I am not and never was," said Nicholas, "an Advocate for Paper Money, except in Cases of absolute Necessity, and it is my earnest Wish that no unhappy Incident may ever revive an Ocasion of our engaging in it hereafter. The present

Object of my concern is to support the Credit of what we have left and I must own it gives me Pain to see any Thing done, however undesignedly, that has a Tendency to depreciate it."³²

Many condemned paper currency because they thought it raised the rate of exchange. Nicholas's opinion was that a "superabundance" of paper currency, such as existed during the war years, was more than the country could handle and did create a rise in the exchange rate. The chief cause at any time, Nicholas thought, for a high exchange rate was the balance of trade against Virginia. When there was an economic depression in England, Virginia suffered greatly from high exchange rates and an unfavorable balance in trade. This was due to the fact that during hard times British merchants bought less tobacco, which meant bills of exchange were scarce in Virginia. The demand for the bills, however, was the same because of Virginia's dependency on British imports. As a result Virginia currency was used to buy imports; and whenever Virginia currency entered the British market, its exchange rate increased, especially when there was a large quantity in circulation.³³ "Could we but prevail with ourselves," Nicholas said, "to lessen our Imports and endeavour to make, within ourselves, such Necessaries, as our Soil and Climate are well adapted to, the balance would soon be changed in our Favor and we need not fear any ill Consequences attending Exchange."³⁴

At various times Nicholas and others attempted to encourage local industry. In 1762 Nicholas joined a group which pledged annual donations that were given as premiums to those who raised the best silk and made the best wine. In 1774 Nicholas formed a company with Philip Mazzei for the purpose of raising and making wine, oil, and silk. These ventures, which failed, were efforts to diversify Virginia's economy and to change the balance of trade.³⁵

By 1769 the effects of Nicholas's management and innovations in the Treasury were noticeable. Because he forcefully disciplined the sheriffs, they properly collected and returned the taxes on time. As a result, the outstanding paper currency diminished rapidly. By reducing the currency in circulation and by using bills of exchange for money Nicholas helped stabilize the economy. During the one year of 1765 the value of Virginia's currency varied from thirty-six to sixty-five percent above sterling. Such instability had been common for years. In 1769 the exchange rate was a constant twenty-one percent above sterling. In three years Nicholas had reorganized the Treasury into an efficient office.³⁶

Footnotes — Chapter IV

¹Mays, Fendleton, I, 174; on the Robinson affair, see ibid., I, 174-208.

²JHB., 1761-1765, 356.

³(Purdie and Dixon) The Virginia Gazette, 27 June 1766.

⁴JHB., 1766-1769, xv.

⁵(Purdie and Dixon) The Virginia Gazette, 27 June 1766.

⁶"Edmund Randolph's History of Virginia," 126.

⁷(Purdie and Dixon) The Virginia Gazette, 23 May 1766.

⁸Ibid., 27 June 1766.

⁹Ibid.

¹⁰Ibid.

¹¹Ibid.

¹²Ibid., 25 July 1766.

¹³Ibid., 1 August 1766.

¹⁴Ibid., 10 October 1766.

¹⁵Ibid., 17 October 1766.

¹⁶JHB., 1766-1769, 24.

¹⁷Ibid., 1766-1769, xiv.

¹⁸(Purdie and Dixon) The Virginia Gazette, 24 November 1766.

¹⁹Hening, Statutes, VIII, 211.

²⁰(Purdie and Dixon) The Virginia Gazette, 1 January 1767.

²¹JHB., 1766-1769, 27, 66; Mays, Fendleton, I, 180-189.

- 22 JHB., 1766-1769, 115-116.
- 23 (Purdie and Dixon) The Virginia Gazette, 23 May 1766; 4 July 1766.
- 24 (Rind) The Virginia Gazette, 19 July 1766; (Purdie and Dixon) The Virginia Gazette, 29 September 1768.
- 25 "Paper Money in Colonial Virginia," William and Mary Quarterly, 1st ser., XX (April 1912), 233.
- 26 Samuel Michael Rosenblatt, "The House of John Norton and Sons: A Study of the Consignment Method of Marketing Tobacco from Virginia to England," a thesis submitted at Rutgers University for a Doctor of Philosophy degree (New Brunswick, 1960), 109.
- 27 Robert Carter Nicholas to John Norton, Williamsburg, January 28, 1769, Norton Papers.
- 28 Robert Carter Nicholas to John Norton, Williamsburg, December 28, 1769, Norton Papers; Eric P. Newman, "Coinage for Colonial Virginia," Numismatic Notes and Monographs, No. 135 (1956), 6, 7, 10, 23.
- 29 "Paper money in Colonial Virginia," 234.
- 30 Ibid., 233-234.
- 31 Ibid., 236, 262.
- 32 Ibid., 252, 236, 262.
- 33 Ibid., 248, 256.
- 34 Ibid., 256.
- 35 Hening, Statutes, VII, 567, 569; VIII, 364-365; "Jefferson and Adams to Mazzei," Va. Mag., LI (April 1943), 122f.
- 36 Rosenblatt, "The House of John Norton and Sons," 109.

EPILOGUE

A few remarks about Robert Carter Nicholas's later years in the House of Burgesses will conclude this paper. Perhaps another student will thoroughly examine this phase of Nicholas's career. He continued his objections to England's colonial policy through the reorganized Committee of Correspondence, and the Revolutionary Conventions. In 1776 he resigned the Treasurership but remained in the House until 1778 when he became a Judge on the High Court of Chancery. Nicholas held this post until his death in 1780.¹

The Burgesses in 1773 appointed a new Committee of Correspondence for the purposes of getting information from England and handling Virginia's intercolonial business. Peyton Randolph was chairman, and Nicholas, Peyton Randolph, and Dudley Digges were the sub-committee which did the actual correspondence.² The sub-committee had the power to call meetings of the general committee whenever necessary.

At the session of May 1774 the Burgesses were aroused over the British decree closing Boston Harbor, and they supported Nicholas's proposal that June 1 be set aside for a day of fasting and prayer that the King and Parliament be inspired from above "with Wisdom, Moderation, and Justice to remove from the Loyal people of America all cause of danger, from a continued pursuit of Measures pregnant with their ruin." The resolve provoked the Governor to dissolve the House.³

After Governor Dunmore dissolved the House, the Burgesses met on August 1 at the Raleigh Tavern. This illegal gathering was the first Revolutionary Convention in Virginia. The members of the Convention protested against the closing of Boston Harbor by unanimously pledging to support the association to boycott British goods, which Nicholas and others formed on May 27.⁴ Nicholas was a member of all four Revolutionary Conventions and acted as President of the July 1775 Convention upon the resignation of Peyton Randolph.⁵

Nicholas, Richard Bland, Peyton Randolph, and Edmund Pendleton were the leaders of a group that was more conservative than the followers of Thomas Jefferson and Patrick Henry. The two groups did not differ on fundamental principles; the conservatives, however, were reluctant to abandon the hope of conciliation and tried to temper the dangerously rebellious acts

of the colony. In 1775 when Patrick Henry predicted war and proposed organizing two militia regiments, Nicholas opposed him claiming that the plan was hasty and ill-timed. When Nicholas realized opposition was futile, he presented a stronger defense plan. If the colony were going to arm, Nicholas wanted to do it properly with a regular army of 10,000 men. His motion was defeated.⁶ Nicholas was the only member of the 1776 Convention who opposed the resolves for independence, but he changed his vote so Virginia could stand unanimous. Nicholas then proposed a plan for utilizing the country's strength to support the new declaration of independence.⁷ Jefferson said about Nicholas and Pendleton that "from their natural temperaments, they were more disposed generally to acquiesce in things as they were than to risk innovations, yet whenever the public will had once decided none were more faithful or exact in their obedience to it."⁸

When Nicholas was a member of the first Committee of Correspondence, he defined Virginia's colonial problems and tried to correct them. Nicholas and the old leaders at first protested through constitutional channels; they never wanted to resort to methods that were rebellious.

When Parliament ignored the colonial complaints, Nicholas became more defiant. He supported the Boycott associations and the extra-legal activities of the Conventions. The conservatives

and Nicholas, however, did not approve of the extreme measures promoted by the younger Burgesses who were eager to arm the colony and declare independence. Nicholas remained true to his convictions until the very end; he opposed arming the militia and denounced independence. Nicholas never wanted to give up the hope of conciliation, and he did not think Virginia was prepared for war or ready for independence.

The Burgesses did not agree with Nicholas but admired his honesty and recognized the courage it took to stand alone in opposition to their measures. Even though Nicholas was not in accord with these radical proposals, the Burgesses respected his ability and appointed him to the special committees that enforced the new program. Nicholas was able to forget his personal feelings and give his full support to the colony's cause when she separated from England.

"Although we often wished to have gone faster," Jefferson said, "we slackened our pace, that our less ardent colleagues might keep up with us; and they, on their part, differing nothing from us in principle, quickened their gait. . . . By this harmony of the bold with the cautious, we advanced with our constituents in undivided mass, and with fewer examples of separation than, perhaps, existed in any other part of the Union."⁹

Footnotes -- Epilogue

- 1 Grigsby, Virginia Convention 1776, 64.
- 2 JHB., 1773-1776, xii.
- 3 Ibid., 1773-1776, xv, 124.
- 4 Ibid., 1773-1776, xiv.
- 5 Grigsby, Virginia Convention 1776, 64.
- 6 Ibid.
- 7 "Edmund Randolph's History of Virginia," Va. Mag., 42.
- 8 Paul Leicester Ford, ed., The Works of Thomas Jefferson, 12 vols. (New York, 1904), I, 54, cited in Mays, Pendleton, II, 136.
- 9 Randall, Jefferson, I, 39.

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