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Thad W. Tate*

CONTtemplating the approach of independence in May 1776, Landon Carter, Virginia planter and retired Burgess, recorded in his diary that the Revolution was an unfortunate contest which Great Britain “certainly began with America by attempting to tax her out of the constitutional road.”¹ Carter took a view of the predominant issue leading to the American Revolution that every Patriot leader in Virginia shared. All the major public resolutions, addresses, and petitions of the colony spoke against a threat to “ancient, legal, and constitutional Rights.”²

The final statement, a bill of indictment against George III in the preamble of the 1776 constitution, comprised twenty-two charges, which stand as an official summary of the issues as the colony saw them.³ Five of the twenty-two related to punitive actions taken after the beginning of hostilities by Dunmore or by British military authorities elsewhere and did not, therefore, concern basic issues from which the conflict had arisen. Two other accusations were too general to relate to specific grievances. Of the remain-

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¹ Entry of May 29, 1776, “Diary of Col. Landon Carter,” William and Mary College Quarterly, 1st Ser., XVIII (1909-10), 43.

² The quotation is from the resolutions of the House of Burgesses creating the Committee of Correspondence, Mar. 12, 1773, in Henry R. McIlwaine and John P. Kennedy, eds., Journals of the House of Burgesses of Virginia (Richmond, 1905-15), 1773-1776, p. 28. Other important statements derived from constitutional arguments are in ibid., 1761-1765, pp. 302-304; 1766-1769, pp. 23-24, 165-171, 214; 1770-1772, pp. 101-102; 1773-1776, pp. 28, 124; Purdie and Dixon’s Virginia Gazette (Williamsburg), July 21, 1768, Aug. 11, 1774.

³ Ordinance Passed at a General Convention . . . of Virginia . . . Monday the 6th of May Anno Dom: 1776 (Williamsburg [1776]), 5-7.
ing fifteen allegations, which were the heart of the case, fourteen attacked British political or military policies. Nine of the fourteen criticized restrictions on colonial legislatures, two objected to abridgment of legal rights of the individual, and three dealt with threats to liberty from the use of armed force. Only a single article from the entire list concerned economic conditions—a complaint against the restriction of colonial trade with non-British ports. Apparently the Virginia protest explained the Revolution as a defense of constitutional rights against their subversion by the British government. Moreover, it made no distinction between measures that affected Virginia directly and those that seemed, by their threat to another colony, to raise the prospect of future tyranny over all. The Virginians seemed content to say they fought over a common issue.

Many historians have been dissatisfied with this answer. In part, they have been influenced by broad currents in historical writing, such as the imperialist view of the colonial period, the economic interpretation of history, and the belief that the American Revolution was primarily an internal conflict, all of which have questioned the traditional constitutional explanation. Doubt has come, too, from certain local characteristics of the Revolution in Virginia. It has not been easy to understand why a colony with Virginia’s reputation for conservatism and loyalty reacted with such force and rapidity, when the actual burdens of the British acts fell more lightly upon Virginia than upon many other colonies. The Stamp Act and the Townshend duties, of course, affected all colonies equally; and Virginia was one of the colonies that the framers of the Currency Act of 1764 had particularly in mind. The Sugar Act, however, seemed likely to harm Virginia mostly through higher costs for a gentleman’s favorite solace—good Madeira wine. No military commander came to quarter his troops upon unwilling Virginians. The Crown had long enjoyed independent sources


of revenue from which to pay royal salaries within the colony.\(^6\) “Customs racketeering” by the American Board of Customs Commissioners and its agents was possibly not so severe as elsewhere—the General Court, for one thing, never issued general writs of assistance.\(^7\) Finally, the Coercive Acts neither affected Virginia directly nor, in the Massachusetts Government Act, imposed any conditions upon the Bay Colony that had not long prevailed in Virginia. Such considerations have caused speculation about the candor of Virginia Patriots and about the accuracy of interpreting the Revolution in that colony solely as a contest for political liberty.

Although no one has made a full-scale attack on the constitutional interpretation as it applied to Virginia, a number of scholars have emphasized other issues. Among the additional sources of conflict to which they have pointed are the existence of earlier disputes, antedating the taxation measures of George Grenville; the massive indebtedness of the planters to British merchants; the clash between imperial policy and speculative interests of Virginians in western lands; and the divisions between radical Patriots of the stripe of Patrick Henry and the entrenched leadership of the House of Burgesses. The over-all effect has been to reduce the importance of the issue of colonial rights, as it developed after 1763, by suggesting either that it was only one among a number of points in dispute or that it was largely an expression of deeper-seated and more material grievances.

Those who believe that there were important beginnings of the Revolution in Virginia before the peace of 1763 have placed their emphasis upon

\(^6\) Note, for example, the reputation for loyalty on the part of Virginia implicit in Halifax’s observation that it was “the only province in North America who had granted a permanent revenue to the crown for the support of government.” Quoted in Keith B. Berwick, Loyalties in Crisis: A Study of the Attitudes of Virginians in the Revolution (unpubl. Ph.D. diss., University of Chicago, 1959), 51.

the only serious political controversy at this time—the disputes over the Twopenny Acts, otherwise known as the Parsons' Cause. In the disallowance of these laws they have seen the making of an imperial dispute that commenced as early as 1759 and led directly to Virginia's involvement in the Revolution.  

The Twopenny Acts were passed by the Assembly in 1755 and again in 1758 to relieve taxpayers of the necessity of satisfying their public obligations in tobacco during two years of short crops and abnormally high prices. Both laws permitted the commutation of such payments at a rate of two pence per pound of tobacco—well below its market value. The 1755 law was to remain in effect only ten months, and the 1758 law, twelve. Among the obligations affected were the salaries of the clergy of the Established Church, which had been fixed at sixteen thousand pounds of tobacco yearly by a 1748 law that had been confirmed by the Crown. Although the royal instructions stipulated that laws thus confirmed could not be altered

8 There are a number of detailed accounts of the Parsons' Cause, many of which vary in their emphasis. Richard L. Morton, Colonial Virginia (Chapel Hill, 1960), II, 751-819, is especially good for its explanation of the background of ill feeling against the Anglican clergy in Virginia; Bernhard Knollenberg, Origin of the American Revolution: 1759-1766, rev. ed. (New York, 1961), 57-66, gives strong emphasis to the Parsons' Cause as a significant source of discontent in Virginia; George Macalren Brydon, Virginia's Mother Church and the Political Conditions under Which It Grew (Philadelphia and Richmond, 1947-52), II, 288-320, stresses the effect on the clergy; Robert Douthat Meade, Patrick Henry: Patriot in the Making (Philadelphia and New York, 1957), 114-138, has a very full treatment of the suit by the Rev. James Maury in which Henry was involved; Lawrence Henry Gipson, The Coming of the Revolution, 1763-1775 (New York, 1954), 46-54, treats the Parsons' Cause as an aspect of the question of planter debts; the same author's more recent The Triumphant Empire: Thunder-Clouds Gather in the West, 1763-1766 (New York, 1961), Volume X of The British Empire before the American Revolution, 146-157, contains a suggestive treatment of the passage of the Twopenny Acts as part of a broad, determined effort by the Virginia House of Burgesses to modify the constitutional authority of the Crown in the colony; Glenn Curtis Smith, "The Parsons' Cause, 1755-65," Tyler's Quarterly Historical and Genealogical Magazine, XXI (1939-40), 140-171, 291-306, is the fullest discussion of the pamphlet controversy. Two studies of exceptional importance which do not stress the Parsons' Cause as a cause of the Revolution are Arthur P. Scott, "The Constitutional Aspects of the 'Parson's Cause,'" Political Science Quarterly, XXXI (1916), 558-577, which is particularly good in treating the rather questionable legal grounds of the lawsuits of the clergy, and Joseph Henry Smith, Appeals to the Privy Council from the American Plantations (New York, 1950), 609-626, which gives a very thorough analysis of all the legal aspects of the Parsons' Cause.

9 William Waller Hening, ed., The Statutes at Large; Being a Collection of All the Laws of Virginia . . . (Richmond, 1809-23), VI, 568-569; VII, 240-241.
without the consent of the Crown and required the insertion of a suspend-
ing clause in any amending acts, the Virginia legislature included no such
clause in either of the Twopenny Acts. To have done so, as defenders of
the measure later pointed out, would have kept them from going into im-
mediate effect and would have defeated the whole purpose of the legisla-
tion. Lieutenant Governor Francis Fauquier realized that he was violating
his instructions in assenting to the 1758 measure, but he readily approved it
because there had been no repercussions from the approval of the 1755
law by his predecessor Robert Dinwiddie. 10

Passage of the 1758 act immediately evoked strong opposition from the
clergy. Had the law not been enacted, the high-priced tobacco would have
meant a substantial addition to their income. To avoid its loss a number
of ministers determined to resist the Twopenny legislation. Their opposi-
tion took several forms: a convention of some, though not all, of the
clergy; 11 a petition to the Privy Council requesting that the 1758 act be
declared null and void from its inception; 12 a series of lawsuits for the re-
covery of the full market value of their assigned quota of tobacco; 13 and a
pamphlet and newspaper controversy. 14 In all of these measures the chief
clerical spokesman was the Reverend John Camm, Professor of Divinity
at the College of William and Mary and rector of Yorkhampton Parish
in nearby York County. It was he who largely instigated the complaints to
England, carried the test suit to the Privy Council on appeal, and defended

10 Morton, Colonial Virginia, II, 682, 784-785; Knollenberg, Origin of the Amer-
ican Revolution, 57-58; Gipson, The Triumphant Empire, 145-147; J. H. Smith,
Appeals to Privy Council, 608-611.

11 Richard Bland, A Letter to the Clergy in Virginia . . . (Williamsburg, 1760),
3; William Robinson to the Bishop of London, Aug. 12, 1765, in William Stevens
Perry, ed., Historical Collections Relating to the American Colonial Church ([Har-
ford], 1870), I, 509-510.

12 Memorial of the Clergy of Virginia to the Board of Trade, C.O. 5/1329, foll.
119-120.

13 Morton, Colonial Virginia, II, 807-812, and J. H. Smith, Appeals to Privy
Council, 615-621, are the best accounts of the initiation of all the suits and of their
progress through the courts of the colony.

14 The pamphlets in order of their appearance are: Landon Carter, A Letter to
the Right Reverend Father in God the Lord B——p of L——n . . . (Williamsburg,
1759); Bland, Letter to the Clergy in Virginia; John Camm, A Single and Distinct
View of the Act, Vulgarly Entitled, the Twopenny Act . . . (Annapolis, 1763);
Landon Carter, The Rector Detected . . . (Williamsburg, 1764); John Camm, A Re-
view of the Rector Detected . . . (Williamsburg, 1764); Richard Bland, The Colonel
Dismounted; or the Rector Vindicated (Williamsburg, 1764); John Camm, Critical
Remarks on a Letter Ascribed to Common Sense (Williamsburg, 1765).
the clerical position in writing against two outspoken burgesses, Landon Carter and Richard Bland.

The resultant controversy continued from 1759 until 1766, and in its course the clerics directly challenged the competence of the Virginia Assembly to pass the Twopenny Acts. Both the timing—its later stages coincided with the taxation dispute with the home government—and the underlying issue—the limits of the legislative power of a colonial assembly—have made it easy to see the Parsons' Cause as one of the first steps of approaching revolution. Patrick Henry's vehement argument in the best-known of the clerical suits that a king who would annul a beneficial law degenerated into a tyrant seems to support this view. The same is true of the more sober arguments advanced by Carter and Bland. They justified the Twopenny Acts on several grounds that touched upon the nature of the imperial constitution: the necessity of the legislation to protect the welfare of the colony, the right of the people to be governed by laws made by their elected representatives, and the claim that a governor's instructions from the Crown were not obligatory and did not have the force of law.

Yet it is possible to see the Parsons' Cause in a much different light by considering its full scope, including the progress of the dispute in England as well as in the colony. Patrick Henry's courtroom oration was, after all, only a single episode, occurring in a local case in which the court's initial finding in favor of the clergyman was at variance with the general outcome of the cases. The pamphlet warfare was also a local controversy within the colony and did not directly involve any British officials or political leaders. Far more central to the nature and outcome of the Parsons' Cause were the two appeals to the Privy Council—one legislative and the other judicial—that John Camm instituted. These show the Parsons' Cause as primarily a dispute between the colony and its clergy, not between colony and mother country.

After the failure of every appeal within the colony itself, Camm sailed

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17 J. H. Smith, Appeals to Privy Council, 617-620.
18 Ibid., 611-624. In this discussion Smith treats the legal aspects of both cases with far greater precision than earlier accounts and thereby clears the way for a better understanding of whether the home government ruled largely in favor of the
for England in either late 1758 or early 1759 to represent the clergy in an effort to have the Twopenny Acts declared null and void from the moment of their passage.19 The memorial of the clergy which Camm presented to the Privy Council did not ask for the customary disallowance, because the clergy knew that it would not take effect before the expiration of the laws. By customary usage the laws would thereby have the force of law until their expiration or disallowance. A decision that the acts had never possessed the force of law would, on the other hand, open the way for recovery of the full value of the clerical salaries. On August 10, 1759, however, after full hearings before the Board of Trade and before one of its own committees, the Privy Council refused to do more than disallow the laws.20 Thereupon James Abercomby, who had represented the colony during the hearings, reported with evident satisfaction that "the point was determined in our Favour (to wit) to go no further than the Repeal."21 Abercomby's attitude reflects something that is often forgotten about the Privy Council decision: that disallowance represented a defeat for the clergy far more than it did for the Virginia Assembly. Certainly Virginians would have preferred not to hear the criticism that the Privy Councilors made of their actions, but it was criticism that had no practical effect.

There were, however, aspects of the decision that created the possibility of more serious objections from Virginia. The action of the Privy Council had, after all, not gone so far as to approve the Twopenny Acts. The Privy Council, moreover, had coupled its disallowance with a tart instruction to Fauquier that he would incur the highest displeasure and face recall if he failed in the future to observe strictly article sixteen of his instructions directing him to assent to no act of less than two years duration and to no act without a suspending clause that repealed any other act, whether confirmed by the King or not.22 This action by the Privy Council posed a definite future threat for the colony, to which the Assembly responded in the "Humble Representation of the Council and Burgesses of Virginia,"

clergy or the colony both in disallowing the laws and in upholding the decision of the General Court of Virginia in Camm's lawsuit.

19 Francis Fauquier to Board of Trade, Jan. 9, 1759, C.O. 5/1329, foll. 119-120.
prepared in October 1760. The sixteenth article of the governor’s instructions had not been observed for a long time, and its enforcement now, the Assembly observed, would “involve the Colony in the most insuperable Difficulties.”

Admittedly, the renewed emphasis on a long-dormant royal instruction was a source of concern—and perhaps a harbinger of the over-all shift in imperial policy just getting underway. The tone of the Assembly’s representation, however, does not suggest that Virginians yet saw either the disallowance of the Twopenny Acts or the additional instruction as part of a new and general restriction on colonial rights. The language of the document is mild, and its nature is explanatory. “It was not our Intention,” the members of the Assembly declared, “by any Act of our’s to lessen the Influence and Prerogative of the Crown upon which the Preservation of our privileges and the happy and rightful Administration of the Government depend.” The reaction of the colony was not dissimilar to that produced by comparable imperial actions earlier in the century.

The sharpest language of the Humble Representation was reserved for those who were accused of having misrepresented the position of the colony in England, thus constituting a scarcely veiled attack on John Camm and the Virginia clergy. The greater part of the reaction within the colony to the outcome of the Privy Council hearings was, in fact, directed against the ministers. First of all, Camm’s return from Britain was the occasion for a well-known and explosive incident in which Fauquier committed the supreme insult of pointing the cleric out to his slaves and ordering them never again to admit him beyond the gates of the Governor’s Palace. Another irritant was the circulation within Virginia of the Bishop of London’s letter of June 14, 1759, which he had originally written to the Board of Trade in support of the clerical request for nullification of the Twopenny Acts. It was a copy of this letter which stung Carter and Bland.

23 C.O. 5/1330, fol. 51-53. The Assembly also sent a long letter to its agent with an order to work for countermanding of the additional instruction to Fauquier, but this letter is a paraphrase of the Humble Representation. Committee of Correspondence to Montagu, Nov. 5, 1760, “Proceedings of the Virginia Committee of Correspondence, 1759-67,” Va. Mag. of Hist. and Biog., XI (1903-4), 14-16.
25 C.O. 5/1330, fol. 53.
26 Morton, Colonial Virginia, II, 802.
27 The letter is in C.O. 5/1329, fol. 131-133A.
into initiating the pamphlet war, although by this time it had failed in the immediate purpose of influencing the Privy Council decision. Still a third cause for anger was the institution of several suits by Virginia clergymen to recover their full salaries. Vexing as all these actions of the clergy were, none of them had anything to do with specific governmental policies adopted by imperial officials.

This fact is even more clear from an examination of the clergy's attempt to recover their money through the courts. Thinking one of the Privy Councilors had suggested he might still recover his money at law, Camm—and ultimately at least four other clergymen—brought suits in various county courts of the colony. In effect, they sought either by deliberate misrepresentation or out of honest misunderstanding to contend that the Order in Council of 1759 had been what it was not: a declaration of nullity rather than a disallowance. Camm's suit, going on appeal from the General Court of Virginia to the Privy Council, became the test case. A committee of the Privy Council decided against him in 1766. The general impression has been that he lost on a question of procedure rather than of right—the implication is that the committee members thought his case valid but found a technical ground for denying his appeal in order to soothe the Virginians without creating a precedent. Nevertheless, the notes of Robert Walpole, clerk for the Privy Council, contain contradictory evidence. As Walpole recorded it, the committee ruled that the 1758 act "passed regularly in the regular course of Legislation" and was "a Law... till the disapprobation of the King in Council is signified in the Province." Whatever the basis of the decision, the Virginians had once and for all carried the day against the clergy in the Parsons' Cause.

The view that the dispute over the Twopenny Acts was in its essence a dispute between Virginia and Great Britain depends upon two assumptions: that Patrick Henry's plea was a major event of the controversy in which he and the popular opinion that supported him defied the Privy Council decision of 1759 and that Virginians contended with British officials who generally—at least until a conciliatory gesture in 1766—sup-

28 Long before returning from England Camm had written ahead to his attorney to bring suit, and the General Assembly moved before the end of 1759 to support the vestry of Camm's parish in their defense. Morton, Colonial Virginia, II, 797-798.

29 Camm's case is treated through its final outcome in great detail by J. H. Smith, Appeals to Privy Council, 618-624. The statement of Robert Walpole is quoted by Smith from War Office Papers, Ser. 1, 404, fol. 66, Public Record Office.
ported the clerical arguments. Both are in large part erroneous, although it is possible that the clergy themselves helped obscure the issue in Virginia somewhat and although they did enjoy powerful support in England from bishops, merchants, and a few officials of the government.

There is an alternate set of propositions that serves much more accurately to delineate the nature of the Parsons' Cause. First, the dispute originated solely within the colony, between clergy and local political leaders, and was not the result of any deliberate act of imperial policy. The home government, moreover, became involved beyond the routine review of legislation only at the instigation of the Virginia clergy and their friends in England. Whether the action of Crown officials in the Parsons' Cause was, or was understood by Virginians to be, a part of the general tightening of colonial policy that began at much the same time is problematical. In the long run, the Virginians used the machinery of imperial administration, and they lost nothing by it. Two royal governors sided with them, and the Privy Council twice decided more in their favor than against them. If there was a genuine constitutional issue involved, it was that of the additional instruction to Fauquier in 1759, which, as it turned out, was a potential rather than an actual grievance. Unquestionably the pamphlets of Bland and Carter expressed many of the same ideas that soon appeared in more genuine Revolutionary disputes. They were, however, principally answering the extravagant claims of John Camm and the Bishop of London, whom no one mistook for official interpreters of the British constitution. Furthermore, they wrote in part after the crisis of the Sugar Act and the Stamp Act had begun to affect the controversy. In retrospect the Parsons' Cause may have seemed to some Virginians a grievance against Great Britain. Certainly, had British politicians been observant, it could have warned them of the extent of colonial constitutional claims.30 This, however, was the extent of its relationship to the Revolution. It was not in the beginning a major issue between Virginia and the home government. At most, it was contributory rather than decisive to the advent of the Revolution in Virginia.

The Parsons' Cause is sometimes also seen as an economic issue, in which Virginians took a first step toward revolution by their reaction to alleged British interference with an effort at debtor relief.31 But, since dis-

30 In this connection see the conclusion in Scott, "Constitutional Aspects of Parsons' Cause," 577.
31 Gipson, Coming of the Revolution, 45-54.
allowance occurred after the expiration of the Twopenny Acts and did not affect their validity during the time they were in force, the British action did not have any practical economic effect. Still the question of whether planter debts influenced the coming of the Revolution, being far broader than a single incident, demands further consideration. Certainly the endless discussions of increasing debts, depressed tobacco prices, and shortages of currency that occupy so large a part of the surviving correspondence of Virginians suggests the possibility of a link between economic conditions in the colony and the Revolutionary movement. Indeed, by 1763 planter debts were already an issue of long standing, as the running controversy in the 1750’s over the rate of exchange between Virginia currency and sterling money attested.\textsuperscript{32}

In the 1760’s and 1770’s there are two aspects of the debt question. One centers around the Currency Act of 1764, which extended to the other continental colonies the 1751 restrictions on New England forbidding further emissions of paper money as legal tender.\textsuperscript{33} Virginia, where the rate of exchange with sterling money had seldom kept pace with depreciation of the paper bills, had been a principal offender; and the demand for the statute was largely a result of pressure from British merchants who traded there and who were displeased with the persistent refusal of the House of Burgesses to comply with an instruction of 1759 requiring the removal of the legal tender provisions of previous currency issues. Men like Robert Beverley were consequently bitter at the “Machinations of those very Merchants who draw their Subsistence, as it were from our very Vitals.”\textsuperscript{34} After passage of the Currency Act Virginians were still incensed at the merchants but were surprisingly unconcerned about the act itself. In their communications with Virginia agent Edward Montagu, members of the


\textsuperscript{33} The fullest treatment of the relationship between the Currency Act and the Revolutionary movement is Greene and Jellison, “Currency Act of 1764 in Imperial-Colonial Relations.”

committee of correspondence expressed no hostility to the act. Rather, they were relieved that, by failing to do more than to demand retirement on schedule of the depreciated money in circulation, it had not gone as far as the merchants demanded.\textsuperscript{35} As a result, a sufficient currency for at least a time remained in circulation, a circumstance to which the general lack of immediate protest in Virginia possibly owed a great deal. Beyond a few outbursts against the merchants, the immediate reaction to the Currency Act was mild.

If the prohibition of future paper money issues failed to stir initial hostility against the home government itself, it nevertheless soon created a shortage of circulating currency that brought occasional expressions of dissatisfaction and an unsuccessful attempt by the House of Burgesses in 1768 to obtain permission for a new issue of £200,000.\textsuperscript{36} Ultimately, Virginia found ways to mitigate its currency problem through such expedients as non-legal tender issues in 1769 and 1771;\textsuperscript{37} and, if there had been sufficient time before Independence for the Parliamentary Act of 1773, which modified the Currency Act of 1764, to run its course, the currency issue might well have disappeared completely. As it is, it is difficult to see the Currency Act as a major grievance in Virginia or as one which the colony believed it could not solve within the normal imperial framework.\textsuperscript{38}

The second part of the debt question concerns the debts themselves—the ever increasing sums due British merchants as a consequence of the fortunes of the tobacco trade.\textsuperscript{39} If a link does exist between them and the Revolutionary protest, it is not easy to establish, for the Virginians never included complaints about economic conditions in their petitions and resolutions. Between 1764 and 1766 Virginians occasionally grumbled about debts. Governor Fauquier found the people "uneasy, peevish, and

\textsuperscript{35} "Proceedings of the Virginia Committee of Correspondence, 1759-'67," Va. Mag. of Hist. and Biog., XII (1904-5), 6, 11.

\textsuperscript{36} Francis Fauquier to Earl of Halifax, June 14, 1765, C.O. 5/1345, foll. 80-81; C.O. 5/1332, foll. 30-34; Board of Trade to Crown, June 10, 1768, C. O. 5/1346, foll. 9-12; Greene and Jellison, "Currency Act of 1764 in Imperial-Colonial Relations," 503.

\textsuperscript{37} Hening, ed., Statutes at Large, VIII, 346-348, 501-503.

\textsuperscript{38} Greene and Jellison, "Currency Act of 1764 in Imperial-Colonial Relations," 518.

\textsuperscript{39} In addition to the emphasis upon the relevance of planter debts in the works of Professor Lawrence H. Gipson, cited in nn. 31 and 32 above, the study by Isaac S. Harrell of Loyalism in Virginia . . . (Durham, 1926), also stresses the debt question but concentrates upon its outcome in the period after 1776.
ready to murmur at every Occurrence” because of their debts, and he attributed some of the continued unrest after repeal of the Stamp Act to economic hardship.40 Again, most of the hostility seemed directed against the merchants; the debts were not the occasion for any contests with the government.41 Probably debtors welcomed the closing of the courts that had occurred while the Stamp Act was in force, because it prevented suits by creditors and put pressure on merchants to work for repeal of the stamp duties.42 But the benefit to debtors was almost certainly a by-product and not a cause of the suspension of the courts, which had occurred very widely to avoid the use of stamped paper. A number of inferior courts, moreover, reopened in Virginia before the repeal of the Stamp Act.43

Certainly neither in the period of the Stamp Act nor in the crisis over the Townshend duties did Virginians make a full-scale attack upon the British navigation system and the closed trade by which it presumably held them irretrievably in debt.44 In the very letter to George Washington in which he outlined his proposals for the nonimportation agreement of 1769, George Mason wrote that “our supplying our Mother Country with gross Materials, and taking her Manufactures in Return is the true Chain of Connection between Us; these are the Bands, which, if not broken by Oppression, must long hold Us together, by maintaining a constant Reciprocity of Interest.”45

The attitude of Virginians concerning their debts grew harsher in the spring and summer of 1774. These months mark a distinct shift to a new phase of the debt question. The commercial system was still not an object of criticism, but there was frank discussion of withholding the payment

40 Fauquier to Earl of Halifax, June 14, 1765, C.O. 5/1345, fol. 80-81; Fauquier to Commissioners for Trade, C.O. 5/1331, fol. 149-150.
41 Fauquier to Secretary of State, Nov. 18, 1766, C.O. 5/1345, fol. 157-159; Purdie and Dixon’s Virginia Gazette, Oct. 30, 1766.
43 See the general discussion on the closing of the courts in twelve of the colonies in Edmund S. Morgan and Helen M. Morgan, The Stamp Act Crisis: Prologue to Revolution (Chapel Hill, 1953), 168-179. For the Virginia information see 172-173.
44 One of the few exceptions is the letter by “A Virginian,” Rind’s Virginia Gazette (Williamsburg), Dec. 11, 1766.
of debts.\textsuperscript{46} Not all of it came as accusations from diehard Tories like James Parker, whose constant contention was that "the more a man is in debit, the greater patriot he is."\textsuperscript{47} Even Parker must be believed, however, when he describes in some detail the advocacy of nonpayment by George Mason, Patrick Henry, Richard Henry Lee, and Robert Carter Nicholas.\textsuperscript{48} Feeling reached the point where in November Patriots suspended a bag of feathers over a barrel of tar on the main street of Williamsburg and dragged offending merchants before it to recant their crimes against the people.\textsuperscript{49} Moreover, the county courts and the General Court stopped hearing civil cases, giving as their reason the failure of the Assembly during its brief session in May to renew the law fixing court fees.\textsuperscript{50} The next year British subjects, permitted to return home by the Virginia Convention, were forbidden to take with them papers or account books belonging to anyone in Great Britain.\textsuperscript{51}

The closing of the courts—the most substantial of these actions since it blocked suits for debts—may have served as a weapon in the political struggle, as it had in part in 1765. Some merchants in Virginia conceded that its principal purpose was simply to force the merchants in Great Britain to use their influence against the repressive measures of the ministry instead of supporting them.\textsuperscript{52} Any exact apportionment between its politi-


\textsuperscript{47} James Parker to Charles Steuart, June 7, 1774, Charles Steuart Papers.

\textsuperscript{48} James Parker to Charles Steuart, postscript of June 17, 1774, to letter of June 7, 1774, \textit{ibid}.

\textsuperscript{49} James Parker to Charles Steuart, Nov. 14, 1774, Parker Family Papers; Parker to Steuart, Nov. 27, 1774, Steuart Papers.


\textsuperscript{51} \textit{The Proceedings of the Convention and Delegates for the Counties and Corporations in the Colony of Virginia . . . on the 20th of March, 1775 . . .} (Richmond, 1816), 77.

\textsuperscript{52} Harry Piper to Dixon and Littledale, June 9, 1774, Harry Piper Letter book, Alderman Library. Piper wrote that "it is also proposed to stop all proceedings in the Courts of Justice with regard to the recovery of Debts, so that You see the Merchants are to be distressed at all events in order to make them Active in getting the Acts Repealed." See also Charles Yates to Samuel and William Vernon, Oct. 5, 1774, Charles Yates Letter book.
cal and economic purposes is impossible, but obviously political pressure on the merchants played some part. On the other hand, the atmosphere in 1774 did differ from that of 1765. There was more open complaint about debts, and by 1773 the tobacco trade had entered a new period of depression, bringing a consequent restriction on credit. If there was, however, a genuine economic conflict, it appeared at a late stage in the advance toward revolution, when public sentiment had become sufficiently inflamed to aggravate latent grievances.

In sum, there seems little doubt that there was—and had been for a long time—feeling by the planters on the subject of their financial obligations. That it constituted a basic issue in bringing on the Revolution is questionable. Virginians directed hostility over the debts against the merchants rather than against the economic policies of the government, which in all its measures after 1763 actually exerted less pressure on the matter of debts than it had sometimes done earlier. For most of these years the colonists agitated the debt issue correspondingly less. And in the last five years of the 1760's the Assembly even enacted a few minor safeguards against efforts of debtors to escape their obligations. Only with the interruption of the courts in 1774 did hostility grow notably sharper and did Virginia move to obstruct outright the collection of debts. The debt issue, in short, does not loom particularly large in the years of political conflict with Great Britain. At best, the planter debts were an underlying source of difficulty brought to the surface only late in the Revolutionary crisis under the stimulus of a deepening political crisis.

Virginia had another economic interest—speculation in western lands—which the post-1763 measures of the imperial government affected more directly. The land claims of Virginia were sweeping, and many of the leaders of the colony had acquired a stake in their exploitation. The series of British directives, beginning with the Proclamation Line of 1763, that restricted the confirmation of new grants or the establishment of new settlements in the West ran counter to the plans of Virginians for further acquisitions and profitable sales. Even where lands were to be opened,

53 The point is discussed in some detail in Emory G. Evans, "Planter Indebtedness and the Coming of the Revolution in Virginia," paper delivered at Southern Historical Association Annual Meeting, Chattanooga, Tenn., Nov. 9, 1961, and scheduled for publication. Mr. Evans gives an extended treatment of the debt question from a point of view basically sympathetic with that expressed in this paper.  
Virginia investors faced a contest with British rivals. Yet, the West no more figured as an initial issue in the Revolutionary controversy in Virginia than did planter debts. On land questions the colony could usually count upon the royal governor to take its side. Furthermore, the British allowed settlement in some areas west of the mountains by 1769 and never effectively interfered with it elsewhere. And Virginians, willing to trust their bargaining power with the home government, never questioned the Crown’s rights to issue land grants.

Only in the already explosive situation of 1774 did the problem of the West attract complaints. In February of that year Dunmore, along with the other governors, received instructions to sell lands only at public auction, at a quintupled minimum price, and at twice the old rate for quitrents. These requirements, unpopular to a degree that had not been true of earlier British actions on the West, were the first to which Patriot leaders in Virginia seriously protested. As a potential grievance that failed to reach important proportions until the last stages of the con-

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65 Richard Orr Curry, “Lord Dunmore and the West: A Re-evaluation,” *West Virginia History*, XIX (1958), 231-243, treats Dunmore as a strong champion of colonial “rights” so far as western lands were concerned.

66 From the extensive literature on the West and the American Revolution the following are most relevant to the specific question of the degree to which British policy in the West influenced the causes of the Revolutionary controversy in Virginia: Clarence W. Alvord, *The Mississippi Valley in British Politics* (Cleveland, 1917), which emphasizes the general importance of the West; the same author’s “Virginia and the West, an Interpretation,” *Mississippi Valley Historical Review*, III (1916), 19-38, which applies the same argument more specifically to Virginia; Harrell, *Loyalism in Virginia*, 7-22, which briefly but strongly supports the same view; St. George L. Sioussat, “The Breakdown of the Royal Management of Lands in the Southern Provinces, 1773-1775,” *Agricultural History*, III (1929), 67-98, which covers in more detail than anyone else the reaction to British western policy after 1774; Thomas Perkins Abernethy, *Western Lands and the American Revolution* (New York, 1937), which minimizes the importance of the West as a cause of the Revolution in Virginia; and John R. Alden, *The South in the Revolution, 1763-1789* (Baton Rouge, 1957), 138-139, which is a useful and succinct statement of the Abernethy view.

67 Through the early 1770’s the Vandalia scheme loomed as a potential issue but never materialized as Crown authorities dragged their feet and eventually failed to approve it. Abernethy, *Western Lands and the American Revolution*, 40-58.


troversy, the issue of the West developed in a manner similar to that of the debt question.

Internal divisions appear to have been no more important in bringing on the Revolution. The image of a band of radicals ceaselessly contending against a powerful conservative bloc to move the Revolution at a faster pace and to achieve a stronger voice in the colonial government does not hold for Virginia. At no time during the 1760's and 1770's were there organized or rival groups that might be legitimately classified as factions or parties. In fact, once events moved beyond the apparent challenge by Patrick Henry to the old guard of the House of Burgesses over the Stamp Act Resolves of 1765, it is difficult to find evidence of serious internal disputes among Virginia Patriots.⁶⁰ In all the years from 1763 to Independence only one period of obvious controversy occurred, and that at a time when the agitation against Great Britain had quieted. A group of conflicts clustered in the months following repeal of the Stamp Act, but none of them were factional in nature. In one of them Richard Henry Lee attacked George Mercer for his acceptance of the Virginia stamp agency. When Mercer answered by disclosing that Lee had himself been an unsuccessful applicant for the post, the debate raged through a series of long newspaper articles.⁶¹ Another dispute occurred when the death of John Robinson, Speaker of the House and Treasurer of the colony, disclosed shortages in his accounts because of secret loans from paper money that had been turned in for destruction. It resulted in the separation


⁶¹ These appear mostly in Purdie and Dixon's *Virginia Gazette*, July-Oct. 1766.
of the Treasurer’s office and the Speakership.\textsuperscript{62} There were additional minor disturbances as well, among them one over the admission to bail of John Chiswell, a member of the gentry accused of murder.\textsuperscript{63} As Fauquier observed, the Stamp Act may have left Virginia easily aroused to factional quarrels; but none of them survived for long or created a clear division among Patriots. On only one later occasion, the closing of the courts, in 1774, did Virginians appear close to splitting, and then the minority quickly bowed to the popular decision.\textsuperscript{64} Nearly all the various committees and delegations elected in Virginia—the Committee of Correspondence of 1773, the first Committee of Safety, the members of the First Continental Congress—included men labeled both radical and conservative by modern scholars. As the Revolutionary controversy progressed, potential conflicts among the Patriots lessened rather than increased.\textsuperscript{65}

What remains as the fundamental issue in the coming of the Revolution, then, is nothing more than the contest over constitutional rights. None of the other potential issues seems to have applied in Virginia at the opening of the struggle. Perhaps after all the Virginians had stated their grievances reasonably accurately. In 1763 there was a tradition of jealously guarded rights and privileges, but no lingering issues capable in themselves of instigating new conflicts. The Revolution did not open in force until the announcement of the Stamp Act. From then until the beginning of armed conflict with Dunmore in the fall of 1775 political or constitutional issues were the occasion for every outbreak of protest within the colony. The Virginians reacted, moreover, to actions affecting other colonies—the suspension of the New York legislature, the threat to Massachusetts after the Circular Letter, the Gaspee incident in Rhode Island—almost as readily as to measures that applied directly to their own colony. They were apparently moved as much by the over-all conflict as by local considerations.


\textsuperscript{64} Edmund Pendleton to Ralph Wormeley, July 28, 1774, Ralph Wormeley Papers, Alderman Library; James Parker to Charles Steuart, postscript of June 17, 1774, to letter of June 7, 1774, Steuart Papers.

\textsuperscript{65} Sydnor, \textit{Gentlemen Freeholders}, 106-108.
Insofar as other issues of a more local character concerned Virginia Patriots, they crowded in during the last years of controversy, when, as Edmund Randolph noted, “a deeper tone broke forth.” The closing of the courts by the summer of 1774 and complaints against the merchants suggest that the personal debts of the planters might then have become involved in the political conflict. Western lands, on which there was new restrictive action in 1774, aroused the colony as it had not done before. By 1775 Lord Dunmore’s personality and conduct became a further irritant. Nevertheless, without the constitutional struggle that had gone before, these issues would not have been productive of revolution.

Earlier local disputes, moreover, were not able of themselves to generate the conflict. The Parsons’ Cause, for instance, arose within the colony, not in response to any imperial policy; and, when it did become a matter of concern to the home government, the action taken in the long run failed to constitute a clear invasion of what Virginians held to be colonial rights. The dispute over establishing an Anglican episcopate, which had a brief revival in 1770-71, was not really serious, in part because it, too, was not actually considered and not actively promoted by imperial officials.

In its concentration upon the broader aspects of the constitutional conflict with the mother country, the Revolutionary movement in Virginia appeared lacking in local issues of prime relevance. Yet local conditions and circumstances in Virginia, as well as elsewhere, almost certainly gave distinctive characteristics to the development of this common issue. One such influence was the structure and distribution of political power within the colonies. The Revolution marked not only a clash of constitutional theories but also a contest between rival blocs of power, the British seeing a need to extend their control over the colonies and the Americans determined to preserve the degree of autonomy they had enjoyed. As early as May 1764, Richard Henry Lee referred to the “iron hand of power” raised against the colonies. Although Virginians may have

66 Randolph, History of Virginia.
exaggerated in charging that the ministerial policies represented a determined system to reduce them to slavery, they correctly assessed the intent of Great Britain as an over-all decrease in colonial political power. Indeed, American constitutional theories were to some extent a rationalization of the power struggle, not in the sense of attempting to hide narrow self-interest but in the sense of explaining why some degree of political power was essential for the protection of liberty.

The operation of the British challenge upon the structure of power in Virginia did as much as anything to shape the Revolutionary controversy there. The nature of political control within the colony is generally familiar. The catch phrase is planter aristocracy. Historians have described a small, able ruling group, largely members of the planter class and frequently related by family ties. These men governed both through the Council and to an even larger extent through the House of Burgesses, and their dominance of the county courts and the Anglican parish vestries provided additional bases of local power. A further concentration of influence in the hands of a few leading Burgesses meant that a dozen or so men might dominate the government of the colony. At the same time a relatively wide franchise for the election of Burgesses prevented the ruling elite from completely ignoring the will of the populace and suggested a wide assent to the government of the colony.69

In this situation there was little chance for factionalism to arise among the Patriots—the unanimity with which Virginians acted was largely unavoidable. Since there were no separate sources of local power, the Revolutionary movement most likely was directed from the center outward to the counties. The county conventions and other local activities need more study. In all likelihood, those who participated in them may have simply been adopting resolutions and policies that the leaders of the colony wanted rather than instructing the Patriot high command. Moreover, the situation in Virginia left no room for the development of native Loyalist leadership. Loyalist claimants for British compensation after the Revolution numbered only thirteen persons born in Virginia. Even the Council, drawn from the same planter class as the Burgesses, was far from being a center of royalist sympathies. Several councilors were outspoken Patriots, and the others were more properly neutralist

than Loyalist. The real explanation for the weakness of Loyalism within the colony may lie deeper than in the common assumption that Dunmore's antics alienated strong potential support for the Crown. It may be attributable instead to the lack of an avenue to political power other than the one already monopolized by the planters.70

This combination of unanimity and concentration of political power probably accounts for many characteristic features of the Revolution in Virginia—features that have, at least, given a distinctive coloration to the central issue of political and constitutional rights. For example, the emphasis upon interference with the colonial legislatures in the charges against George III is perhaps a clue to the Virginians' preoccupation with threats to a political power that was centered in the House of Burgesses. Similarly, it suggests less concern about the rights of the individual than we commonly associate with the American Revolution. This may seem a risky supposition to make in the face of George Mason's classic defense of individualism in the Virginia Declaration of Rights, but Virginians may very well have thought they possessed individual liberty in sufficient degree and that their rights were endangered only to the extent that colonial self-government itself was in danger. Certainly, the changes that occurred in Virginia, with the exception of the achievement of religious freedom, had little to do with the extension of individual liberty. The two great consequences of the Revolution within Virginia were the elimination of all British control and the further predominance of the legislative branch of government.

The Virginia leaders, then, did not go far wrong in their attribution of the fateful dispute with Great Britain to an invasion of constitutional rights. The one thing they might perhaps have added, though for them it could hardly have needed to be made explicit, was that the new turn in imperial policy directly challenged an established ruling class who would not lightly give up its power and privileges of self-government. If one is seeking the material and substantial interests that represent the reality behind constitutional principle, this political power is substance enough.

70 On the weakness of Loyalism in Virginia see Berwick, Loyalties in Crisis, 51-58.