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THE NICHOLAS FAMILY OF VIRGINIA,
1722-1820

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A Dissertation Presented to the Graduate
Faculty of the University of Virginia
in Candidacy for the Degree of
Doctor of Philosophy

Corcoran Department of History
University of Virginia

June, 1973

ABSTRACT

During the late colonial, revolutionary, and early national periods of Virginia history, the Nicholas family furnished the state and the new nation with leaders on all political levels. For example, Robert Carter Nicholas of Williamsburg held the high post of Treasurer of Virginia from 1766 to 1776, while his sons served in posts in three states -- Virginia, Kentucky, and New York -- and in the new national government as spokesmen for the Jeffersonian Republicans. Yet, after 1820 the Nicholases provided very few leaders of note, and any influence formerly held by the family died.

The rise and fall of the Nicholas family provides an interesting insight into the social patterns of Virginia's elite. In 1722, the founder of the family, George Nicholas of Manston, Dorset, was transported to Virginia for life in lieu of being hanged for forgery and counterfeiting. Despite his disgrace, George Nicholas quickly carved a place among Virginia's social elite. Using his English gentry background, Cambridge education, and slight medical training to maximum advantage, he styled himself a physician, married the eldest daughter of Virginia's wealthiest planter, acquired large tracts of Piedmont land, and ultimately served in the House of Burgesses as the representative of the College of William and Mary.

Although orphaned while still quite young, George Nicholas' three sons made good use of their father's foundation. All three entered professions associated with law or local government, married into prominent

families, and acquired additional lands and wealth. The youngest son, Robert Carter Nicholas, achieved the greatest distinction, but all three were known as worthy gentlemen of merit. In their endeavors, the three brothers reaped the advantages of family connections with the Carters, Pages, Nelsons, and Burwells.

The Revolution provided new opportunities of leadership for the third generation of Nicholases. Several served as officers in both state and continental forces. They also continued the family tradition of political service on the local and state levels. After the Revolution, the family reached its zenith of influence as members ~~served~~ prominent roles in the battle for adoption of the federal Constitution, filled seats in the Virginia House of Delegates, and took places in both houses of Congress. Wilson Cary Nicholas even served as Governor of his native state at the close of the War of 1812.

Unfortunately, the post-Revolutionary period also witnessed patterns which eventually destroyed the family's political influence and drove several members to economic ruin. Dr. George Nicholas of Williamsburg had exhibited a tendency to pursue unwise financial investments, and many of his grandsons seemed to have inherited the trait. Mounting debts and the declining fertility of Virginia's soil led several members of the third generation to leave the state for new beginnings in Kentucky and western New York. Unprofitable speculation in western lands, decreasing land values, and unrealistic hopes for returning prosperity combined to ruin some estates which had been carefully constructed for three generations.

Emigration destroyed any usefulness of familial ties in state politics while hard times made it necessary for heads of families to pay more attention to maintaining their waning estates and less attention to public service. Although a few great-grandsons of Dr. George Nicholas attained political offices, none achieved the distinction of the earlier generation. The influence of the Nicholas family as a political unit in the Old Dominion had ended.

TO
R.J.G. AND W.M.G.

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ACKNOWLEDGMENTS

During the course of this paper, I have acquired many obligations which I gratefully acknowledge. I am especially indebted to Professor Harry Ammon, who first suggested the topic to me, and to Professor Merrill D. Peterson, who directed the study with great patience and succinct, scholarly counsel. Professor Richard E. Ellis jolted me into examining questions which I had not previously considered, and Professor William W. Abbot took time from a busy schedule to give a critical evaluation of the text.

In two years of research, I encountered gracious assistance from the staff of every library I visited. Two deserve special mention. The staff of the Manuscript Division of Alderman Library at the University of Virginia were consistently good natured and helpful no matter how many requests for materials crossed their desks. Documents which I had overlooked did not escape their notice, much to my benefit. The staff of the Research Library of Colonial Williamsburg, Inc., made my study there very rewarding. Dr. Edward M. Riley offered many suggestions for source materials, and Mrs. Marylee McGregor not only discovered some very key sources, but seemed to be as excited about them as I was.

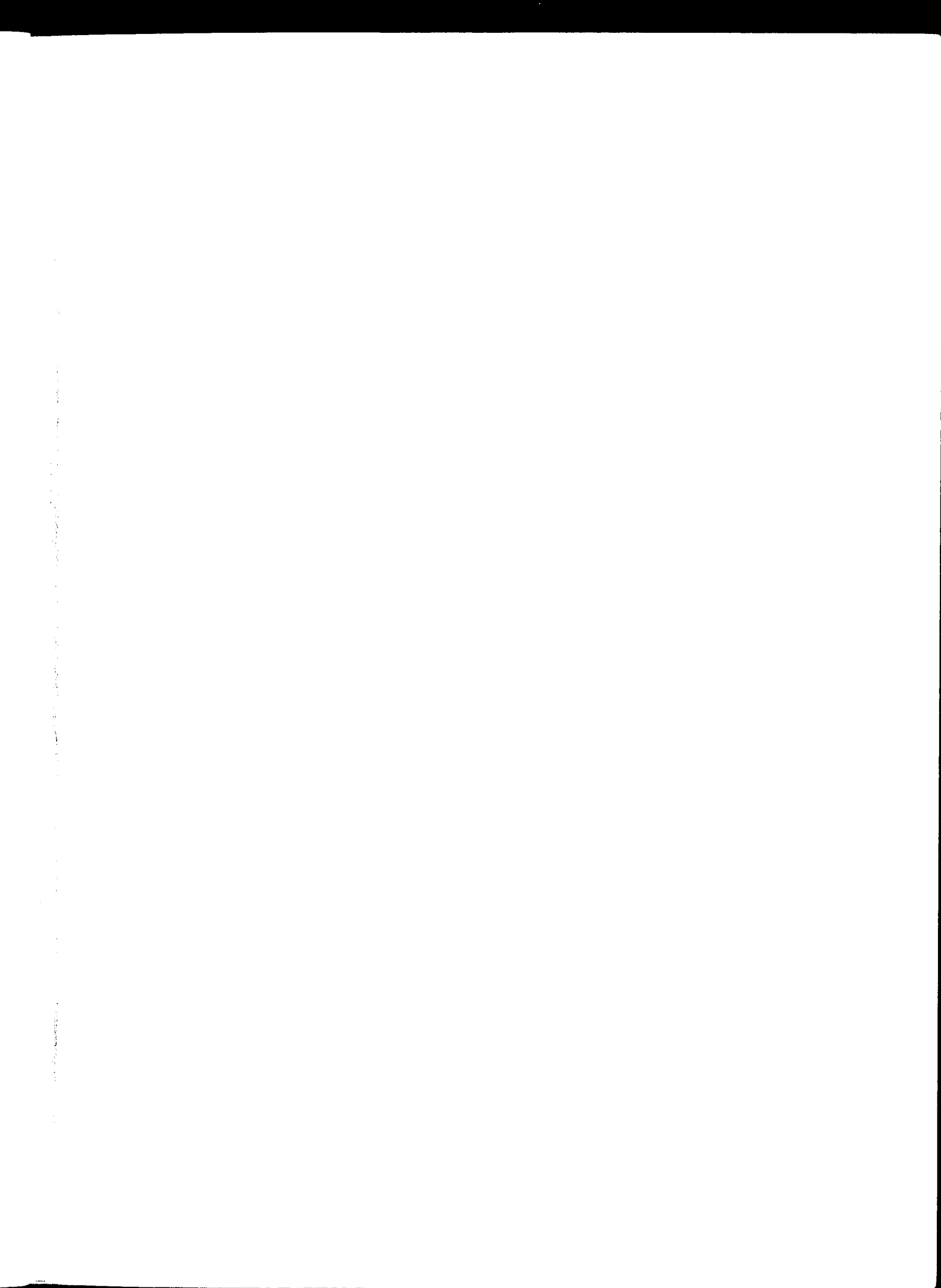
Miss Susan Hillier researched pertinent materials in the Public Records Office in London very quickly, accurately, and professionally. Members of the Nicholas family in three states have kindly given me the

benefit of their knowledge of their ancestors. A fellowship from the University of Virginia and a research grant-in-aid from the Colonial Williamsburg Foundation provided the necessary financial support for the research, and I gratefully thank both institutions for their generosity.

Finally, I wish to thank my wife Wendy who valiantly suffered through the typing of the manuscript. Although she may disagree, her major achievement was not in being able to decipher my scrawl, but in offering encouragement when it was sorely needed.

ABBREVIATIONS

CWI	Colonial Williamsburg, Inc., Williamsburg, Virginia.
E-R	Edgehill-Randolph Papers, Alderman Library, University of Virginia.
LC	Library of Congress, Washington, D.C.
UVA	Alderman Library, University of Virginia.
VCRP	<u>Virginia Colonial Records Project</u> , Microfilm.
VHS	Virginia Historical Society, Richmond.
VMHB	<u>Virginia Magazine of History and Biography</u> .
VSL	Virginia State Library, Richmond.
W&M	Earl Greg Swem Library, College of William and Mary.
WCN-LC	Wilson Cary Nicholas Papers, Library of Congress.
WCN-UVA	Wilson Cary Nicholas Papers, University of Virginia.
WMQ	<u>William and Mary Quarterly</u> .



CHAPTER I

A TENUOUS FOUNDATION

The founder of the Nicholas family of Virginia has always been a figure of mystery.¹ His short life in the colony, the destruction of many old Virginia records, and good cause for him to conceal his past have combined to ensure that he largely remains so.

George Nicholas was born in Dorset County, England, around 1695.² The Nicholases were considered "a very good and ancient family" in Dorset, and they were closely related to the eminent Nicholas families who had lived in neighboring Wiltshire at least since the days of Edward III.³ His father, Philip Nicholas, was a prominent figure in the village of Manston, possessing "the right of presentation" or privilege of nomi-

¹There were other Nicholas families in Virginia before George Nicholas arrived in 1722, but none achieved the distinction of his descendants.

²His age was put at seventeen when he was admitted to St. John's College, Cambridge, in 1712. J.A. Venn and John Venn, comp., Alumni Cantabrigienses: A Biographical List of All Known Students, Graduates and Holders of Office at the University of Cambridge (9 vols.; Cambridge, 1922-1954), Part 1, III, 254.

³Public Record Office, State Papers, Domestic, George I: S.P. 35/30 (1721-22), No. 20, ff. 55-56, 19 January 1721/22, "Petition to...His Majesty's Privy Council of Philip Nicholas...."; Henry St. George and Sampson Lennard, Wiltshire Visitation Pedigrees, 1623, ed. by G.D. Squibb (London, 1954), pp. 140-45; W.H. Jones, "The History of the Parish of All Cannings," Wiltshire Archaeological and Natural History Magazine, XI (1869), 37-40.

nating the parson of the parish.⁴ A member of the lesser gentry, Philip Nicholas carried sufficient social status to place "Gent." after his name and claim right to a coat-of-arms.⁵ He was able to give his sons the advantage of private schooling and the benefit of higher education at the University in Cambridge, though neither of the sons received a degree from that prestigious institution. The elder son, Philip, entered Trinity College in 1706 while George was admitted to St. John's College in 1712 "where he continued a considerable time."⁶ This classical education would prove to be a valuable asset to George Nicholas, for it would help to identify him as a gentlemen when he later came to Virginia.

As a younger son, George Nicholas had to determine upon a profession for support, for he could not expect his father's modest estate to provide for him as well as for his older brother. It was a problem which faced many younger sons in England in the days of entail and primogeniture, and the usual paths were the church, the law, or the army.

⁴John Hutchins, The History and Antiquities of the County of Dorset, ed. by William Shipp and James Whitworth Hodson (3rd edition, 4 vols.; Westminster, 1861-1870), IV, 76-77.

⁵R.K. Webb, Modern England From the 18th Century to the Present (New York, 1969), p. 7; Sir Bernard Burke, The General Armory of England, Scotland, Ireland, and Wales (London, 1884), p. 1164; Charles Knowles Bolton, Bolton's American Armory (Boston, 1927), p. 121.

⁶Public Record Office, State Papers, Domestic, George I: S.P. 35/30 (1721-22) No. 20, f. 55; Venn and Venn, Alumni Cantabrigienses, III, 254. Also attending Cambridge at about the same time as George Nicholas was John Carter, Nicholas' future brother-in-law. Carter was admitted to Trinity College on January 12, 1713-14 though it is not known whether the two were acquainted while at the university. Ibid., I, 300.

George Nicholas chose medicine, or as his father wrote, he decided "to study Physick, his Genius lying that way."⁷ Why he chose to learn the mysteries of medicine in London is not clear. Perhaps he wished to study at one of the great hospitals there, or perhaps he planned to study under the direction of a distant relative, Dr. Denton Nicholas of London, whose maternal grandfather had been personal physician to Charles I and Charles II and who himself was a fellow of the Royal College of Physicians. Neither of these courses would provide a degree, but they were common methods of obtaining medical knowledge.⁸

Philip Nicholas' hopes that his son would make "a good practitioner"⁹ were soon dashed. London was an exciting, worldly city where one might learn the latest medical theories, but it was also full of dangers for young men from the provinces. According to his father, George Nicholas was no match for the "bad Company" that he met there, and on June 10, 1721, city rogues "enticed" him to alter a bank note.¹⁰

⁷Public Record Office, State Papers, Domestic, George I: S.P. 35/30 (1721-22) No. 20, f. 55.

⁸~~William~~ Bolling Blanton, Medicine in Virginia in the Eighteenth Century (Richmond, 1931), pp. 84-85; Joseph Foster, comp., Alumni Oxonienses: The Members of the University of Oxford. 1500-1714 (1968 ed., 2 vols.) II, 1067; Anthony Wood, Athenae Oxonienses: An Exact History of All the Writers and Bishops Who Have Had Their Education in the University of Oxford, with additions by Philip Bliss (2nd edition, 4 vols.; New York, 1967), IV, 307-309.

As second
edition
1722

reprint

⁹Public Record Office, State Papers, Domestic, George I: S.P. 35/30 (1721-22), No. 20, ff. 55-56, 19 January 1721/22, "Petition to...His Majesty's Privy Council of Philip Nicholas...."

¹⁰Ibid.; Middlesex County Record Office, Gaol Delivery Roll (G.D. 2380), Piece No. 11, Gaol Delivery, January 1721/22.

Apprehended for this felony, the young medical student was indicted, tried, and convicted for forgery and counterfeiting "at the General Sessions of Gaol Delivery of Newgate held for the County Midd at Justicehall in the Old Bayley on Friday the twelfth day of January 1721 ^{up to} [22]".¹¹ Sentenced to death, Nicholas was returned to Newgate Prison while his frantic father begged that his son's life be spared. Echoing the ageless pleas of indulgent parents, Philip Nicholas wrote in a petition to the Privy Council that his son had been educated for a useful life, that he had been led astray by the influence of others, that this was the boy's first offense, and that he was so young. To buttress his petition, Philip Nicholas persuaded fourteen of the leading gentlemen around Manston to certify that the Nicholas family was loyal, honorable, and never before guilty of "any manner of Blemish or Spot as to any Capital Crime or otherwise."¹²

These pleas produced the desired effect. On May 3, 1722, "his Majesty out of his Royal Mercy [was] graciously pleased to pardon... George Nicholas on Condition of the said George Nicholas transporting himself to Virginia for and during his Natural life...."¹³ According to

¹¹Middlesex County Record Office, Ref. Tr P2/94, 3 May 1722, Transportation Deposition of George Nicholas (copy on microfilm in the Virginia Colonial Records Project, Alderman Library, University of Virginia, hereinafter cited as UVA). This document was first called to my attention by Mrs. Marylee McGregor of Colonial Williamsburg Research Department, and the Latin preface was translated by Mr. Tom Orlando and Dr. George Reese, both of the University of Virginia.

¹²Public Record Office, State Papers, Domestic, George I: S.P. 35/30 (1721-22), No. 20, ff. 55-56.

¹³Transportation Deposition of George Nicholas, May 3, 1722.

the pardon, Nicholas was to leave for the colony within a month aboard the Happy Return. Upon reaching Virginia, the master of the vessel, Henry Ather, was to obtain a certificate from the governor or chief customs officer at the point of landing stating that Nicholas had indeed stepped onto the colony's soil. The young forger could not expect to return to Great Britain without facing the death penalty.¹⁴ Though Philip Nicholas must have been relieved by his son's escape from death, life banishment left little room for consolation.

The conditions of George Nicholas' involuntary exile to Virginia were not the same as those of the typical felon transported from Britain after 1718. Most convicts were transported under authority of a Parliamentary Act of 1717 (4 George I, c. 11) which allowed English courts to transport persons guilty of larceny, felonious stealing, and similar crimes to the colonies for a term of seven years in lieu of other punishments. Felons convicted of crimes which carried the death penalty could be pardoned by the king on condition of banishment for fourteen years or even longer. In both cases, the courts would contract with a merchant or shipper who promised to convey the criminals to the colonies. The contractor was entitled to the services of the felons for their terms of years. When he arrived in the New World, the contractor would sell

¹⁴Ibid. No certificate relating to Nicholas' arrival has been found. This may be due to the fact that there are no existing records of Virginia Naval Officers' Returns for this particular period and because the formality seems to have been largely ignored anyway. A sample of a certificate showing arrival of a felon in Virginia in 1729 is printed in D.M.M. Shorrocks, "Transportation of Felons from Sandwich to Virginia, 1721-1773," Virginia Magazine of History and Biography, LXVIII (July, 1960), 295-99, (hereinafter cited as VMHB).

his rights to those services to interested colonists who desired cheap, dependent labor. After the specified period of servitude, the felons were to be free men with full pardons. It has been estimated that Maryland and Virginia alone received slightly over 20,000 convicted criminals through this system during the eighteenth century.¹⁵

Each year a few convicted felons were pardoned for crimes carrying the death penalty on condition of transportation for life, though there seems to be no evidence of anyone being kept in servitude for that length of time. Reasons for this mercy might include the youthfulness of the offender, his previous good character, or the crime having been his first offense.¹⁶ George Nicholas, of course, qualified on all three counts. And the fact that he could tack "Gent." to his name doubtless secured him favor despite his crime.

Wealth could also aid a felon bound for the colonies. Anywhere from £10 to £25 might buy his freedom from the contractor, and an additional sum would enable him to travel in much more comfortable quarters

¹⁵Abbot Emerson Smith, Colonists in Bondage: White Servitude and Convict Labor in America, 1607-1776 (Chapel Hill, 1947), pp. 110-111, 119. Not all 20,000 stayed as permanent colonists. There is evidence that many found ways to return to England during as well as after their terms of service. Ibid., pp. 129, 303, 367; James Revel, "The Poor Unhappy Transported Felon's Sorrowful Account of His Fourteen Years Transportation At Virginia in America," edited with an introduction by John Melville Jennings, VMHB, LVI (April, 1948), 180-94.

¹⁶Smith, Colonists in Bondage, pp. 112, 362; A.G.L. Shaw, Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and Other Parts of the British Empire (London, 1966), pp. 29-30.

than those below decks which housed the rest of the convicts.¹⁷ Thus it was possible for a man with some social standing, money, and influence to avoid much of the humiliation and danger faced by the typical convict on his journey to the colonies. Certainly, Philip Nicholas must have done everything in his power to make his son's journey as painless as possible.

If Nicholas obeyed the conditions of his reprieve from death, he left England in May or early June 1722, probably arriving in Virginia during the late summer or early fall. The circumstances of Nicholas' migration might lead one to assume that he would find a rough going in a new and strange environment. Yet he possessed certain attributes which would prove invaluable in coping with colonial Virginia society. Probably most important was his former social status in England. There he had learned how to be a gentleman and how to interact with other gentlemen. His classical education would help mark him in a society where education was highly valued, especially among the aspiring planters. Too, his training as a physician would allow him to assume a profession which a gentleman would not shun in a country where medical knowledge was a scarce commodity.¹⁸ Finally, the strong streak of brass in his personality would nudge him to aim for accomplishments which other men in a similar position would not dare to contemplate. Thus Nicholas arrived in Virginia

¹⁷Smith, Colonists in Bondage, pp. 125, 366; Shaw, Convicts and the Colonies, pp. 35-36.

¹⁸Blanton, Medicine in Virginia, pp. 81, 208.

with more advantages than disadvantages, and if he could somehow conceal the true cause of his migration, his greatest disadvantage would cause him little pain.¹⁹ That Nicholas was able to prevent his transportation from becoming common knowledge or that Virginia society simply did not condemn a man too harshly for past mistakes in another country was evidenced by his quick climb into the ranks of the ruling gentry of the colony.

Nicholas' first requirement was to establish himself in a profession that would provide an adequate income and still be worthy of a gentleman. His medical training, scanty though it might have been, suited perfectly. It qualified him for a profession that did not require large capital, fixed or liquid. The lack of a medical degree would not harm his chances of successfully practicing medicine. The vast majority

¹⁹One factor that may have aided Nicholas in an attempt to conceal his transportation was the absence of a governor in the colony during the period of his arrival. Alexander Spotswood had left for New York on July 28, 1722, to treat with the Five Iroquois Nations in Albany, and he was not to return until October. Even before his departure, he was replaced as lieutenant governor by Hugh Drysdale who had received a royal commission to that effect on April 3. Drysdale reached Williamsburg on September 25 and took the oath of office two days later. Thus there was no governor to sign a certificate that Nicholas had reached Virginia as a transported felon. Leonidas Dodson, Alexander Spotswood, Governor of Colonial Virginia, 1710-1722 (Philadelphia, 1932), pp. 267-68, 274; Richard L. Morton, Colonial Virginia (2 vols.; Chapel Hill, 1960), II, 479-81, 490. But he was not completely successful in hiding his background. Governor Gooch reported in 1733 that he had "privately been told such strange stories of him that I would willingly know what his real character is," and a writer who identified himself as W.I. later tried to damage the reputation of one of George Nicholas' sons with his father's dark past. William Gooch to Thomas Gooch, July 20, 1733, "Letters of Governor William Gooch, Virginia, 1727-1751, to His Brother, Thomas Gooch, Bishop of Norwich and

of colonial practitioners held no degrees, and many had little medical training worthy of the name. Too, the profession seems to have been dominated by doctors born or educated in England, and Nicholas fit on both counts.²⁰

Exactly where Nicholas first established his practice is not clear. After 1725 he lived in Williamsburg, but his practice extended into many of the neighboring counties. Setting up a medical practice in or around the colonial capital meant facing stiff competition, for some of the best known physicians of the colony resided there.²¹ Still, there was no dearth of clients. Virginia held ready a host of diseases to throw at newcomers who usually had to survive a period of "seasoning" after their arrival. "This place," wrote one such newcomer, "is only good for doctors and ministers who have very good encouragem't here."²²

later Ely," unpublished typescript copies, Colonial Williamsburg Research Department, Williamsburg, Virginia, p. 36. (These typescript copies of originals in England were presented by Gooch descendants in England to Colonial Williamsburg, Inc. by whose permission they are used in this paper); Pickney's Virginia Gazette, March 2, 1775.

²⁰Blanton, Medicine in Virginia, pp. 2, 12-13, 81, 208. Persistent Virginia tradition holds that Nicholas practiced as a surgeon for the Royal Navy, but no evidence has been found to corroborate this tradition. For example, see Louise Pecquet DuBellet, Some Prominent Virginia Families (4 vols.; Lynchburg, Virginia, 1907), II, 311.

²¹Blanton, Medicine in Virginia, p. 315.

²²George Home to Ninian Home, June 20, 1723, "Letters From and To George Hume of Virginia, Formerly of Wedderburn, Scotland," VMHB, XX (October, 1912), 399-400.

Many physicians also devoted a large amount of their daily work to the treatment of plantation slaves. Wealthy masters were willing to pay well to protect their investments, although bringing in a professional did not always guarantee success. Governor Gooch reported in 1729 that slaves "were often ruined by the unskillfulness of the Practitioners this Country affords."²³ Nicholas probably relied on both these sources for patients as well as upon the general population of settlers. After 1724 he developed another important source of clients as family physician for many of his relatives.²⁴ Nicholas reached the peak of his professional career when he became physician to the family of Governor William Gooch. "He practices Phisick here with good success," wrote the Governor about Nicholas in 1733, "tho' I believe he never took any degree....he is Phisitian to my Family and has lately done great services for my son...." Serving as personal physician to the first family of the colony was a boon to any practitioner's career. It helped increase his number of patients and sometimes served to advance his future politically and socially as well as economically.²⁵

²³William Gooch to the Duke of Newcastle, June 29, 1729, Public Record Office, Colonial Office, C.O. 5/1337 (copy on microfilm in the Virginia Colonial Records Project, UVA); Blanton, Medicine in Virginia, pp. 166-67.

²⁴Thomas Allen Glenn, Some Colonial Mansions and Those Who Lived in Them (Philadelphia, 1899), p. 242, "Virginia Council Journals," VMHB, XXXII (January, 1924), 39-45.

²⁵William Gooch to Thomas Gooch, July 20, 1733 and May 26, 1735, "Letters of Governor William Gooch," p. 36; Junius Rodes Fishburne, Jr., "The Office of Secretary of State in Colonial Virginia," unpublished

Just what income Nicholas managed from his profession is difficult to tell. Governor Spotswood wrote in 1712 that his physician, Dr. William Cocke, "scarce made 200 Pounds per annum, tho' he takes the pains to ride at least 80 Miles per Week for it," but there is no way of knowing whether Cocke was typical. The rate of Nicholas' fees is unknown, but doctors, like lawyers, complained that they received very little of what was actually due them. At times it was necessary to go to court to collect long outstanding fees. Some physicians asserted that medical practice paid so poorly that it was impossible to support a large family without turning to another source of income such as farming. Others, including Nicholas, found it necessary to supplement their incomes by adding drug preparation and selling to their practice, though this was considered beneath professional dignity. When accounts were settled, doctors were often paid in kind due to the endemic scarcity of specie in the colony. In 1731, for example, Nicholas received a cask of wine from one of his brothers-in-law to help offset fees for drugs and attendance.²⁶

Ph.D. dissertation, Tulane University, 1971, p. 338. Although he did not realize it, Nicholas also achieved the dubious distinction of receiving mention in William Byrd's Secret History of the Line where he is referred to as "Dr. Arsmart." John Allen, one of the gentlemen who was to accompany Byrd on the survey of the line between Virginia and North Carolina, begged off from the mission due to his wife's sickness and called upon Nicholas to confirm his excuse and treat his wife. Nicholas told Byrd that Allen was "too tender a husband to leave his spouse to the mercy of a physician." William Byrd, The Secret History of the Line, in Louis B. Wright, ed., The Prose Works of William Byrd of Westover (Cambridge, Massachusetts, 1966), pp. 48-49.

²⁶Blanton, Medicine in Virginia, pp. 28-29, 31, 33; Glenn, Some Colonial Mansions, p. 242; Fishburne, "The Office of Secretary of State," p. 338.

Despite the difficulties of collecting fees, there were frequent complaints from the colonists that physicians' charges were exorbitant. As early as 1639, an act of the General Assembly complained that fees were so high that many masters would let their servants suffer or perish rather than seek medical attention. To prevent this evil, the legislature decided that any man suspecting unreasonable rates could bring the physician before the county courts to reveal the true value of his service and drugs. If these costs appeared too high, the justices could adjust them and censure the doctor for his nefarious practice. In the following decades, increasing complaints led to the strengthening of these provisions until finally, in 1736, the General Assembly decided to regulate fees for all surgeons, apothecaries, and physicians.

the practice of phisic in this colony, [the act stated], is most commonly taken up and followed, by surgeons, apothecaries, or such as have only served apprenticeships to those trades, who often prove very unskilful in the art of a phisician; and yet do demand excessive fees, and exact unreasonable prices for the medicines which they administer, and do too often, for the sake of making up long and expensive bills, load their patients with greater quantities thereof, than are necessary or useful, concealing all their compositions, as well to prevent the discovery of their practice, as of the true value of what they administer: which is become a grievance, dangerous and intolerable, as well to the poorer sort of people, as others, & doth require the most effectual remedy that the nature of the thing will admit....

Physicians with degrees were able to charge nearly double the rate of surgeons and apothecaries. All bills had to list ingredients, quantities,

and prices of drugs or else the physician could not bring suit for nonpayment of fees. This act of 1736, two years after Nicholas' death, reveals the colonists' bias against men who charged fees for professional services. At any rate, Nicholas must have managed an income that allowed him to maintain his appearance as a gentleman, although not enough to cause him to shun other pecuniary ventures.²⁷

Once professional success seemed fairly certain, Nicholas turned to other avenues to further his climb in Virginia society. One such path was marriage into a wealthy and prominent family. Nicholas had been in Virginia less than two years when, in April 1724, he married Elizabeth Carter Burwell, eldest daughter of Robert "King" Carter and the most eligible widow in the colony. It was quite a stunning coup. The lady was the daughter of Virginia's wealthiest and most powerful planter, and nothing better reveals Nicholas' brass. Few men with such a past would have shown the audacity to attempt such a match, especially in the face of strong opposition. Mrs. Burwell's friends advised her against the marriage while Robert Carter referred to the match as "imprudent and obstinate". But, as usual, the doctor prevailed, thus adding a very important ingredient for acceptance into the colony's elite.²⁸

²⁷William Waller Hening, comp., The Statutes at Large of Virginia, Being a Collection of All the Laws of Virginia from the First Session of the Legislature in the Year 1619 (13 vols.; Richmond, 1810-1823), I, 316-17, 450, II, 26, 109-110, IV, 103-104, 509-510 (hereinafter cited as Hening's Statutes).

²⁸Robert Carter Diary, 1722-1727, entry for April 4, 1722, UVA; Robert Carter to anonymous, April 7, 1724, Robert Carter Letterbooks, UVA; William Gooch to Thomas Gooch, July 20, 1733, "Letters of Governor William Gooch," p. 36.

Reasons for the opposition were abundant and obvious. In Virginia, Nicholas was not Mrs. Burwell's social or economic equal. She had married in 1709 the heir of another wealthy and prominent family, Nathaniel Burwell of Gloucester County. Burwell was probably able to support his wife in a style which Robert Carter would have approved. In 1710 Burwell inherited all his father's lands in Gloucester County for use during his and his wife's lifetimes. Robert Carter added to his son-in-law's income when he purchased Merchant's Hundred plantation, the profits of which went to Burwell and his wife. In time, this first son-in-law became "King" Carter's favorite. When Nathaniel Burwell died in 1721 at the age of forty-one, he left his widow with four living children, another on the way, and several already in their graves before him.²⁹

George Nicholas could not begin to meet the qualifications of his predecessor. He was not from a prominent Virginia family; he was not and could not soon expect to be a substantial landholder; and the modest income from his medical practice could not match that gained from large and prospering plantations. So far as Robert Carter or anyone else could see, Nicholas presented no evidence that he could support his wife

²⁹Mary A. Stephenson, Carter's Grove Plantation (Williamsburg, 1964), pp. 4-5; Clifford Dowdey, The Virginia Dynasties: The Emergence of "King" Carter and the Golden Age (Boston, 1969), p. 281; Robert Carter to Micajah Perry, June 16, 1723, Robert Carter Letterbooks, UVA; Robert Carter to John Carter, September 27, 1720, Letters of Robert Carter, 1720-1727, ed. by Louis B. Wright (San Marino, 1940), p. 54; Handwritten copy of the will of Nathaniel Burwell, August 20, 1721 (Proved in court October 25, 1721), UVA.

in her accustomed style, and as yet he had amassed nothing substantial to leave to any children that might result from the union.

Robert Carter had another very practical reason for objecting to his daughter's marriage to the Williamsburg physician. In his will, Nathaniel Burwell had named his father-in-law as one of the executors of his estate and guardian of his four children. Carter expected Nicholas to involve him in law suits because of this arrangement, and later events proved him right. Obviously, Carter understood the character of his new son-in-law fairly well.³⁰

But most objectionable of all was Nicholas' background. Try as he might, he found it impossible to conceal completely the blot of his transportation. Surely, "King" Carter must have known. As one of the most important members of the Governor's Council, Carter had access to all the official information of the colony. The topic of transported criminals had to be fairly fresh in his mind at the time of Nicholas' arrival. The General Assembly had passed an act in May 1722 requiring captains of vessels transporting felons to keep the convicts on board until their services had been purchased by a planter and to post bond to guarantee the good conduct of the felons for two months after the landing.³¹ Most of the colonial leaders were opposed to the dumping of

³⁰Will of Nathaniel Burwell; Robert Carter to anonymous, April 7, 1723/4, Robert Carter Letterbooks, UVA; Robert Thomas Barton, ed., Virginia Colonial Decisions: The Reports by Sir John Randolph and by Edward Barradall of Decisions of the General Court of Virginia, 1728-1741 (2 vols.; Boston, 1909), I, R102-R108 and II, B35-B37.

³¹Morton, Colonial Virginia, II, 494-95. The Privy Council promptly repealed this act which might have effectively limited or even curtailed the transportation system.

criminals on Virginia soil, and Robert Carter had strong, private reservations about George Nicholas.³²

Despite her father's objections, Elizabeth Carter Burwell proceeded with the wedding. Carter's displeasure might have been vital had this been her first marriage, but he had little control over a thirty-four-year-old widow with four children of her own. Still, he could make his displeasure apparent. He did not attend the wedding, and he halted the income she had been receiving from Merchant's Hundred. Although father and daughter were ultimately reconciled, Carter seems never to have given full approval to her new husband.³³

When Mrs. Burwell became Mrs. Nicholas, her income was much reduced. She lost not only the profits from Merchant's Hundred, but also the income from the lands left to the use of Nathaniel Burwell in his father's will, and the use of her late husband's coach with coachman and horses. Despite these losses, her own income was very adequate. By right of dower, she still owned one third of the slaves who worked the Burwell plantations, and she had inherited one fifth of Burwell's personal estate. None of this had to be used for the support of her four children as the rest of the Burwell estate handled their maintenance and education until they were of age to receive their inherited portions. Although the new Mrs. Nicholas was not as wealthy as the former widow Burwell, she probably

³²Dowdey, The Virginia Dynasties, pp. 328-29.

³³Robert Carter Diary, entry for April 4, 1724; Robert Carter to Lewis Burwell, December 18, 1727, Robert Carter Letterbooks, UVA; Dowdey, The Virginia Dynasties, p. 357.

had access to a larger income than her second husband.³⁴

All in all, Nicholas had made a very good match. His new wife belonged to the elite of Virginia society, she was wealthy in her own right as well as the daughter of ~~one of~~ the wealthiest planter in Virginia, and she was "a very pretty, good-humoured woman."³⁵ Nicholas knew that he had irritated a very powerful man, but he may have realized that Carter's great affection for his children would eventually calm that irritation.³⁶

Exactly where the Nicholases lived after their marriage is not known. For a time, it appears that they dwelled at Fairfield, the Burwell home on Carter's Creek in Gloucester County. Later they moved to Williamsburg where they probably resided the rest of their lives. The small colonial capital afforded a pleasant residence for "several very good families" wrote one contemporary observer. "They live in the same neat manner, dress after the same modes, and behave themselves exactly as the gentry in London." Families of note, including the Nicholases, rode the sandy streets in coaches or chariots. Their houses were described as "lasting, dry, and warm in winter, and cool in summer." For these families, life in Williamsburg could be lived "comfortably,

³⁴Stephenson, Carter's Grove Plantation, p. 6; Will of Nathaniel Burwell.

³⁵The Secret Diary of William Byrd of Westover 1709-1712, ed. by Louis B. Wright and Marion Tinling (Richmond, 1941), p. 30.

³⁶Edmund Berkeley, Jr., "Robert 'King' Carter," unpublished M.A. thesis, UVA, 1961, pp. iv, 98.

genteely, pleasantly, and plentifully."³⁷

George Nicholas' relationship with his powerful father-in-law was touchy at first. His wife fed the coolness created by the marriage when she refused to see her father shortly after the wedding. Even had the coolness not died eventually, the two men would have been forced to deal with each other in order to reach agreement on the complicated legal matters surrounding the income and pecuniary right of Mrs. Nicholas.³⁸

In her first marriage, Mrs. Nicholas' dower had included a large number of slaves. By legal right and by the will of Nathaniel Burwell, she was entitled to the profits from these slaves until her death. Robert Carter, as chief executor of the Burwell estate, had the responsibility to insure that this was done. However, since the death of her first husband, Mrs. Nicholas had not been very careful about seeing that this income was actually placed in her hands. As long as her father supported her well, she really did not need to bother. Dr. Nicholas wanted to be certain that he received this sum; Robert Carter was no doubt determined that Nicholas get not one penny more than was due him. This was most likely the subject of the agreement which the two reached and Mrs. Nicholas signed in November 1724, seven months after the wedding.³⁹

³⁷Hugh Jones, The Present State of Virginia, ed. with an introduction by Richard L. Morton (Chapel Hill, 1956), p. 71; Robert Carter Diary, entry for January 30, 1726/7; Stephenson, Carter's Grove Plantation, pp. 6, 19.

³⁸Robert Carter Diary, entry for April 27, 1724; Robert Carter to Lewis Burwell, December 18, 1727, Robert Carter Letterbooks, UVA.

³⁹Robert Carter Diary, entries for October 11 and November 9, 1724.

Nicholas' share of the profits of the Burwell estate were to be the source of negotiation, confusion, and trouble for Robert Carter until his death. Nicholas even pressed Carter for the sums due to his wife from the estate in 1722 and 1723. Not until mid-1727 were the two men able to settle this issue, when Carter decided that Nicholas was entitled to slightly over £367. Either Nicholas waited to push the point until he and his father-in-law were on more amiable terms, or Carter held off the doctor for three years until he felt willing to give in a bit.⁴⁰

The intervening years had been odd ones in the relationships between father and daughter and between father-in-law and son-in-law. Elizabeth Nicholas frequently entertained her father when he came to Williamsburg in his capacity as a Councilor, but in his diary, Carter still occasionally referred to her as Mrs. Burwell. When in or around the capital, Carter borrowed Dr. Nicholas' chariot, and in at least one case, he took medicines which his son-in-law prescribed.⁴¹ Yet he was unwilling to accord Nicholas the same status as his other sons-in-law. In his first will of August 1726, he left £20 each to Benjamin Harrison and Mann Page to buy mourning clothes upon his death, but he left only half that sum to George Nicholas for the same purpose. In

⁴⁰Robert Carter Diary, entry for July 1, 1727; Robert Carter to Mann Page, July 3, 1727, Robert Carter Letterbooks, UVA.

⁴¹Robert Carter Diary, entries for August 11 and November 10, 1726, and for January 30, January 31, and February 28, 1726/7.

the same will, he left the four Burwell children by Elizabeth Carter £300 each when they reached the age of twenty-one, but the two Nicholas grandchildren were to get only £100 each. More importantly, he left large tracts of land to his sons and his grandsons produced by Carters, Burwells, Harrisons, and Pages, but he left no such estates to the sons of the doctor. Also, when Carter named executors and assistant executors for his vast estate, Nicholas was the only son-in-law omitted.⁴²

By 1727, however, Carter and his daughter appeared to have reached a full reconciliation, and the Councilor seems to have finally accorded her husband at least grudging acceptance. Lewis Burwell, Elizabeth Nicholas' oldest son, had been sent by his grandfather Carter to England for his education. He was there when his mother remarried, and the match obviously did not please him. In fact, he got a bit snippy with her. Robert Carter was so upset by this immature behavior that he felt called upon not only to reprimand Lewis but also mildly defend the step-father.

Your mother had very much [illegible] me in marrying much against my inclination but it hath been her good fortune to match with a gentleman that proves a very worthy kind husband to her and she and I are

⁴²Will of Robert Carter, August 22, 1726 with codicils of September 12, 1728, June 9, 1730, and July 23, 1730, nineteenth century handwritten copy with Robert Carter Letterbooks, Virginia Historical Society, Richmond (hereinafter cited as VHS). The will was also printed in the VMHB in 1898, but it contains many errors. "Carter Papers," VMHB, V (April, 1898), 408-28 and VI (July, 1898), 1-22.

perfectly reconciled it seems you have writ a very unkind letter to her which Occasioned a great deal of disturbance to her repose Certainly you have not forgot the duty you owe to your parent and are not so unlearned to be ignorant of the severe Curses denounced by the almighty against undutifule Children pray write to her in another stile Acknowledge your faith and let her know you are deeply Sorry for your youthful imprudence in giving her so much Uneasiness⁴³

Part of the reason for the reconciliation may have been the two Nicholas children born by this time. For all his gravity and aloofness, Carter found his grandchildren very difficult to resist. The Nicholas children were a perfect medium through which he and his daughter could restore their old affection.⁴⁴

Once the reconciliation had been effected, Carter kept a long promise of "laying out £50 for my Daughter Nicholas in Such things as She Should desire." His daughter desired silver plate from London. Her father, still exhibiting a trace of doubt about her second husband, made sure that the plate bore his coat-of-arms.⁴⁵

George Nicholas must have sensed that 1727 was the year when he could finally push for settlement of financial issues that had long been on his mind. After getting Carter to agree to pay him for his wife's

⁴³Robert Carter to Lewis Burwell, December 18, 1727, Robert Carter Letterbooks, UVA.

⁴⁴Robert Carter to John Pratt, August 18, 1728, Robert Carter Letterbooks, VHS; Berkeley, "Robert 'King' Carter," pp. 106, 109.

⁴⁵Will of Robert Carter; Robert Carter to John Pratt, August 22, 1727, Robert Carter Letterbooks, UVA; Robert Carter to John Falconer, August 22, 1727, Robert Carter Letterbooks, VHS.

share of the profits of the Burwell estate for 1723-24, Nicholas pressed for other sums to which his claim was more questionable. Lewis Burwell, Elizabeth Carter's first father-in-law, had left his son a mill on Carter's Creek in Gloucester County, and Nicholas said that the income from the mill since the death of Nathaniel Burwell ought to go to his wife. His arguments were not very convincing. Carter obviously felt that on this issue Nicholas was pushing too hard, for he wrote laconically "I give him no answer at p'sent."⁴⁶ Although it is not clear how this issue was resolved, what is revealing about it is that Nicholas now felt secure enough in his relationship with Carter to risk a minor disagreement.

Perhaps Carter found it easier to accept his new son-in-law after Nicholas became more established in Virginia society. By 1726 Nicholas had taken one of the first and most important steps to high political office when he was appointed a Justice of the Peace for Gloucester County. He thus found himself acceptable to the ruling gentry of the county. The justices of the peace who composed the county courts in Virginia came from the leading local families. New members to the courts actually received their commissions from the governor, but by custom the governor appointed only those who had been recommended by the incumbent justices. Despite the inglorious circumstances of his migration to Virginia, Nicholas obviously had made a good impression

⁴⁶Robert Carter to Mann Page, July 15, 1727, Robert Carter Letter-books, UVA.

upon the leaders of Gloucester. Perhaps the appointment was a favor to Carter, but the only relative in county office at the time was Nicholas' brother-in-law Mann Page, the county lieutenant.⁴⁷

Another sign of local favor was Nicholas' appointment to the vestry of Bruton Parish. As with the county court, this self-perpetuating body was controlled by the local gentry. Exactly when Nicholas sat on the vestry is not certain, but this additional appointment meant that he was now involved in every phase of local political life from judging criminal cases to deciding what aid could be extended to the poor.⁴⁸ These two local offices were generally considered the first steps toward higher political offices. Many of the Virginia gentlemen were content to advance no further, but judging from what is known of Nicholas' character, he undoubtedly saw local offices as hurdles to be cleared on his way to bigger and better things. It is difficult to determine just what part, if any, Nicholas' ties with the Carters, Burwells, Harrisons, and Pages played in securing him these two positions, but if they counted for anything, Nicholas probably used them to full advantage. As far as his father-in-law was concerned, however, the usual process

⁴⁷"Report on the Present State of Virginia of Lt. Gov. Hugh Drysdale," VMHB, XLVIII (April, 1940), 141-52; Polly Cary Mason, ed., Records of Colonial Gloucester County, Virginia (2 vols.; Newport News, 1946), I, 121. For an excellent discussion of the role of justices of the peace in Virginia see Chapter 6 of Charles S. Sydnor's, Gentlemen Freeholders (Chapel Hill, 1952).

⁴⁸Bishop [William] Meade, Old Churches, Ministers and Families of Virginia (2 vols.; Philadelphia, 1872), I, 179, 183; Morton, Colonial Virginia, II, 465-66.

seems to have been reversed. Instead of using family influence to gain political position, the attainment of position brought him favor from the family.

True to form, Nicholas did not remain content with local office. In 1730 the College of William and Mary was allowed to send its own burgess to the General Assembly for the first time. At a meeting on January 8, 1730, the president and masters of the college unanimously elected Dr. Nicholas to serve as their first representative, a position he held until his death some four years later.⁴⁹ Why Nicholas? The journal of the college officials gives no clue. Perhaps they thought that, as a Williamsburg dweller, Nicholas would be more aware of college problems and interests; perhaps they felt local residence would afford better communication between representative and constituents; or perhaps his Cambridge education made him a more fitting representative of the only institution of higher learning in the colony.

Nicholas' career in the House of Burgesses was not particularly noteworthy. During his first term he was one of three Burgesses taken into custody by the sergeant-at-arms "for absenting themselves from their Duty and the Service of the House," being released after paying a fine. Two years later, he was placed on the newly revived Committee

⁴⁹"Journal of the Meetings of the President and Masters of William and Mary College, 1729-1784," William and Mary Quarterly (1st. series), I (January, 1893), 134 (hereinafter cited as WMQ). One of the masters who elected Nicholas was Joshua Fry, whose daughter was later to marry Nicholas' son John.

of Propositions and Grievances. The only other mention of Nicholas in the house journals was a call for election of a replacement after his death.⁵⁰ Despite his meager record in the house, Nicholas had even higher ambitions which he hoped to achieve by working through his most illustrious patient, Governor William Gooch. "He presses me hard for Honour," wrote Gooch of the doctor in 1733, "and would gladly be a Councillor, which hitherto, without an absolute denial, I have artfully warded off." The inspiration for this move may have been the record of one of Nicholas' predecessors. Dr. William Cocke had journeyed to Virginia with Alexander Spotswood in 1710. As Spotswood's personal physician, Cocke benefitted not only by an increased practice but also by political reward. Through Spotswood's influence, Cocke became Secretary of State for the colony in 1712, a member of the Council in 1713, and lieutenant of the militia for Warwick and Elizabeth City Counties in 1715. Needless to say, Nicholas never reached this pinnacle of political success for a colonial Virginian, though had he lived longer, it might not have been beyond his reach. Once again his ambitions reveal him as a colonial man-on-the-make who refused to be stymied by obstacles other men would not have attempted to overcome.⁵¹

⁵⁰Journals of the House of Burgesses of Virginia, 1619-1776, ed. by H.R. McIlwaine and John Pendleton Kennedy (12 vols.; Richmond, 1905-1915), Vol. 1727-1734, pp. 62, 101, 102, 173.

⁵¹William Gooch to Thomas Gooch, July 20, 1733, "Letters of Governor William Gooch," p. 36; Fishburne, "The Office of Secretary of State," pp. 333-41.

His earliest efforts to acquire large tracts of land appear to have been in 1728. They reveal that his standard tactic of acquisition was to petition for lands which had been granted earlier to someone who had failed to perfect the title by clearing the land and putting settlers on it. By this method he obtained in September 1728, 2600 acres in what was then Goochland County. Sixteen hundred acres of this tract on the north side of the James River, in what is now Albemarle County, had been granted to James Skelton in 1723, but Skelton lost the land by not bothering to perfect his title.⁵² Nicholas decided to improve this substantial acreage by clearing, fencing, planting, and grazing. He most likely had little to do with the actual work but instead followed the normal practices of employing an overseer to drive a small force of slaves or enlisting the labor of indentured servants or tenant farmers. Only seven years later, in a valuation ordered by the Goochland County court, Peter Jefferson and two other evaluators found that the tract contained the following improvements: six houses, a land mill, 35 head of cattle, 86 acres of cleared land,

⁵²Virginia Land Patent Books, Virginia State Library, Richmond (hereinafter cited as VSL), Book No. 13, p. 424; a copy of the patent dated January 13, 1729, can be found in the Carter-Smith Papers, UVA. During the period that Nicholas was petitioning the Governor's Council for land patents, the members of the council included his patient and partner Governor William Gooch, his father-in-law Robert Carter, and his brothers-in-law John Carter and Mann Page. Whether this aided his efforts is unknown, but it certainly did not hurt.

154 peach trees, 340 apple trees, and 6400 fence rails.⁵³ Thus the land which had cost Nicholas only £5 had increased in value tremendously.

Just across the James River, in what was to become Buckingham County, Nicholas acquired an additional 1600 acres. This tract was most likely purchased from a prior owner, as there is no record of Nicholas receiving it as a grant. He definitely planned to put this acreage in crops, making an agreement in 1733 with two of his former indentured servants to farm the tract for shares of the crops. Nicholas obtained these two western tracts totalling 4200 acres to leave to his three sons. Lands in the Tidewater could not be gotten so cheaply, and Nicholas had managed to create a small estate for his children with very little effort or expense. It was fortunate for his sons that he was able to do so, for these were the only lands they were destined to inherit from him.⁵⁴

Most of Nicholas' other land acquisitions were connected with his interest in the mining and manufacturing of iron. After discovery

⁵³Goochland County Deed Book No. 2, p. 190, microfilm, VSL; William Minor Dabney, "Jefferson's Albemarle: History of Albemarle County, 1727-1819," unpublished Ph.D. dissertation, UVA, 1951, pp. 17-18.

⁵⁴Goochland County Order Book No. 3, p. 256, microfilm, VSL; copy of a survey taken from a Goochland County Plat Book and dated October 1729 can be found in the Edgehill-Randolph Papers, UVA (hereinafter cited as E-R Papers). This manuscript collection also contains the April 14, 1752, agreement of Nicholas' three sons to divide the land. Both documents can be found in the oversized box of the collection.

of valuable iron ore deposits above the falls of the Rappanannock in 1713, the most successful iron manufacturer in the colony had been Alexander Spotswood. His Tubal Furnace was turning out rough iron products for local consumption and so iron to be shipped to England at least by 1723.⁵⁵ His success obviously gave an incentive to other Virginians. Much of the land which Nicholas acquired between 1728 and 1730 lay in Spotsylvania and Hanover counties where iron mines and furnaces were being located. In 1729 he obtained 400 acres in Hanover County along the North Anna River, and in 1730, 3000 acres in Spotsylvania County. He got both parcels by the tried and true method of petitioning the Council for lands under unperfected titles.⁵⁶

The most important land purchase that Nicholas made in conjunction with iron manufacturing was a parcel of 600 acres in Spotsylvania County obtained in 1728. His partners in this venture included Governor William Gooch, Councilor Richard Fitzwilliam, Captain Vincent Pearse, and Charles Chiswell, the only member of the group who knew anything

⁵⁵Lester J. Cappon, ed., Iron Works at Tuball: Terms and Conditions for their Lease as stated by Alexander Spotswood on the Twentieth Day of July 1739 (Charlottesville, 1945), pp. 6, 10-11. Cappon's introduction contains a full account of Spotswood's involvement with iron manufacturing in Virginia. Much information about early iron mining and manufacturing can also be found in J. Leander Bishop's A History of American Manufactures from 1608 to 1860, with an introduction by Louis M. Hacker (3rd ed. rev., 3 vols.; New York, 1966), I, 595-602.

⁵⁶Virginia State Land Patent Books, VSL, Book No. 13, pp. 431-32; Executive Journals of the Council of Colonial Virginia, ed. by H.R. McIlwaine, Wilmer L. Hall, and Benjamin J. Hillman (6 vols.; Richmond, 1925-1966), IV, 178, 194, 204.

at all about iron manufacturing. The land cost only £70, but each partner laid out £500 initially to get the project going. Fitzwilliam quickly sold his share to a Mr. Nelson, but the rest of the group entertained high hopes for the scheme's success. It soon became apparent that the partners had been too optimistic in their hopes for quick profits, and their expenses soared. Gooch expected that by the spring of 1729 he would have invested £1000 in the venture, and it is safe to assume that the four other gentlemen were faced with the same heavy outlay. Nicholas soon discovered that his regular income was insufficient to finance his portion of the venture. Turning to his father-in-law for aid, he borrowed a large sum of money which he secured by assigning his future income from the Burwell estate to Carter.⁵⁷

Despite a new and knowledgeable partner and a production of 1200 tons of sow iron by 1732, the iron works were still not bringing in the expected profits. Alexander Spotswood had bought into the venture after his return to Virginia in 1730. The new partner had years of experience in the iron business, but by 1732 his partners were being bothered more by "his stratagems to shake off his partners and secure all his mines to himself" than being blessed with profits from his

⁵⁷Spotsylvania County Deed Book A, 1722-1729, p. 354, microfilm, VSL; William Gooch to Thomas Gooch [1728?] and April 4, 1728, "Letters of Governor William Gooch," pp. 6-7, 11; William Byrd, A Progress to the Mines in the Year 1732, in Louis B. Wright, ed., The Prose Works of William Byrd of Westover (Cambridge, Massachusetts, 1966), p. 352; Robert Carter to John Stark, July 5, 1729 and Robert Carter to William Dawkins, July 5, 1729 and June 28, 1731, Robert Carter Letterbooks, UVA.

knowledge.⁵⁸ The company owned 15,000 acres of land, 80 Negroes, and cattle for hauling, but expenses amounted to £12,000 in the short four or five year history of the enterprise. The largest operating expense was the twenty-four mile overland trip of the manufactured iron to the Rappahannock River a mile below Fredericksburg. Nicholas' share in the business plunged him deeply into debt. Besides the large sum he owed Robert Carter, he also followed another typical Virginia custom by becoming heavily indebted to London merchants. Carter found himself apologizing for his son-in-law's plight. "If you will have patience...", he wrote to Micajah Perry in May 1732, "I believe you may be in no danger of y^r money in the long run. I am very sorry he hath been so indiscreet to plunge himself at this egregious rate."⁵⁹

Optimism refused to die. Charles Chiswell, who supervised the iron works for £100 a year, told Byrd in September 1732 that he expected the profits to roll in soon because all heavy expenditures were past. Robert Carter tried to ease the mind of one of Nicholas' creditors by reporting that the venture "now promises Wonders and... they have already [made] iron enough to reimburse all their Charges."⁶⁰

⁵⁸Byrd, A Progress to the Mines, p. 352; Cappon, Iron Works at Tuball, p. 14.

⁵⁹Robert Carter to Micajah Perry, May 12, 1732, Robert Carter Letterbooks, UVA; Byrd, A Progress to the Mines, pp. 347, 352; Cappon, Iron Works at Tuball, p. 14.

⁶⁰Robert Carter to Micajah Perry, May 12, 1732, Robert Carter Letterbooks, UVA; Byrd, A Progress to the Mines, p. 352.

As late as 1736, John Carter, son of Robert Carter and one of the executors of the small Nicholas estate, was still paying small sums to Charles Chiswell "for Disbursements made by him on an Iron Mine, one fifth of which belongs to Doctor Nicholas's Children & I hope will turne out to their Advantage in time."⁶¹ Apparently, John Carter's hope was not realized. The venture was one of the main causes of the heavy debt left by George Nicholas upon his death, and the mine share was not among the assets divided by his three sons in 1752.⁶²

Whether or not it was caused by Nicholas' indebtedness, the old mistrust of the doctor on the part of his Virginia relatives began to surface again after 1730. While these Virginia gentlemen could approve Nicholas' rise in political responsibility and his attempts to acquire a large landed estate, they could not condone his accumulation of debts. His indebtedness could cause them trouble, for his creditors might expect these relatives to assume the responsibility of his careless financial transactions. Furthermore, a man who could not handle his own affairs satisfactorily certainly should not be given the responsibility of managing the concerns of others. As mentioned earlier, Nicholas was the only son-in-law not named as an executor of Robert Carter's will of 1730.⁶³ A similar omission occurred in Mann Page's

⁶¹ John Carter to John Hanbury, August 27, 1736, Robert Carter Letterbooks, UVA.

⁶² William Gooch to Thomas Gooch, June 17, 1734, "Letters of Governor William Gooch," pp. 39-40; Agreement of John Nicholas, George Nicholas, and Robert Carter Nicholas, April 14, 1752, E-R Papers, UVA.

⁶³ Will of Robert Carter, Robert Carter Letterbooks, VHS.

will of April 28, 1731. Page named as executors Robert Carter, Carter's four sons, and his own six sons. Once again George Nicholas was left out. Nicholas had been treating Page during his final fatal illness and was at the Page residence "Rosewell" while Page was dictating his will to John Clayton. But Page refused to allow Nicholas to take over for Clayton when Clayton wearied of the task, and every time that Nicholas entered the room to check on his patient, Page would cease the dictation until Nicholas had left.⁶⁴

This mistrust of Dr. Nicholas may not have been misplaced. He was desperate for money and began to use methods of obtaining it that proved vexatious for some of his relatives. Robert Carter died on August 4, 1732. In his will he left £250 to Elizabeth Nicholas, but for some reason the money was not transferred to the Nicholas estate until 1737, three years after Nicholas' death.⁶⁵ The funds from the Burwell estate which Nicholas had once enjoyed were still being channeled to the Carters to repay the heavy loan Nicholas had made for the iron works.⁶⁶ Faced with a lack of funds, Nicholas resorted to the courts with a suit he had very little chance of winning. When Elizabeth Nicholas' first husband was dying in 1721, he knew that his wife was

⁶⁴"Virginia Council Journals," VMHB, XXXII (January, 1924), 39-45.

⁶⁵Will of Robert Carter; "Accounts of a Settlement and Division Estimated and made of the Bank Stock, & Some Debts Due to the Estate of Robert Carter, Sr., Esq., Decd...." in Letters of Robert Carter, p. 139.

⁶⁶John Carter, Charles Carter, and Landon Carter to Micajah Perry, August 27, 1732, Robert Carter Letterbooks, UVA.

pregnant. He made a provision for the child in his will, leaving £1000 at the age of twenty-one if a girl and £2000 if a boy. After Burwell's death, a daughter was born to his widow but lived only two months. In 1732 Nicholas brought a suit before the General Court against the surviving executors of Nathaniel Burwell, claiming that his wife had a right to "her Distributive share of the £1000 legacy." Sir John Randolph, arguing the case for the defense, had no trouble dismissing this contention. The will of Nathaniel Burwell was very explicit: the child was to receive the legacy only when and if she reached the age of twenty-one. If the child did not survive, the fund was to revert to the estate. After hearing the plaintiff's argument, which was termed by the report "very Trifling and incoherent," the court dismissed the case.⁶⁷

An interesting point about this incident besides its air of desperation was its timing. By 1732 the only surviving executors of Nathaniel Burwell's estate were Robert Carter and Lewis Burwell, Nicholas' step-son. Nicholas did not bring the suit to court until after Carter had died in August, but he wasted no time after that, as the case was decided before the end of the year. The plausible explanation for the timing of the suit is that Nicholas did not wish to push it as long as his father-in-law was alive, while he had little to lose

⁶⁷Barton, Virginia Colonial Decisions, I, R102-108; Will of Nathaniel Burwell.

by antagonizing his step-son after Carter's death. But not only did he lose the case in an embarrassing fashion, he also probably managed to anger many of his already distrusting relatives.

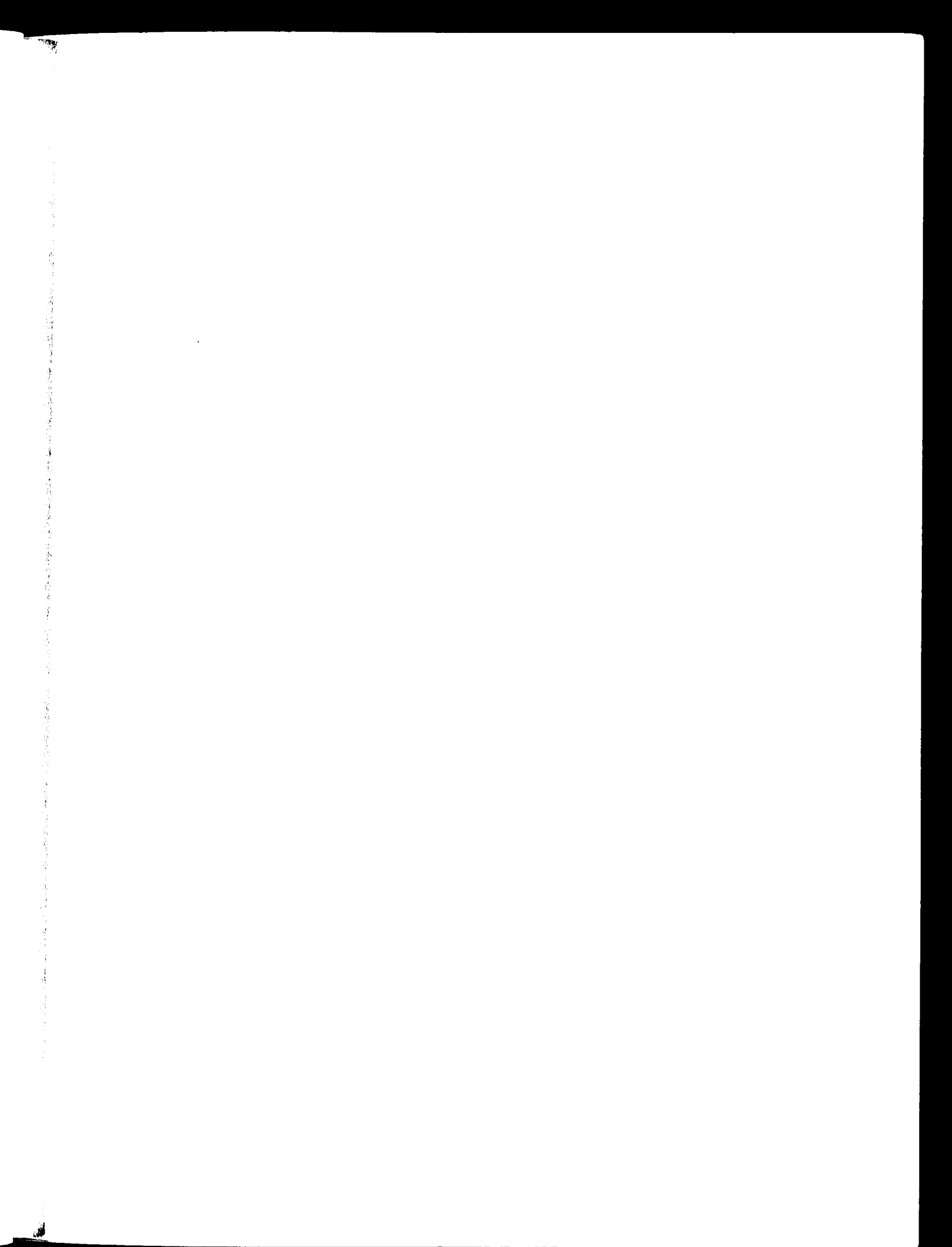
Despite his efforts, Nicholas was unable to eradicate his debts. Perhaps also suffering from failing health, he prepared his will in November 1733. His chief concern was to satisfy his creditors. Any residue from his estate after settlement of debts was to be divided among his three sons.⁶⁸ Then, in the early weeks of 1734, Elizabeth Carter Nicholas died, leaving her husband the responsibility of three sons, all under the age of ten. The combination of the loss of his wife and the pressure of his debts must have weighed heavily on Nicholas, and in the spring of 1734, he followed his wife to the grave. "'Twas happy for the Dr. that he died," wrote Governor Gooch. "He was undone by losing his wife and must have been poor and miserable, if not in a Gaol, which going off could only save him from."⁶⁹

On this dismal note ended the strange and erratic life of George Nicholas. Born to a family of means and educated in a manner befitting his social position in England, he came to Virginia as a young man under

⁶⁸Nicholas' will perished with the destruction of the James City County records in 1865, but its provisions are mentioned in the agreement of John Nicholas, George Nicholas, and Robert Carter Nicholas of April 14, 1752, dividing the residue of the estate. E-R Papers, UVA. His executors were named before the Richmond County court on January 8, 1734/5. They included John Carter, Charles Carter, Landon Carter, Benjamin Harrison, Phillip Roots, and William Hopkins. Richmond County Order Book No. 10, p. 241, microfilm, VSL.

⁶⁹William Gooch to Thomas Gooch, June 17, 1734, "Letters of Governor William Gooch," pp. 39-40. The first mention of George Nicholas' death appears in records of a Goochland County court meeting of May 21, 1734. Goochland County Order Book No. 3, p. 256, microfilm, VSL.

a black cloud. Refusing to buckle to his disgrace and using his English social advantages to their fullest extent, he quickly carved out his place as a gentleman in colonial Virginia society. He followed typical patterns of aspiring Virginians by marrying well -- very well -- and by cheaply acquiring large tracts of Virginia soil. Complementing his social and economic success, he rose quickly through the usual ranks of political accomplishment, brashly aiming for the highest position he could conceivably reach. But as so often happens with the man-on-the-make, his reach soon exceeded his grasp, and he found his carefully constructed life in shambles -- a pattern which was to be repeated by many of his descendants.



CHAPTER II

PRIVILEGED ORPHANS

In the ten years of their marriage, George and Elizabeth Nicholas had three sons who eventually reached adulthood. There may have been other children who died at an early age, for Mrs. Nicholas had experienced "many trials of this nature" during her first marriage.¹ The eldest son, John, was probably born in early 1725, George in 1726, and Robert Carter Nicholas on January 28, 1728/29.² Following English and Virginia custom, all three were given names from each of the parents' families, a practice which the sons in turn would follow. This custom was a tribute paid to the adult whose name was used, and therefore was a move calculated to gain his favor. A curious feature emerges in the names Dr. Nicholas chose for his children. His first son was most likely named after his brother-in-law John

¹Robert Carter to John Carter, September 27, 1720, Letters of Robert Carter, p. 54.

²Both John and George Nicholas were mentioned in Robert Carter's will of August 22, 1726, while Robert Carter Nicholas did not appear until the codicil of June 9, 1730. In his history of the Virginia convention of 1788 Grigsby gives the birth date of the youngest son as January 28, 1728, citing a copy of a note from the clerk of Bruton Parish as his authority. But Robert Carter Nicholas was not mentioned in the codicil of Robert Carter's will dated September 12, 1728, which indicates that his birth date was January 28, 1728/29. Will of Robert Carter, Robert Carter Letterbooks, VHS; Hugh Blair Grigsby, The Virginia Federal Convention of 1788 (2 vols.; Richmond, 1890), II, 282.

obviously,
on September
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Carter, and he gave his own name to his next son. Not until 1729 did he make the gesture of naming his youngest son after his father-in-law. Perhaps the ill-feeling which existed between the two men until 1727 was responsible, but Nicholas may have missed an opportunity to ease that tension by not naming his first son after the Councilor. As it turned out, Robert Carter Nicholas received more favor from "King" Carter than did his two older brothers. He was left twice as much money in Carter's will, and he was the only Nicholas child to receive land grants from the vast Fairfax proprietary which Robert Carter managed.³

The Nicholas boys were born into a society which valued children. Aside from the facts that small farmers were happy to have the labor that a large number of sons might eventually provide, and that a full married life without children was next to impossible, children seem to have been genuinely welcome on their own account. Large families were the rule of the day, and "the most fortunate parents were they that had the greatest number of children."⁴ The great distance which separated Virginia plantations often meant that the family was the sole source of regular companionship in a society known for its love of socializing.⁵

³Will of Robert Carter, Robert Carter Letterbooks, VHS; Hening's Statutes, V, 300-301.

⁴Mary Newton Stanard, Colonial Virginia; Its People and Customs (Philadelphia, 1917), p. 103.

⁵Arthur W. Calhoun, A Social History of the American Family from Colonial Times to the Present, (3 vols.; Cleveland, 1917-1919), I, 232.

A large family also did not pose the same sort of economic problem that it did in Europe. While a father was still faced with the necessity of providing for his children, the means of doing so were more easily attained. Land was cheap, fertile, and plentiful, and if a father did not have enough to leave to all his sons, they could find ways to acquire it.⁶ Thus children could be greeted with enthusiasm instead of nagging fear. Robert Carter exhibited this typical fondness for children when he wrote in 1728, "I have the blessing of Seeing my Children's Children before me and as far as Matrimony is gone everyone has the Comforts of descendants."⁷ Chances are great that Dr. Nicholas and his wife shared this attitude of valuing children, an attitude which partially accounts for the sense of personal self-worth later exhibited by their sons.⁸

The Nicholas children were also fortunate in belonging to a family that was economically and socially secure. While their father may have been merely well-to-do (at least until his ruinous debt), their maternal relatives were very wealthy. This meant that the battle for material survival would be nominal even in the event of their father's death. Too, in a society where a man was judged by the standing of his

⁶Robert E. Brown and B. Katherine Brown, Virginia, 1702-1786; Aristocracy or Democracy? (East Lansing, 1964), pp. 9, 16-22.

⁷Robert Carter to John Pratt, August 8, 1728, Robert Carter Letterbooks, VHS. Also see Chapter IV of Berkeley's "Robert 'King' Carter."

⁸Nathaniel Branden, The Disowned Self (Los Angeles, 1971), pp. 56-57.

family as well as by his own merits,⁹ familial connections with the Carters, Burwells, Harrisons, and Pages meant that the Nicholas children would possess immense social advantages despite the disgrace of their father's transportation. Dr. Nicholas' choice of godparents also demonstrated his drive to ensure the high social standing of his family. The godmother of his third son, Robert Carter Nicholas, was Mrs. Anne Staunton, widowed sister-in-law of Governor Gooch.¹⁰ Thus, while their prospects of a comfortable life were virtually assured, their chances for economic, social, and political success were greatly enhanced.

Virtually nothing is known of the childhood years of the Nicholas sons. No letters or diaries exist to show the daily interactions of the members of the family. This is especially unfortunate when one considers the tremendous influence exerted by parents on a child's personality development during the years that the Nicholas

⁹Thomas Perkins Abernethy, Three Virginia Frontiers (Louisiana, 1940), pp. 14-15.

¹⁰Thomas Dawson to [Anne] Staunton, September 4, 1750, Dawson Papers, Library of Congress (hereinafter cited as LC). Anne Staunton, who came to Virginia with the family of Governor William Gooch, has often been identified as the spinster sister of Gooch's wife, Rebecca Staunton. Yet Thomas Dawson always addressed her as Mrs. Staunton as did the notice of her death in the Virginia Gazette. This could mean that she had married a brother of Rebecca Staunton Gooch who had died before the journey to Virginia. Ibid.; Thomas Dawson to anonymous June 25, 1751, Dawson Papers; Virginia Gazette, May 24, 1751; Morton, Colonial Virginia, II, 502.

children knew their parents.¹¹ There is no way to know if Dr. Nicholas took any special interest in the welfare of his sons or if Mrs. Nicholas exerted any predominant influence during her husband's frequent absences from home caused by his professional, political, and business interests.

While with their parents, the daily lives of the Nicholas boys differed from those of most Virginia children in one way: they lived in the town of Williamsburg instead of on a plantation. Their first impressions of social life beyond the family circle were those of what small-scale urban life Virginia had to offer. The farm or plantation was a place to visit rather than the locus of daily experience. Although only one of the three sons was to remain a town dweller for most of his life, none looked to farming as his sole or chief means of support.

Life in Williamsburg did hold certain advantages for children. There could be daily contact with children of other families rather than just occasional visits to distant plantations. It was easier for several parents to combine and hire a teacher or take advantage of a local school so that children could experience a wider diversity of classmates than their close relatives. Williamsburg was also a more active scene than most of the tidewater farms. A stroll down the sandy streets could show the inquiring boy numerous artisans and professionals busy at their various activities. Students at the College of William and Mary occasionally disturbed the normal pace of life, and colorful delegations

¹¹Irving L. Janis, George F. Mahl, Jerome Kagan, and Robert R. Holt, Personality: Dynamics, Development, and Assessment (New York, 1969), p. 557.

of Indians sometimes walked the streets on their way to see the governor. The town could boast of a playhouse, a racetrack, markets twice a week, and fairs twice a year. Normally a drowsy town compared to those in the northern colonies, Williamsburg really came alive during the "public times" when the high courts of the colony sat and the assembly convened. Lawyers, merchants, planters, and peddlers flocked to the capital to buy and sell, attend court, legislate, or simply meet friends. The normal population of the town, fewer than two thousand souls, swelled to two or three times its normal size, and the taverns were kept busy housing, feeding, and quenching the thirst of the temporary residents.¹²

Still, it would be a mistake to characterize life in Williamsburg as truly urban. Williamsburg existed simply because it was the political center of the colony, and most of the Virginians who used its services were planters and farmers. Even the townspeople generally owned lots large enough to include gardens, and many even had their own pastures for horses and a cow or two. Wealthy residents typically owned plantations in the surrounding counties and probably viewed themselves as planters as much as anything else. Though Williamsburg did offer some urban features and services, its flavor was decidedly rural, which made it a fitting capital of an agricultural society. Thus the Nicholas boys

¹²Carl Bridenbaugh, Seat of Empire: The Political Role of Eighteenth-Century Williamsburg (Williamsburg, 1950), pp. 29-32; Morton, Colonial Virginia, II, 486-89; Louis Morton, Robert Carter of Nomini Hall (Charlottesville, 1964), pp. 45-49.

spent impressionable years in a Virginia town without ever losing sight of rural patterns of life.¹³

The Nicholas home in Williamsburg must have been an active place. Relatives who came to the capital to transact business or sit on the colony's governing bodies often stayed there as guests. Robert Carter was a frequent visitor, especially after 1727, and his son John Carter, who was also a member of the Governor's Council, no doubt frequented the household too.¹⁴ Dr. Nicholas' medical clients and business partners included some of the most prestigious and affluent residents of Virginia, and chances are good that they too were occasional visitors. Certainly the Nicholas children caught a glimpse of Governor Gooch or former governor Spotswood in the hallways of their home. These relatives and visitors must have served as a constant reminder to the Nicholas sons that their family occupied an enviable position in Virginia society.

The three boys must also have been well aware that Dr. Nicholas was no ordinary man in Virginia society. Absences from his home were occasioned not only by his professional and business demands, but also by his role as a political figure. Not every child could boast that his father had to attend the meeting of the vestry, sit on a county court,

¹³Bridenbaugh, Seat of Empire, p. 31; Purdie's Virginia Gazette, October 17, 1777.

¹⁴Diary of Robert Carter, UVA.

or walk down the street to take his place in the House of Burgesses. Yet, to their youthful minds, this may have seemed the normal pattern of life for a man. After all, many of their relatives held similar or more important offices. Their grandfather Robert Carter was the ranking figure on the Governor's Council, while two uncles, Mann Page and John Carter, also sat on that body. A third uncle, Col. Benjamin Harrison of "Berkeley", was only one of the many relatives entitled to be addressed by a military rank because of service in the militia. Everywhere they looked, relatives sat on vestries, served as militia officers, held lucrative positions such as customs officers, or governed local counties as members of the county courts. The impression was made at an early age that the proper life for a gentleman included a heavy dosage of political leadership.

Then in 1734 came several shattering blows in quick succession. Early in the year, Elizabeth Nicholas died at the age of forty-six. Her death at this age was not considered premature in a colony where many women died relatively young after a continual and exhaustive routine of child-bearing.¹⁵ If the Nicholas boys reflected their father's distress over the loss, they must have been stunned indeed. Already burdened by debts that threatened the disgrace of jail once again, the

¹⁵A good example of the heavy load of child-bearing experienced by Virginia wives appears in the diary of Robert Wormeley Carter. "This day I have been married ten years I have now living two Sons & a Daughter my Wife has miscarried five times; brought a dead Child & lost a fine little Boy about 18 months old." Diary of Robert Wormeley Carter, entry for July 15, 1766, typescript copy, CWI.

Williamsburg physician could not cope with the tragedy. Only four months after the death of Elizabeth Nicholas, the children were battered again by the death of their father.¹⁶

No records exist to show who assumed the responsibility of raising the Nicholas orphans. If Virginia custom were followed, a close relative took the three boys under his care, and all signs point to John Carter, eldest son of "King" Carter and brother of Elizabeth Nicholas. In a list of the executors of the will of Dr. Nicholas, his name appears first, and his letters reveal that he assumed chief responsibility for the administration of the small Nicholas estate.¹⁷ In many cases such as this, the executor who assumed the management of the estate also took on the role as chief guardian of the children.

Although often overshadowed by the attention paid his father, John Carter was a powerful figure in his own right. Born in 1696 as the first son of Robert Carter, he was sent to England in 1713 to complete his education. Admitted to Trinity College, Cambridge, in 1714, he also pursued legal training at the Middle Temple and was admitted to the bar in 1720. Remaining in London as agent for his family's interests there, Carter managed to secure an appointment as Secretary of State of Virginia in June 1722. One of the most important offices

¹⁶William Gooch to Thomas Gooch, June 17, 1734, "Letters of Governor William Gooch," pp. 39-40.

¹⁷Richmond County Order Book No. 10, p. 241, microfilm, VSL; John Carter to John Hanbury, July 12 and August 27, 1736, and August 31, 1738, and John Carter to Charles Carter, August 26, 1738, Robert Carter Letter-books, UVA.

in the colony's government (Lord Culpeper had termed it "the very next in Dignity to the Gouvernor"), the post reportedly cost Carter and his father some 1,500 guineas. Traditionally, the secretary held his post on royal pleasure, but Carter obtained it for life. Carter held the post for nineteen years, treating it as a sinecure and delegating most of the duties to his deputies.¹⁸

In 1724 just a year and a half after Carter was appointed secretary, Governor Drysdale nominated him to a seat on the Governor's Council which already contained Carter's father and his brother-in-law Mann Page. In his letter of recommendation to the Board of Trade, Drysdale admitted that there might be some objection to Carter due to the close relatives who already sat on the council, but, he continued, "there is scarce a qualified person in the Colony unattended with some such like inconvenience, for they are all incorporated either in blood or in marriage."¹⁹ The thirty-year-old Carter received the appointment. The year before, he had achieved a spectacular match when he married Elizabeth Hill, heiress to the fortune of Col. Edward Hill of "Shirley." After "King" Carter's death in 1732, John Carter inherited all lands in Lancaster County including the home plantation of Corotoman as well

¹⁸ Fishburne, "The Office of Secretary of State," pp. 246, 348, 350-53, 362-63; Venn and Venn, Alumni Cantabrigienses, I, 300; L. Morton, Robert Carter of Nomini Hall, pp. 24-26; R. Morton, ed., The Present State of Virginia, 187-88; R. Morton, Colonial Virginia, II, 495-97.

¹⁹ Ibid.

as large plantations in Essex and King George counties. This inheritance, when added to the lands he already owned in the Fairfax proprietary and the fortune he acquired by his marriage, allowed him to follow his father as one of Virginia's wealthiest men.²⁰

When John Carter assumed responsibility for the relatively small estate left by Dr. Nicholas, he was already being kept busy by similar duties for other departed relatives. As "King" Carter's eldest son, he served as the chief executor of the vast estate, though he received some aid from his two half-brothers and co-executors Landon and Charles. He was also among the executors of the wills of his brother-in-law Mann Page and his two deceased brothers Robert and George.

Carter had hoped that his managing of Nicholas' estate would not be "Attended with any Inconvenience," but the various debts of the doctor caused it to become a headache. Although overseers were hired to run the daily operations of the lands that Nicholas left, Carter still had to guide and direct these men as he did those who worked his own lands.²¹ Also, the old question of Elizabeth Nicholas' dower resurfaced and caused a slight disagreement between the harried chief executor and his half-brother Charles. "The Article of the £134.7.4.3/4," he explained,

²⁰L. Morton, Robert Carter of Nomini Hall, pp. 24-26.

²¹Will of Robert Carter, Robert Carter Letterbooks, VHS; John Carter to John Hanbury, August 27, 1736, and August 31, 1738, and John Carter to Messieurs Oswald, August 31, 1738, Robert Carter Letterbooks, UVA.

"is Occasion'd by the Surplus Money due to Dr. Nicholas Estate from my father's, arising from the Account of the Dower Tob^o which sum being a Moiety of the Whole Account is a just charge Against you as I do not Doubt to prove to a Demonstration...."²² John Carter's troubles were not exceptional for a man of his social class and proven managerial ability. One of the duties expected of a gentleman was the management of a deceased friend's or relative's estate, just as one day he could rely upon one of them for the same favor.

If the number of acts passed by the General Assembly is any accurate guide, the planters of Virginia were very much concerned about the fate of the colony's orphans. As early as 1643, acts were passed to protest the estates of orphans from grasping or careless guardians. In that year the General Assembly decided that justices of the peace were not to allow any land belonging to an orphan to be sold or estranged until three years after the orphan had reached his majority. Nor could the orphan's land be leased for a period longer than his minority. Furthermore, a penalty of twice the amount of the exchange would be assessed against anyone guilty of selling to or buying from the parentless children.²³

The primary purpose of these acts was to preserve intact the

²²John Carter to Charles Carter, August 26, 1738, Robert Carter Letterbooks, UVA.

²³Hening's Statutes, I, 260-61, 269-70.

estate left to the orphan no matter how large or puny the inheritance. The same set of acts required guardians to keep strict accounts of the orphan's property which could be examined yearly by the county court. Though guardians had also been enjoined to properly educate the orphan, an act of 1656 specified that the cost of the education was to be paid from the interest of the estate while the principal was to remain intact. The act further stipulated that county courts were to require security from the guardians to ensure performance of their obligations, and if the yearly examination of the accounts revealed that the amount of security was not ample, the justices were empowered to raise it.²⁴

Cases of injustices against orphans must have continued, however, for ensuing acts of the legislature attempted to reinforce provisions concerning duties of guardians, security, appraising of estates, and so forth. An Act of 1679, for example, demanded security from the guardian before the county courts granted legal administration and held the justices liable should the security prove insufficient. Pursuing the ideal of preserving the orphan's inheritance, the legislature in 1705 enacted that in case of an executor's death, any debt he owed to the orphan's estate had first claim on his own estate. In 1740, after the Nicholas children had lost their parents, the General Assembly pre-
faced an act by complaining that justices of the peace were still not rigorously applying laws designed to protect orphans, and that in the future, any justice who was negligent in examining fitness of guardians,

²⁴Ibid., I, 260-61, 416-17.

sufficiency of security, or correctness of accounts could be fined 5000 pounds of tobacco.²⁵

In colonial Virginia, formal education of children was considered primarily a family responsibility. Parents not only personally directed the first steps of learning the three R's in many cases, but they were also responsible for deciding how far formal education was to be carried and finding the means necessary to accomplish the task. Many Virginia wills contained explicit instructions concerning the education of the children left behind, thus revealing the concern of colonial parents and their acceptance of the responsibility.²⁶ However, some parents died without leaving wills or without making specific provisions in wills for their children's education. Because orphans were deprived of close parental concern over their schooling, the General Assembly in

²⁵Ibid., II, 444-45, III, 375-76, IV, 281-87, and V, 100-101. County courts even set aside an annual meeting known as Orphan's Court to check accounts and performances of guardians. Chiefly designed to aid orphans with little or no estates or orphans bound out as apprentices, these courts could transfer an orphan from a bad guardian to one who appeared more favorable. Even though this annual meeting was the only court designed specifically for orphans, the monthly courts could act on matters pertaining to orphans if necessary so that the annual orphan's court was actually more of a review. Robert Beverly, The History and Present State of Virginia, (1705 edition), ed. with an introduction by Louis B. Wright (Chapel Hill, 1947), p. 260.

²⁶Carl Bridenbaugh, Myths and Realities: Societies of the Colonial South (New York, 1965), p. 34; Devereux Jarratt, The Life of the Reverend Devereux Jarratt (Baltimore, 1806), pp. 15-17; Philip Alexander Bruce, Institutional History of Virginia in the Seventeenth Century (2 vols.; New York, 1910), I, 295-307.

its act of 1643 instructed guardians of orphans "to educate and instruct them according to their best endeavors in Christian religion and in rudiments of learning...."²⁷ The 1656 act stipulated that the expense of this learning was to be borne by the interest created by the orphan's estate. Should the interest prove insufficient and should no friend or relative be willing to accept the cost without dipping into the principal of the inheritance, then the child could be bound out to a manual trade until the age of twenty-one. Because this last provision contained a loophole which would allow the child to remain illiterate, the General Assembly in 1705 directed that masters of apprenticed orphans were responsible for teaching them to read and write.²⁸

Although the majority of these acts were designed to protect orphans faced with intestacy, poverty, or court appointed guardians, they do reveal a determination on the part of the upper-class legislature to shield all orphans from victimization. This concern was based on practical as well as humane considerations. Orphans who were being provided for by guardians or masters would not be a financial drain on the local parish. Also, men who had spent a good portion of their lives creating estates for their children did not like the idea of having these estates lost because unscrupulous men took advantage of an orphan's immaturity or because careless guardians did not zealously attempt to preserve

²⁷Hening's Statutes, I, 260-61.

²⁸Ibid., I, 416-17 and III, 375-76.

the estates intact.

Fortunately, the Nicholas orphans were well protected. John Carter had aroused his father's ire by irresponsible and extravagant acts while a student in London, but after his return to Virginia in 1723, he had steadily assumed responsibility and shown the managerial ability which made him a worthy heir to "King" Carter.²⁹ His letters indicate that he guided the Nicholas estate with care and accuracy. There was little reason to fear that he would fritter away whatever assets remained after Dr. Nicholas' debts were paid.

If John Carter did serve as guardian to the three boys, their home was transferred from the residence in Williamsburg to Corotoman, the Carter mansion in Lancaster County. Corotoman lay along the northern banks of the Rappahannock River on a narrow point of land between Corotoman Creek and Carter's Creek. The estate had served as the bustling center of Robert Carter's far-flung domains and enterprises. There he had kept his office as agent for the Northern Neck Proprietary of the Fairfax family and his "store" which served the other planters of the area. As Clifford Dowdey explains, the plantation gave the appearance of "a shipping-manufacturing town" complete with boat yards, wharves, warehouses, offices, stores, spinning houses, and even brick kilns. Corotoman hummed with a constant coming and going of guests and relatives. Thus the change for the Nicholas children was not as abrupt as one might

²⁹Dowdey, The Virginia Dynasties, pp. 281-83.

think. Except for the hectic bustle of the "public times", Williamsburg was normally not much more active than the big plantation center on the Rappahannock.³⁰

The mansion house at Corotoman was built by Robert Carter between 1705 and 1710. Constructed of brick made on the estate, the house was a two-story structure of approximately eighty-five feet by twenty-five feet. Its stone paved basement contained well-stocked wine cellars of which Robert Carter was very proud. In 1729 a fire destroyed a good deal of the wine cellar but apparently did not destroy the house. When Robert Carter died in 1732, the Corotoman estate contained at least seventeen buildings. The three Nicholas brothers may have had their quarters in one of these surrounding buildings, for several of them contained living quarters for long-staying guests and members of the large family.³¹ Sometime before his death in 1742, John Carter moved to Shirley, the beautiful plantation on the James which he had obtained through his marriage to Elizabeth Hill. By this move, the Nicholas children were introduced to the more elegant society of the James River aristocrats.

The style of life which had been established at Corotoman by Robert Carter was probably continued by his eldest son. Using his great wealth to make life as comfortable as possible, Robert Carter lived

³⁰Ibid., pp. 98, 173-4, 181; Robert Carter Diary, UVA, passim.

³¹Dowdey, The Virginia Dynasties, pp. 223-24, 352-53; Berkeley, "Robert 'King' Carter," pp. 80-82.

simply but well. Life at Corotoman was gracious and elegant without being extravagant or ostentatious -- or as Carter himself might have termed it "not too gaudy or rich, yet genteel."³² Carter detested frills whether in character or appearance. In the matter of dress, for example, he never hesitated to buy the finest clothes that could bedeck a family of the upper class, but he insisted that they be free of showy frills. Addressing a correspondent in 1729, he wrote

Some years agoe you sent me a fine gay cloke; it lyes by still and hath never seen the light but to air it. It's fitter for an Alderman of London than a Planter in Virginia. I love plainness and value my cloths more for their use than their finery.³³

To Carter, the time wasted on impressing others with a show of wealth was a hindrance to development of character: one would become more interested in playing the fop than learning how to be a man. "You are growing towards Manhood," he wrote his grandson Lewis Burwell in 1728. "It is not fine Cloathes nor a gay out sight but Learning & Knowledge and wisdom and Vertue that makes a valuable man."³⁴ These lessons were not lost on the Nicholas children. After they matured and took their places of responsibility in the colony, all were considered valuable men, and

³²Dowdey, The Virginia Dynasties, p. 153; Berkeley, "Robert 'King' Carter," p. 109.

³³Robert Carter to James Bradley, August 26, 1729, as quoted in Berkeley, "Robert 'King' Carter," p. 85.

³⁴Robert Carter to Lewis Burwell, August 9, 1728, Robert Carter Letterbooks, UVA.

no hint has been uncovered to show that they were ever considered ostentatious wastrels.

Education had always been granted a position of importance in the Carter and Burwell families. "King" Carter himself had received a classical education at a small school in London, and he was determined that his own sons be well educated too. Five of them travelled across the Atlantic for education in English schools, although only John advanced as high as Cambridge and the Inns of Court. This same determination was shown by Nathaniel Burwell, who left explicit instructions in his will that his son Lewis receive an education befitting a gentleman. Following these instructions, Robert Carter, as acting guardian, sent Lewis Burwell to England -- first to Eton and then to Cambridge.³⁵

There were several reasons for this strong emphasis on education. Boys would one day be masters of their own plantations, and the huge estates of these elite families required skills in accounting and mathematics as well as knowledge of agriculture for proper management. Another consideration was social status. These planters never intended that their sons be anything other than gentlemen, and a gentleman was known by his educated conversation as well as by his cultivated manners. Probably most important to Robert Carter was the notion that education helped make a man the master of himself by preventing him from falling

³⁵Dowdey, The Virginia Dynasties, pp. 95, 101; Morton, Robert Carter of Nomini Hall, 24-25; Venn and Venn, Alumni Cantabrigienses, I, 269; Robert Carter to Lewis Burwell, August 22, 1727, Robert Carter Letter-books, UVA.

victim to debilitating vices and ungovernable passions.³⁶ Most of these reasons were forcefully expressed by Nathaniel Burwell in a letter of 1718 in which he lamented the ignorance of his younger brother Lewis.

I'm very much Concern'd for y^e occasion of your Sending & more to See how insensible Lewis is of his own Ignorance, for he can nither read as he aught to do, nor give one letter a true Shape when he writes nor spell one line of English & is altogether ignorant of Arithmetick, so that he'll be noways capable of y^e management of his own affairs & unfit for any Gentleman's conversation, & therefore a Scandalous person and a Shame to his Relations, not having one single qualification to recommend him; if he would but apply himself heartily one year, to write well, learn y^e Mathematics & Consequently arithmetick of Mr. Jones, & to Translate Latin into English of Mr. Ingles to learn him to spell well, I would then take him home & imploy him till he comes of Age in my Office & Plantation Affairs that he might the better be capable to manage his own....for my part, tis no advantage to me whether he be a Blockhead or a man of parts, were he not my Brother, but when I have to do with him, to schoole he shall go, & if he don't go till I can go over, he then Shall be forced to go whether he will or not & be made an example off (while I stand by) before y^e face of y^e whole College.... he had better go by fare means then fowl, for go he shall, & Send him forthwith.³⁷

Robert Carter had hired a governess to handle the early education of his children, but at least two of the three Nicholas brothers would

³⁶Robert Carter to William Dawkins, January 28, 1723/24, Robert Carter Letterbooks, VHS; Dowdey, The Virginia Dynasties, pp. 152-53, 282.

³⁷Nathaniel Burwell to his brother, June 13, 1718, WMQ (1st series), VII (July, 1898), 43-44.

have been too old for a governess when they came to Corotoman.³⁸ Chances are that John Carter procured a tutor to educate the children under his charge. The tutorial system, most frequently associated with the upper classes, possessed two major advantages. First of all, due to the differing ages and abilities of the students, the tutor was almost forced to adapt his instruction, however imperfectly, to the individual needs of the students. As one historian has written, "The idea that each student should be considered as a separate educational problem is no invention of twentieth-century progressive education. It was a commonplace in the eighteenth century that what was then called the 'genius' of every child should be considered in planning his program of study." Secondly, the tutorial system often left the task of disciplining the children to the tutor. This meant that children could more openly approach their parents without too many recent memories of harsh punishment or reprimand, while parents were freed from an unpleasant task. This latter feature must have been especially valuable to the trio of orphans. The shock of the loss of their parents did not have to be reinforced by the disciplinary acts of a harsh guardian.³⁹

This should not be taken to mean that John Carter indulged his wards. As in all ages, there were some colonial Virginia children who

³⁸Berkeley, "Robert 'King' Carter," pp. 99-100.

³⁹Edmund S. Morgan, Virginians At Home: Family Life in the Eighteenth Century (Williamsburg, 1952), pp. 16, 21.

were over-indulged and others who were under-indulged. Neither pattern fit the Carter tradition. Robert Carter had kept a firm but fond hand on his own children: he neither pampered nor stifled them, and his relationship with them was marked by a genuine closeness. This was also true of his interactions with the children whom he served as guardian. An excellent example was his treatment of his favorite grandson, Lewis Burwell. Carter found great pleasure in all his grandchildren, but he never doted on a child as much as he did on this half-brother of the Nicholas sons. Yet, because he wanted his progeny to achieve worthy character, he could be stern and forceful when necessary. Extremely upset by a nasty letter that Lewis had written his mother from England, Carter gave his young ward a sharp epistolary slap on the wrists.

Certainly you have not forgot the duty you owe to
your parent and are not so unlearned to be ignorant
of the severe Curses denounced by the Almighty
against undutiful Children pray write to her in
another stile Acknowledge your faith and let her know
you are deeply Sorry for your youthful imprudence in
giving her so much Uneasiness.⁴⁰

Carter had sent the Burwell boy to England for an education, but he was not happy with his grandson's progress there. In a remarkable letter of reprimand, he embraced all the facets of his notion of dealing with children. Acceding to his grandson's wishes about schooling, Carter

⁴⁰Robert Carter to Lewis Burwell, December 16, 1727, Robert Carter Letterbooks, UVA; Berkeley, "Robert 'King' Carter," p. 99; Morgan, Virginians At Home, pp. 7-8; Dowdey, The Virginia Dynasties, pp. 173-322.

upbraided him for wasting his stay in England and expressed his fondness and his hopes for the young man.

I rec'd your Letter wherein you desire to Continue at School a year longer to Qualifye your Self y^e better for y^e University (in which we Comply'd) promising how good a Boy you would be in following your Study; I pray God grant that you may at length leave your follys and take to your learning to better purpose then you have hitherto done Your Father was a worthy good man and Sent you for England on purpose to make you a Scholar and a Gentleman what a trouble it will be to you when you come to years of discretion to Consider what little benefit you have Reaped for the large Expences that have bin bestowed upon you I must tell you in all y^e Letters I have rec'd from all your Friends in England no one Speaks a word in your Praise which is a very great trouble to all Your relatives here. It will be a very great Comfort to hear better things of you hereafter....⁴¹

John Carter, of course, had matured under similar direction. If he directed his own household by the same system, the Nicholas boys were fortunate indeed. They would have received intelligent, firm guidance directed by fondness without being permissive. This type of upbringing made its mark. Both John Carter and Lewis Burwell had matured to positions of great responsibility, honor, and trust after a few youthful

⁴¹Robert Carter to Lewis Burwell, August 22, 1727, Robert Carter Letterbooks, UVA. Burwell returned to Virginia in 1733 following his grandfather's death. Governor Gooch saw him as "a fine gentleman" but later remarked that "the Country don't at all approve of his manner and way of life, which they think too much upon the reserve, and are apt to construe it into Pride, but I think him a clever young man and intend to promote him to military honor, if I find he deserves favor from me." Following his grandfather's footsteps, Burwell eventually won a place on the Council and in November 1750 became President of the Council and acting Governor until Robert Dinwiddie arrived. He died in 1754 at the age of forty-four. William Gooch to Thomas Gooch, May 7 and July 20, 1733, "Letters of Governor William Gooch"; Morton, Colonial Virginia, II, 597-98.

flings in England. Although the Nicholases were not destined to take seats on the Council or receive an English education, they too would assume positions of leadership and responsibility and be known as men of worth.

With their interest in a gentleman's education, the Carter and Burwell families had long been associated with the College of William and Mary in Williamsburg. "King" Carter and Nathaniel Burwell had been on the board of visitors of the college as early as 1716, and the list of Carters, Burwells, and Pages who attended the college or the grammar school associated with it is very impressive.⁴² The epitaph of Robert Carter notes that "he sustained the College of William and Mary in the most trying times." By the time of his death in 1732, "King" Carter had become disenchanted with the bad effects of an English education and directed in his will that his son George be educated at the small college in the colonial capital. Although John Carter, acting as guardian to his younger brother, sent George to England despite his father's directions, the trend was set. Increasingly, the families turned away from the trans-Atlantic education to William and Mary, so that "after 1730 there were more of his descendants enrolled among the students of that college than of any other Virginia family." In 1737, when he was

⁴²A 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 1881 (Richmond, 1941), pp. 30, 53, 54; The History of the College of William and Mary Including the Catalogue From Its Foundation, 1660, to 1874 (Richmond, 1874), pp. 83-85. Both of these sources must be used with great care as they contain many inaccuracies.

only nine, Robert Carter, grandson of "King," was sent by his uncle John Carter to the grammar school there at a cost of £10.11.10 for board and £1.2.4 1/2 tuition per year. There is a possibility that John Carter also sent the two eldest Nicholas boys -- John and George -- to the grammar school or college in Williamsburg, though there is no proof of this. Robert Carter Nicholas is listed as having attended the college about 1745, and if this is true, chances are good that his two brothers may have received part of their education there. If so, they probably followed the general custom of spending only a year or two at the college without taking a degree. This stay would furnish them with little more than the veneer of a classical education, but it was an important part in the training of a gentleman.⁴³

The three boys probably received another change in the direction of their lives when John Carter died in 1742 of "ye Dropsy in ye Belly."⁴⁴ There is no indication of who then assumed the responsibility for the lads, but by 1742 they were much better prepared to adapt to such a change than they had been in 1734. John was then about seventeen, George was sixteen, and Robert, or Robin as he was often called, was thirteen.

⁴³Berkeley, "Robert 'King' Carter", ii; Fairfax Harrison, annotator, "The Will of Charles Carter of Cleve," VMHB, XXXI (January, 1923), 40-41; L. Morton, Robert Carter of Nomini Hall, pp. 24-25, 32; Bridenbaugh, Myths and Realities, pp. 35-37; Bill for Schooling of Robert Carter, Virginia Miscellany, William and Mary College, 1721-1818, LC; A Provisional List, p. 30.

⁴⁴L. Morton, Robert Carter of Nomini Hall, p. 26; Fishburne, "The Office of Secretary of State," p. 361.

The two eldest sons had most of their education behind them at this point, and they could now look forward to preparing for a profession. While many young Virginians did not have to worry about much training beyond that of plantation management, the Nicholases were not so fortunate. Although they would inherit some lands in the Piedmont, they were not heirs to any considerable fortune and thus would have to find a profession that would provide the adequate income that their western lands could not yet produce. Several paths were open to them. They might have followed in their father's footsteps and chosen a medical career, but most prestigious gentlemen-practitioners received their training in England, and the small estate left by Dr. Nicholas did not afford that expense.⁴⁵ Or they might have opted for the life of a merchant. Despite many old notions in the popular mind, the life of a merchant was not despised by Virginia's gentlemen-farmer. As Louis Wright has written,

Actually, the men who founded the aristocracy of colonial Virginia were working gentlemen, busy with the supervision of their estates and occupied with the commerce which resulted from the sale of plantation products and the importation of manufactured goods from overseas. Though these men were a proud and class-conscious group, they would have dismissed as nonsense any talk of the 'taint' of trade.⁴⁶

⁴⁵Blanton, Medicine in Virginia, pp. 2, 84-85.

⁴⁶Wright, ed., Letters of Robert Carter, p. vi.

The Carters' acceptance of this attitude toward trade is evident not only in the mercantile activities of Robert Carter, but also by his initial inclination to apprentice his son Landon to a London merchant "to breed him up a Virginia merchant." Although the plan never materialized, it does show that the mercantile life was not beneath the dignity of a wealthy gentleman. Furthermore, the Nicholas' half-sister Elizabeth Burwell had married in 1738 William Nelson of the influential mercantile family of Yorktown. The way may have been open for the Nicholases to serve as apprentices in the Nelson firm as the initial step to a merchant's life.⁴⁷

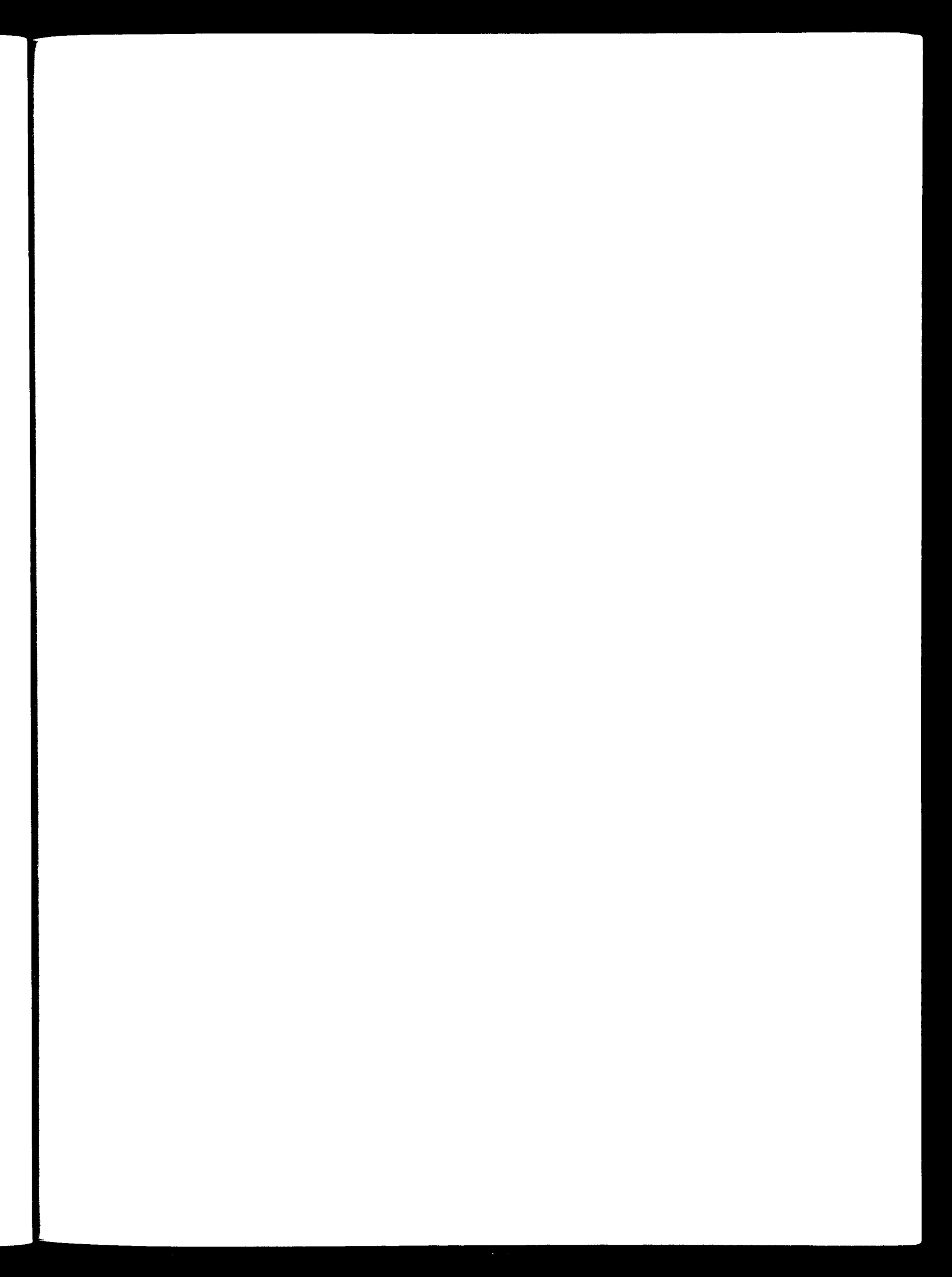
All three brothers, however, pursued careers in county government or law. George served a long term as clerk of a county court, Robert settled exclusively for the life of an attorney, while John followed a typical colonial pattern and combined both pursuits in his active life.⁴⁸ Whether these choices were the result of the advice of a guardian or relative or the personal desire of the three young men,

⁴⁷Robert Carter to John Falconer, May 16, 1727, Robert Carter Letterbooks, UVA; Emory G. Evans, "The Nelsons: A Biographical Study of a Virginia Family in the Eighteenth Century," unpublished Ph.D. dissertation, UVA, 1957, p. 23; Jack P. Greene, Landon Carter: A Inquiry into the Personal Values and Social Imperatives of the Eighteenth-Century Virginia Gentry (Charlottesville, 1967), p. 2.

⁴⁸Cumberland County Order Book 1752-1758, pp. 5, 16, microfilm, VSL; Goochland County Order Book No. 7, p. 124, microfilm, VSL; York County Judgements and Orders Book No. 1, 1746-1752, p. 307, microfilm, VSL. The frequency of clerks also acting as attorneys was indicated by a 1657 act of the General Assembly which forbade them from practicing in any court or county where they officiated. Hening's Statutes, I, 523.

the decisions were wise ones. The office of clerk of the county court was a prominent and lucrative position in local government and certainly not one to be shunned by a gentleman. While the practice of law did not always offer a profitable income, it too was considered "a highly suitable accomplishment for a gentleman," and it opened a lot of doors that could lead to better financial reward. Both positions pointed the way to fuller participation in politics, local and colony-wide -- a participation which the Nicholases had learned at an early age was a proper obligation of men of their class.⁴⁹

⁴⁹Morton, ed., The Present State of Virginia, p. 251; Morgan, Virginians At Home, p. 27; Clement Eaton, "A Mirror of the Southern Colonial Lawyer," WMQ (3rd Series), VIII (October, 1951), 534.



CHAPTER III

FOUNDATION SECURED

The lives of the three Nicholas brothers were strikingly similar. All three embarked on careers of a legal-political nature which almost automatically led to positions of local leadership. None advanced to a seat on the prestigious Governor's Council, but two took their places in the House of Burgesses, and Robert Carter Nicholas attained the high office of Treasurer of the colony. Although all three held fairly sizable tracts of land and could be termed gentlemen-farmers, they did not turn to agriculture as their chief source of income. All married into prominent and respected Virginia families and used family connections -- old and new -- to advance their fortunes economically, socially, and politically.

The two older brothers, John and George, settled upon jobs as clerks of county courts. The office provided sufficient remuneration for a gentleman through salaries and fees, while most of the work could be delegated to deputies. Although it was an office of local prominence, clerks were not subjected to local control because they were appointed to the office by the Secretary of State of the colony and could be removed only upon misconduct. This usually meant life tenure. The position was considered a dignified one, and members of the most prominent

Virginia families sought it out.

Clerks were usually trained through the apprentice system. Typically, a young man would be bound to a county clerk for a period of six to seven years or until he reached twenty-one. Working without pay, the apprentice was taught all the facets of record-keeping and other duties performed by clerks. Apprentices were a boon to a clerk, for after a few easy lessons, they could be assigned the tedious task of copying documents. As in other crafts or professions, the life of the apprentice was carefully regulated. In a typical case, the apprentice, by contract, could not marry, play cards, or frequent ordinaries without the master's permission. For his part, the clerk contracted not only to instruct the apprentice in "the science or occupation of a Clerk of a County Court" but also to "provide for him sufficient meat, drink, apparell &c fitting for an apprentice during y^e s^d time."¹

Apparently, it was more advantageous to be an apprentice in the Secretary of State's office. Unlike the apprenticeship arrangement in a county clerk's office, a father had to bear all his son's expenses during the seven year period, but this burden was offset by the boon of job security. Upon completion of training, the son could continue to work in the Secretary's office with pay. If the young man preferred,

¹Cumberland County Deed Book No. 1, pp. 149-50, microfilm, VSL; Caroline County Order Book, 1732-1740, p. 282, microfilm, VSL; VMHB, XI (October, 1903), 220-21; Fishburne, "The Office of Secretary of State," pp. 383-84.

he could wait until a vacancy occurred on one of the county courts. Since the county clerks were appointed by the Secretary, the products of his office often had first call on positions and could even sell them to other aspirants with the Secretary's permission. In 1763, for example, absentee Governor Jeffrey Amherst asked Lt. Governor Francis Fauquier to request Deputy Secretary of State Thomas Nelson to grant a clerkship to a Mr. Hogg. Nelson let Amherst know that while he would be alert for an opening in the backcountry for Mr. Hogg, the graduates of his office usually had first choice. "Younger Sons of the gentlemen of this colony are formed to Business by writing and doing the business in the office without reward: in hopes of a county clerkship in their turn when they come to the Head...", he explained. According to Littleton Waller Tazewell, a governor of Virginia who had once worked in the Secretary's office, this apprentice system was responsible for orderly and accurate county records kept by "a class of men the most useful popular and influential of any the State contained."²

As with most offices in colonial Virginia, county clerkships were usually reserved for the gentry. The office was not shunned even by the most distinguished families. Among families represented in the

²Fishburne, "The Office of Secretary of State," pp. 382-85. Sometimes training as a clerk preceded a legal education. Edmund Pendleton contracted to serve a six year and six month term as a clerk's apprentice before he began his legal career, and John Nicholas also added the legal profession to his clerking duties. Caroline County Order Book, 1732-1740, p. 282; Cumberland County Order Book, 1752-1758, p. 5; and Goochland County Order Book No. 7, p. 124, all on microfilm, VSL.

post were the Beckwiths, Skipwiths, Lees, Beverlys, Harrisons, Nelsons, Fitzhughs, Randolphs, and Bollings. Clerkships were eagerly sought because they combined the advantages of permanence and a good income. Each clerk received a yearly salary from the county. In 1716 the clerk of Northampton County received 1080 pounds of tobacco while the sheriff was paid 1968 pounds of the weed. By 1760 the clerk of Elizabeth City County earned 1248 pounds of tobacco, the same salary of the sheriff. The Henry County clerk received the same sum in 1779 as did the county's sheriff and commonwealth attorney.³

But the salary of a clerk was only a small part of his income. More substantial were the fees he charged for entering deeds, wills, contracts, and other legal documents. As early as 1643 the General Assembly regulated these fees, but cries continued that clerks were too exhorbitant in their charges. In 1745 an act established fees for an extensive list of clerks' services, and these remained unchanged until 1792. Charges ranged from 250 pounds of tobacco for recording the inventory of an estate exceeding £100 in value to one pound of tobacco for each thirty words in a copy of a special verdict by a jury. In a colony where litigation was almost a way of life, clerks could expect lucrative

³Joseph Lyon Miller, "Major Edward Dale," WMQ (1st series), XVII (January, 1909), 196-97; T. B. Robertson, "Court Houses of Northampton County," WMQ (1st series), XXIII (July, 1914), 56; "Elizabeth City Co. Records," WMQ (1st series), XX (October, 1911), 171; C. B. Bryant, "Henry County," VMHB, IX (January, 1902), 264.

rewards from these fees.⁴

Because county clerkships were so eagerly sought, extremely lucrative, and locally important, there was a constant struggle in Virginia for the power of appointing them. As stated earlier, this power was generally wielded by the Secretary of State of the colony, but the Governor, the House of Burgesses, and the local courts continually assailed his privilege. When the various Secretaries proved capable of withstanding these attacks, the General Assembly passed laws designed to control clerks and curtail the Secretary's influence. Fees were set, county courts were given the right to examine the clerks' records to detect misconduct, and after 1706 the Secretary could receive no more than six per cent of the clerk's fees as his reward for granting the appointments.⁵

The two strongest Secretaries were John Carter and Thomas Nelson. Carter, who served from 1722 to 1742, and Nelson, who held the office from 1743 through the Revolution, were appointed for life by the crown which made them independent of the governors. Despite attempts to curtail their powers, they could pretty well appoint whom they pleased to the county clerkships. This was especially convenient for the Nicholases because both Carter and Nelson were relatives. Carter was a maternal uncle and guardian, while Nelson's brother William had married the

⁴Hening's Statutes, I, 266, II, 455, V, 331-37, XIII, 387-94.

⁵Fishburne, "The Office of Secretary of State," pp. 144, 161-62, 323; Hening's Statutes, I, 305, 357, 448-49, II, 354-55, X, 344.

Nicholas' half-sister Elizabeth Burwell of Carter's Grove. It is very likely that John and George Nicholas began their training in the Secretary's office while John Carter was its head, and completed their clerk's education after Thomas Nelson succeeded Carter.⁶

At the age of twenty-one, John Nicholas, the eldest brother, was prepared to strike out on his own. Although raised in the settled Tidewater section of Virginia, he decided to tie his future to the western Piedmont counties at the foot of the Blue Ridge Mountains. Opportunities were greater in the west because fewer applicants sought the clerkships in the newly formed counties. Also the residue of his father's estate lay in Albemarle County along the banks of the James, and a western position would enable him to keep a closer eye on its management. The most convenient post would have been in Albemarle County, but that position had been held by William Randolph since the formation of the county in early 1745. However, a vacancy occurred in neighboring Orange County, and on March 8, 1745/46, John Nicholas was sworn in as county clerk with a commission from his kinsman Thomas Nelson. Nicholas served as clerk of this large and sparsely-settled county for slightly more than three years, recording deeds, wills, and land surveys, and

⁶Thomas Nelson was actually the Deputy Secretary. After Carter's death, the office was granted to William Adair of England as a political sinecure. Nelson bought the office of deputy from Adair and enjoyed all the Secretary's privileges and powers. Of the 1800 salary, Adair retained 600 with the rest going to Nelson. Fishburne, "The Office of Secretary of State," pp. 364-65.

keeping the records of the court sessions. In 1749 when a vacancy occurred in Albemarle County, John Nicholas was granted the position. No doubt there were others seeking the post, but Nicholas now had experience to add to his personal connection with the Secretary's office. He was to hold the office until 1792 when he was able to see it conferred upon one of his sons.⁷

The clerk's position in Albemarle County suited Nicholas perfectly. He made his home on lands his father had acquired at the lower end of the Seven Islands where the Slate River flows into the James. Until 1762 the county courthouse stood less than a dozen miles upriver on the north bank of the James near the present-day town of Scottsville. Thus the center of Nicholas' occupation was very convenient to his lands. He could easily oversee the management of his farm without his office interfering to any great extent.⁸

As with so many young Virginians, John Nicholas was not content to stay put. Though he held an office that was his as long as he wanted it, and though he had lands sufficient for a modest gentleman-farmer, he was determined to advance himself further. In May 1752, he qualified to

⁷Orange County Order Book No. 4, p. 289, microfilm, VSL; Dabney, "Jefferson's Albemarle," pp. 30-31; Frederick Johnston, Memorials of Old Virginia Clerks (Lynchburg, Virginia, 1888), pp. 26-27, 271. This last source must be used with great care as it contains many errors. For example, Johnston confuses John Nicholas, Sr. with his son, John Nicholas, Jr., and assumes they are the same man.

⁸Fry and Jefferson Map of Virginia & Maryland, Facsimile of the First Edition, with introduction by Dumas Malone (Princeton, 1950); Diary of Reverend Robert Rose, mss., Colonial Williamsburg Inc., microfilm, UVA, entry for August 31, 1749.

practice as an attorney before the courts in Cumberland and Goochland counties. Whether he was self-read in law or whether he studied under a local attorney is not known, but he was able to produce a statement signed by Peyton Randolph, James Power, and George Wythe that he was qualified to serve as a lawyer before the county courts. He did not practice law in Albemarle County because of a 1659 act of the General Assembly forbidding clerks from practicing in counties where they officiated. Nicholas probably sought an additional income in the early days of Albemarle County because of limited fees from the small number of settlers, but as the county's population grew he could increasingly rely upon the rewards of his office.⁹

Following a pattern embraced by his father and others of Virginia's elite, John Nicholas steadily increased his landholdings. Between 1749 and 1762 he received grants to more than 5000 acres of land in Lunenburg County and more than 2800 acres in Albemarle County. Nicholas may have farmed portions of the Albemarle lands, but the tracts in Lunenburg were probably attained for speculation. Acquisition of land was especially important in the western Piedmont, for with Tidewater relatives being rather distant, land ownership rather than family or powerful friends was the distinguishing mark of a gentleman.¹⁰

⁹Cumberland County Order Book, 1752-1758, p. 5, and Goochland County Order Book No. 7, p. 124, microfilm, VSL; Hening's Statutes, I, 523.

¹⁰Virginia State Land Patent Books, VSL, Books No. 27, p. 300, No. 33, p. 65, No. 34, pp. 465, 531, 952; Dabney, "Jefferson's Albemarle," p. 23; Executive Journals of the Council of Colonial Virginia, VI, 163.

John Nicholas had little trouble in taking his place among the local gentry. As an educated, self-assured gentleman with growing landholdings and an important local office, he made his friends and associates among the county's first citizens. The Reverend Robert Rose, wealthy planter and rector of St. Anne's Parish, often stayed the night at Nicholas' Seven Islands plantation during long trips to administer to his parishoners. Occasionally, Nicholas rode with Rose to attend services at the church near the mouth of Ballenger's Creek, and his daughter Mary eventually married Rose's son Henry. Another good friend was Joshua Fry, probably the most important figure in the early history of Albemarle County. A former teacher of mathematics at William and Mary, Fry was the presiding justice of the county as well as its surveyor, leader of the militia, and first representative to the House of Burgesses. Nicholas not only worked closely with Fry on the county court, he also later married Fry's daughter Mary. Another indication of Nicholas' favored position among the gentry was his appointment by Peter Jefferson in 1757 as one of the executors of his will and a guardian of his children.¹¹

In colonial Virginia, professional training was usually conducted under the auspices of a well-entrenched practitioner. By this method, the practitioner got inexpensive aid while his student received training in a colony where no institutions existed for that purpose. Because John

¹¹Diary of Robert Rose, entries for August 31, 1749, May 19, 1750, January 26 and March 17, 1751; George W. Frye, Colonel Joshua Fry of Virginia and Some of His Descendants and Allied Families (Cincinnati, 1966), pp. 1, 5-6, 18; Will of Peter Jefferson, Albemarle County Will Book No. 2, pp. 32-34, microfilm, UVA.

Nicholas was a lawyer and a clerk, he served as a teacher in both fields. In 1755 the Rev. Thomas Dawson (Councilor, Commissary, and the President of the College of William and Mary) made arrangements to have his nephew J. Dawson serve under Nicholas to learn the business of clerking. At the same time, the student was to spend about two months with Peter Jefferson to learn the art of surveying. Dawson chose Albemarle as the seat of his nephew's training because the young man would inherit lands there, and Dawson wished for him not only to learn practical skills but also to become acquainted with the county where he would probably spend most of his adult life. Around 1785, Randolph Harrison, a distant relative and descendant of Robert Carter, spent a year or so at Seven Islands studying law under Nicholas' direction. Nicholas also took the opportunity to use his office for his own family's benefit. Several of his sons trained and worked under him in the clerk's office, and one of them succeeded to his position when he retired.¹²

Albemarle County lost its lands on the south side of the James River when, in 1761, the General Assembly created Buckingham and Amherst Counties. The next year, the courthouse was moved to Charlottesville, which was a more central location in the reshaped county. These moves

¹²Thomas Dawson to Col. William Randolph, July 24, 1755, to John Nicholas, July 24, 1755 and February 18, 1756, Dawson Papers, LC; "Genealogy of Harrison of James River," VMHB, XXXV (July, 1927), 302; Albemarle County Deed Book No. 10, 1789-1793, microfilm, VSL; Evelyn Dollens Wyllie, ed., "Marriage Bonds in Albemarle County, 1786-1795, Papers of the Albemarle County Historical Society, IX (1948-49), 42-50.

created difficulties for Nicholas. Seven Islands Plantation now lay in Buckingham, and the distance from there to the new courthouse was greater than his old route. Wishing to keep his office but still reside at Seven Islands, Nicholas hired his brother-in-law Henry Fry to serve as his deputy and carry out most of the daily business of clerking, but this arrangement lasted only a few years. Fry settled near Charlottesville in an area where older residents were much subject to "ague and fever." As Fry explained in his autobiography,

my Friends & acquaintance out of great good will advised me to keep myself warm with spirits during the season, thereby I should escape the disorder; and being favoured with a [illegible] of company whose propensity to drink induced me to fulfil their instructions, took such fast hold upon me in a few years, found the remedy to be worse than the disease -- was thereby rendered unfit for business....¹³

Forced by his fondness for alcohol to resign as Nicholas' deputy, Fry moved to his lands in Culpeper. It was probably after Fry's departure that Nicholas built a house in Charlottesville so he could oversee the functioning of the office during its most crucial hours. With the aid of his sons, Nicholas maintained the post until old age forced his retirement in 1792.¹⁴

Although much less is known about George Nicholas, his life

¹³Autobiography of Henry Fry, mss., UVA.

¹⁴Dabney, "Jefferson's Albemarle," pp. 3, 29; Augusta Wilhelm du Roi, Journal of Du Roi the Elder, translated by Charlotte S.J. Epping, Americana Germanica Series, Vol. XV (New York, 1911), pp. 153-54. Fry was saved from his drinking by a religious experience during the Great Awakening and later became a minister.

followed the pattern of his older brother. Between 1745 and 1748, he was hired by his half-brother Carter Burwell for the collection of debts.¹⁵ This would normally indicate that Nicholas had some legal training, for debt collecting was a common task of lawyers. However, no other evidence has been uncovered to support this suspicion, and Nicholas most likely never qualified to practice law.

In 1749 Cumberland County was carved from Goochland County lands on the south side of the James River, thereby opening a new clerkship which George Nicholas was promptly awarded by Secretary Thomas Nelson. The appointment could hardly have been more convenient. Cumberland County courthouse then lay only seventeen miles from the Nicholas lands on the James, and Nicholas probably resided in the vicinity of Seven Islands during his Cumberland clerkship. Despite this advantage, Nicholas held the post only three years and in 1752 accepted the clerkship of newly-formed Dinwiddie County in the eastern Piedmont below Petersburg. Just why he made the move is not clear. Perhaps the greater population of Dinwiddie promised more fees. At any rate, Nicholas held the Dinwiddie post until his death nineteen years later.¹⁶

George Nicholas appears never to have owned as much land as either of his two brothers. He sold some if not all the land along the

¹⁵ Carter Burwell Account Book, 1738-1755, typescript copy, CWI.

¹⁶ VMHB, XIV (July, 1906), 90; Fry and Jefferson Map; Cumberland County Deed Book No. 1, microfilm, VSL. For some reason, Nicholas maintained a position in Cumberland as deputy clerk after his move to Dinwiddie. Perhaps this was his price for giving up the clerkship to Cad Jones. Cumberland County Order Book, 1752-1758, p. 16, microfilm, VSL.

James which his father left him and probably used the money to purchase lands in Dinwiddie. Other small purchases included a lot in the proposed town of Beverly surveyed by Peter Jefferson in 1751 and land on the north side of Butterwood Swamp in Dinwiddie. His most ambitious scheme involved an effort to obtain 100,000 acres along the New and Holston Rivers in southwest Virginia. On June 15, 1750, the Council granted this vast acreage to John Hiscox and John Griffin (merchants of Bristol), Benjamin Watkins, Nicholas Davis, Samuel Grist, John Buchanan, Adam Harmond, William Thompson, Jr., Jacob Harmond, Jr. and George Nicholas, provided they paid rights on the return of the patent to the Secretary's office and completed a survey of the lands within four years. As with the majority of great colonial land speculations, the venture never materialized, although several of the partners tried in vain to get the grant renewed in 1773 after Nicholas had died. Nicholas probably lost no money in the abortive project, but he did not make any either, and neither he nor his brothers involved themselves in similar attempts. The land he owned was enough to classify him as a modest gentleman-farmer, but he never approached the status of a land baron.¹⁷

As was the case with his older brother, George Nicholas was a teacher of future clerks. In 1750, while still in Cumberland, he accepted

¹⁷Albemarle County Deed Book No. 1, 1748-1752, microfilm, VSL; Dinwiddie County Surveyor's Plat Book, 1755-1865, photostat, VSL; Cumberland County Deed Book, No. 1, pp. 192-95, 263-66, microfilm, VSL; Executive Journals of the Council of Colonial Virginia, V, 326, VI, 521; copy of the plan of town of Beverly in E-R Papers, oversize box.

Jacob Mosby as an apprentice until the age of twenty-one. He also educated at least one of his sons as a clerk, and one of his grandsons was still serving as county clerk for Dinwiddie as late as 1833.¹⁸

Although he never was as important politically as his two brothers, Nicholas was nevertheless an accepted member of the colony's elite. A good indication of his acceptance was service on the vestry of Bristol Parish, and fuller proof was given by the prominent families into which his offspring married -- Briggs, Grymes, Skipwith, Cocke, and Taliaferro. He was an excellent example of the type of Virginia gentleman who gave leadership on the local level but had no greater aspirations. When he died in 1771, the Virginia Gazette said only that he was "a Gentleman of an amiable Character."¹⁹

Events in the early life of Robert Carter Nicholas seem to have conspired to bring him to greater prominence than his two older brothers. Named after his powerful grandfather Robert Carter, he received a greater legacy from the "King's" will than his two brothers, and he was the only one of the trio to receive land from the Fairfax proprietary in the Northern

¹⁸Cumberland County Deed Book No. 1, pp. 149-50, microfilm, VSL; Purdie's Virginia Gazette, April 18, 1777; Johnston, Memorials of Old Virginia Clerks, p. 168.

¹⁹Philip Slaughter, A History of Bristol Parish, Virginia (Richmond, 1879), p. 123; Churchill Gibson Chamberlayne, ed. The Vestry Book and Register of Bristol Parish, Virginia, 1720-1789 (Richmond, 1898), p. 180; Purdie & Dixon's Virginia Gazette, March 14, 1771.

Neck. His godmother was none other than Mrs. Rebecca Staunton, sister-in-law of Governor William Gooch. Although his two brothers may have studied briefly at the College of William and Mary, only his name appears among the sketchy records that remain from the period.²⁰

Like his brothers, Robert Carter Nicholas may have trained initially to be a clerk, then later decided to become an attorney. If so, his reading in law had to be fitted around his clerking duties. Under this practice, the aspiring lawyer often received little direction in his legal education except what to read. According to Thomas Jefferson, this scanty direction was all a good law student required. "The only help a youth wants," he wrote, "is to be directed what books to read and in what order to read them." Even this guidance was made easier by the fact that there were few law books and reports available in the colony. Nicholas probably perused the musty volumes of reported cases that were around as well as the standard Coke upon Littleton. If he worked in a clerk's office, he also gained insight into the daily affairs of the Virginia legal system. Upon commencement of his own practice, he was armed with knowledge of the law in Virginia as well as its English background.²¹

After completion of his reading, Nicholas had to convince a board composed of Councilors and attornies who practiced before the General Court

²⁰A Provisional List, p. 30.

²¹David John Mays, Edmund Pendleton, 1721-1803: A Biography (2 vols.; Cambridge, 1952), I, 12-24; Charles Warren, A History of the American Bar (Boston, 1911), pp. 161, 164-66; Thomas Jefferson to Thomas Turpin, February 5, 1769, quoted in Dumas Malone, Jefferson the Virginian, Vol. I: Jefferson and His Times (Boston, 1948), p. 67.

that he was qualified for legal practice. This examination procedure had been created by the General Assembly in 1746 because "the great number of ignorant and unskilful attornies practicing in the county courts...is become a grievance to the country, in respect of their neglect and mismanagement of their clients causes...." Not only did he have to exhibit his knowledge of the law, he also had to present a certificate from a court before which he intended to practice testifying to his "probity, honesty, and good demeanor." Such had not always been the case. In 1705 Robert Beverly had written, "Every one that pleases may plead his own cause, or else his friends for him, there being no restraint in that case, nor any licensed Practitioners in the law." A few decades later Governor Gooch was still complaining.

Attornies at Law for some years past have been under no Regulation but every one practiced. This was attended with ill Consequences Suits and Contentions being stirred up by Persons, who called themselves Attornies, of litigious or avaritious Tempers in the inferior Courts; and often good Causes lost through their unskillfulness in pleading or Ignorance in the Law.

Responding to these and other complaints, the General Assembly tried to institute quality-control over the legal profession, but the first effective act of any duration did not come until the 1746 act. For the remainder of the colonial era, all prospective lawyers had to be qualified by this licensing process.²²

²² Hening's Statutes, V, 345-48; Warren, A History of the American Bar, p. 43; Mays, Edmund Pendleton, I, 27-28.

Having passed his examination at the age of twenty-one, Nicholas was prepared to embark on his legal career. His license from the examining board permitted him to practice before all the county courts in the colony, but he confined himself to the area around Williamsburg. On May 21, 1750, the York County records reported, "Robert Carter Nicholas Gent. produced a License to practice in the County Courts of this Colony and having taken the Oaths appointed by Law he is admitted to Practice as an Attorney in this Court." Significantly, in this first venture, he was addressed as a gentleman. The term, which indicated his position in the colony's elite, was not as easy to acquire in the Tidewater as in the western portions of Virginia. In Albemarle even a man with the cropped and slit ears indicative of a criminal past could earn the title after a few years of land acquisition. But in the longer settled Tidewater, it took a strong family background and polished manners for a young man to be permitted the name upon his entrance into public life.²³

Not quite three weeks later, Nicholas qualified to serve before the Warwick County Court. More than likely he also was admitted to practice in the other counties of the peninsula -- James City, Charles City, and Elizabeth City -- as well as the Hastings Court of Williamsburg. These counties formed a natural circuit for lawyers who seldom could rely upon sufficient business in one county to provide any kind of adequate income. Court days were so arranged that lawyers could travel from one

²³York County Judgements and Orders, Book No. 1, 1746-1752, p. 307, microfilm, VSL; Dabney, "Jefferson's Albemarle," pp. 28-29; Sydnor, Gentleman Freeholders, p. 61.

court to the next without conflict. This meant extensive travels on horseback for a lawyer with a full practice, but the circuit composed of the county courts before which Nicholas practiced was the shortest one in the colony.²⁴

Nicholas could not expect to receive a large income from his legal practice. As early as 1643 the General Assembly had begun the regulation of attorneys' fees. Almost a century later, the legislature was still complaining of "unreasonable and exorbitant fees" when it passed the 1742 act which would affect Nicholas' income. Lawyers practicing before county courts could charge 10s for advice where no suit was brought, 15s for most common law suits, 20s per day for attending a rural survey, 7s6d for a petition on a small debt, and £1.10 for a Chancery suit or actions involving land titles. For every offense of over-charging, the attorney could be fined £50, with one-half going to the King and the other to the informer. This regulation was a good example of the mistrust exhibited by Virginia's gentleman-farmer legislators towards all professions in colonial Virginia including doctors and clerks. Suspicions were particularly strong against lawyers. "In no Colony," wrote Charles Warren, "was the early prejudice against the profession stronger, and in none did a more eminent Bar develop."²⁵

²⁴William Edwin Hemphill, "George Wythe, The Colonial Briton," unpublished Ph.D. dissertation, UVA, 1937, p. 56; William J. Lescure, "The Early Political Career of Robert Carter Nicholas," unpublished M.A. thesis, William and Mary, 1961, p. 5; Mays, Edmund Pendleton, I, 28.

²⁵Hening's Statutes, V, 181-82; Warren, A History of the American Bar, pp. 39, 41; Eaton, "A Mirror of the Southern Colonial Lawyer," 524-534.

Not only were the fees set by the General Assembly rather low, but lawyers experienced great difficulty in collecting them. No records exist to show what Nicholas collected, but a good indication may be gained from the experience of other lawyers. In 1765 Patrick Henry's fees amounted to £425, but he was able to collect only £260. His income improved two years later when he was able to collect £346 of the £440 due him. Thomas Jefferson's fees never amounted to much more than £500, and he never succeeded in collecting half that sum. His most profitable year was 1770 when he managed to collect £213.6.11, but outstanding fees still amounted to £307.18.11 1/2. Some attorneys accepted payment in kind, and most had to put their legal skills to work by bringing suits for non-payment of fees. From these experiences of other lawyers, one might guess that Nicholas' income from legal fees ranged from a modest £200 to £300 a year.²⁶

Part of a successful lawyer's income came from the collection of fees for officers of the colony and British merchants, and Nicholas appears to have done well in this facet of his practice. His family connections played an obvious role. When Governor Gooch left Virginia in late 1749 due to ill health, the President of the Council, Thomas Lee, acted as his temporary successor until a new lieutenant governor arrived. Lee died in November 1750 and the next ranking member of the Council, Lewis Burwell, took his place as President of the Council and acting

²⁶Malone, *Jefferson the Virginian*, pp. 123-24; Eaton, "A Mirror of the Southern Colonial Lawyer," pp. 524-34.

governor of the colony until Robert Dinwiddie arrived in Virginia one year later. Lewis Burwell, Robert Carter Nicholas' half-brother and Nathaniel Burwell's oldest son, lost little time in giving the young attorney a slice of the government's business. In April 1751, Nicholas announced in the Virginia Gazette that he had been appointed to collect all debts due to the President from Naval officers, county clerks, and other local officials. He was still serving in that capacity in September 1752. Just how much revenue this appointment brought the fledgling lawyer is not clear, but it must have been a welcome addition to the fees he could muster from pleading cases.²⁷

Nicholas also received his first assignment to collect debts for a merchant in April 1751 when he was retained by Mordecai Booth and Company. This type of business was to constitute an important part of Nicholas' practice until he abandoned a lawyer's life some twenty years later. In 1765, for example, he was given a power of attorney by the Scottish firm of Dunlop & Montgomery to collect debts due them from Virginia planters and merchants. The most troublesome case involved a James River merchant named John Austin Finnie. Nicholas convinced Finnie to pay part of his debt within eight months of receiving the commission. Perhaps believing that the collection of the remainder would be no problem, Nicholas had assigned the case to Walter Peters by 1768. Peters succeeded in collecting the debt from Finnie but neglected to send it to Dunlop &

²⁷Morton, Colonial Virginia, II, 596-601; Lescure, "The Early Political Career of Robert Carter Nicholas," p. 6; Hunter's Virginia Gazette, September 22, 1752. This assignment meant that Nicholas collected fees from his two brothers as well as numerous other relatives.

Montgomery, so that by 1772, the firm was requesting Nicholas to sue Peters for the sum. Finally, in July 1773, Nicholas was able to send the money to Glasgow and close the case. Fortunately, not all his assignments created such bother.²⁸

Collecting debts was not the only service that Nicholas provided for merchants. In 1765 he argued a case involving smuggling for the wealthy Norfolk merchant Neil Jamieson. One of Jamieson's employees, a Captain Mace, had tried to smuggle rum into Virginia without paying duties at Barbados. After a tough court battle, Nicholas was able to save Jamieson's ship from confiscation, but the cargo of rum was condemned for evasion of duties. In his letter to Jamieson about the court's decision, Nicholas attacked the practice of ignoring the duties and advised Jamieson's friends and contacts not to try it.²⁹

After a successful period before the colony's inferior courts, most ambitious Virginia lawyers looked toward a career before the General Court, the colony's highest tribunal. Composed of the Governor and his Council, the General Court's decisions could be challenged only by an expensive appeal to the crown. The General Court sat in April and October for up to twenty-four days each session to hear civil cases and criminal

²⁸Lescure, "The Early Political Career of Robert Carter Nicholas," p. 6; Dunlop & Montgomery to Robert Carter Nicholas, March 18 and November 27, 1765, May 12, 1769, September 23, 1772, and July 4, 1773, Walter Peters to Dunlop & Montgomery, June 8, 1768 and to Nicholas, July 19, 1772, Wilson Cary Nicholas Papers, LC, microfilm, UVA (hereinafter cited as WCN-LC).

²⁹Robert Carter Nicholas to Neil Jamieson, February 23, July 23, August 1 and August 22, 1765, Neil Jamieson Papers, LC, microfilm, CWI.

cases involving slaves and indentured servants. The Council also sat as the Court of Oyer and Terminer in June and December to hear criminal cases not pertaining to slaves. The General Court could hear all civil cases over £10 or 2,000 pounds of tobacco by original or appellate processes. It had original jurisdiction over all suits brought against justices of the peace and vestrymen and heard all appeals from the county courts. In order "to prevent frivolous suits in the general courts, and trifling and vexatious appeals from the county courts, and other inferior courts," the General Assembly declared in 1748 that no attorney practicing before the General Court could simultaneously practice before the lower courts. Many of the colony's lawyers were thus faced with a difficult choice. Nicholas' practice was not affected because the act excluded attornies practicing in James City, York, Warwick, Elizabeth City, and Gloucester counties or the Hustings Court in Williamsburg.³⁰

Just when Nicholas began his General Court practice is not clear, but when he did qualify, he joined the most distinguished lawyers in Virginia. George Wythe, Edmund Pendleton, Peyton Randolph, John Randolph, John Blair, Jr., and Thomson Mason all qualified for the upper court practice between 1744 and 1760. Wythe and Pendleton were considered the most capable lawyers of their day, and the other four had trained in the Middle Temple. After a few years of practice, Nicholas' name was

³⁰Hening's Statutes, VI, 140-43; Eaton, "A Mirror of the Southern Colonial Lawyer," p. 524; Mays, Edmund Pendleton, I, 39-40, 235-236. Mays volume contains an excellent description of the workings of the General Court, pp. 224-248.

often included with those of Wythe and Pendleton as one of the colony's most eminent lawyers. It was very fitting that these three men were united in 1778 as the first three judges of the new state's High Court of Chancery.³¹

Nicholas' growing reputation brought him prominent clients and earned him the trust of other leading lawyers. In 1755 Edmund Pendleton suggested that Nicholas, Peyton Randolph, and Benjamin Waller arbitrate a minor land title dispute between his client and old friend, Col. Benjamin Robinson, and Robert Page of Hanover. Randolph was then Attorney-General for the colony, and Waller was the Clerk of the General Court, the most important clerking office in Virginia. Nicholas was placed on a rather select panel for a lawyer who had been practicing only five years.³² Between 1757 and 1760 Nicholas and George Wythe worked together on several cases including a complicated land cause for a disputatious Marylander named Ignatius Digges and a similar action for George Washington. The College of William and Mary sought Nicholas' legal advice in 1758 pertaining to the case of a Master's family who refused after his death to vacate a house provided for him. Citing a similar case of Dr. Bury of Exeter College, Oxford, Nicholas advised the college

³¹Hemphill, "George Wythe," pp. 94-98; Mays, Edmund Pendleton, I, 225-232.

³²Mays, Edmund Pendleton, I, 312. All three men were Williamsburg residents and Waller may have been Nicholas' instructor in clerking and law. Apprentices who served in the Secretary's office were supervised by the Clerk of the General Court. Fishburne, "The Office of Secretary of State," p. 384.

to bring a suit of ejectment against the family.³³

Although his career before the General Court may have greatly reduced his trips to the county courts, Nicholas did not find his work load reduced. Successful practitioners were required to be hard workers if they wished to remain in the forefront of Virginia's legal profession. As David John Mays said of Edmund Pendleton, their lot was "almost ceaseless toil." Nicholas clearly expressed the exhaustion brought on by a busy session when he wrote to his uncle Landon Carter in 1764,

I never was so much fatigued with the Business of any Court, as the last; & tho' it has been over a Day or two, I have not yet recover'd my Spirits; I must take a Trip up the Country in hopes of getting a fresh Stock of them.³⁴

Accepting the Virginia custom that the successful professional pass on his wisdom and experience to the next generation, Nicholas duly fulfilled his obligation as a teacher of law. His reputation attracted students from some of Virginia's leading families, though none of them later achieved the fame accorded to Edmund Pendleton's protégé, John Taylor

³³Nicholas and Wythe Legal Papers, Thomas Jefferson Papers, Box 11 of McGregor Collection, UVA; Hemphill, "George Wythe," p. 102; Robert Carter Nicholas to President and Masters of the College of William and Mary, April 27, 1758, Virginia Miscellany, William and Mary College, 1721-1818, LC; The Diaries of George Washington, ed. by John C. Fitzpatrick (4 vols.; Boston, 1925), I, 147, 163. Between 1769 and 1774 Washington often dined with the Nicholas family while in Williamsburg for General Assembly sessions. Ibid., I, 352, 354, 379, 383, II, 17, 26, 40, 56, 57, 104, 132, 152, 159. For information on the quarrelsome Digges see Thomas O'Brien Hanley, Charles Carroll of Carrollton: The Making of a Revolutionary Gentleman (Washington, 1970), pp. 125, 187-89.

³⁴Robert Carter Nicholas to Landon Carter, May 9, 1764, Sabine Hall Papers, UVA; Mays, Edmund Pendleton, I, 232-33.

of Caroline, or George Wythe's pupil, Thomas Jefferson. John Tyler, father of the President, studied law at Nicholas' Williamsburg home in 1765, and Thomas Bolling had been a pupil over a decade earlier. As did his brothers, Nicholas passed on his professional knowledge to his sons, and his eldest son George became one of the foremost lawyers of his generation in central Virginia and Kentucky.³⁵

A 1746 act of the General Assembly directed the General Court to appoint Councilors or attornies practicing before the court to examine the fitness of candidates for the Virginia bar. The members of the General Court and the Councilors, who were one and the same, declined the task and gave it to the colony's top lawyers. Pendleton, Wythe, and the two Randolphs served on the examination board at one time or another, and it was only natural that Nicholas would join them. Existing records show that he was an examiner between 1756 and 1766, but he may have served on the board at other times as well. Fragments of two accounts kept by Nicholas reveal that he acted as treasurer and secretary for the board. In 1762 he recorded that thirty-eight young men had paid the £1 fee to be examined. Three years later he sat on the board which tested the fitness of Edmund Pendleton, Jr., and Thomas Jefferson. The examiners split the fees paid by the aspirants, and Nicholas recorded in 1766 that

³⁵"Tyler Genealogy by President Tyler," Tyler's Quarterly Historical and Genealogical Magazine, X (January, 1929), 201; Robert Bolling, A Memoir of A Portion of the Bolling Family in England and Virginia, translated by John Robertson (Richmond, 1868), p. 7; Mays, Edmund Pendleton, I, 244; Malone, Jefferson the Virginian, pp. 65, 92.

he "p.^d M^r Wythe his proportion £4.11.8."³⁶

After Nicholas became Treasurer of the colony in 1766, he began to curtail his legal business. Initially, he had hoped that his new position would not interfere with his legal duties to his clients. But by January 1767, he gave notice in the Virginia Gazette that he would be unable to take any new cases and would personally attend trials of old cases only if he considered them sufficiently important or the client specifically requested his attendance. Other unfinished cases would be handled by John Blair, Jr., whom he had just hired for that purpose. Blair must not have been willing to accept all of Nicholas' unfinished cases, for in 1771 the Treasurer asked Thomas Jefferson to pick them up. Accepting only a few cases, Jefferson declined the bulk of the work, and Nicholas had to seek aid elsewhere. Finally, in 1773, he announced that Patrick Henry, Jr., of Hanover County had agreed to take over his unfinished cases before the General Court. His final public announcement on his legal business came in May 1778 when he announced that since he and the lawyers who had assumed his business were no longer practicing, former clients should seek other counsel. Outstanding fees could be paid to his son George in Williamsburg who would also return legal papers to old clients and cheerfully refund any fees that clients

³⁶Hening's Statutes, V, 345-48; Eaton, "A Mirror of the Southern Colonial Lawyer," 533; Warren, A History of the American Bar, p. 165; Attorney's License of Peter Lyons, February 5, 1756, photostat, UVA; "Acc.^t of Fees p.^d by Gentlemen examin'd to practice the Law for the Use of the Examiners," Wilson Cary Nicholas Papers, UVA (hereinafter cited as WCN-UVA).

felt were too great for the small services rendered. Nicholas' position as one of the three judges of the new High Court of Chancery prevented his personal attention to these last scraps of his long practice.³⁷

As his brothers were doing, Robert Carter Nicholas also embarked upon a successful effort to increase his landholdings, but unlike them he had a head start. In 1730 his grandfather Robert Carter had taken out a patent for 50,212 acres of land in the Fairfax proprietary "on the N:W: side of a Branch that Issues out of Potomack River on the upper side of the Blew Ridge commonly called Chenandoah Creek." Carter placed this huge tract in the names of ten of his sons and grandsons including Nicholas. Ten years later a Chancery suit caused the land to be divided into eight equal parts (two of Carter's sons having died). Nicholas' share totaled a little over 6,000 acres, but by 1751 he had decided to sell the tract. Because he was intent upon centering his life around Williamsburg, the lands were too remote for him to have much of a hand in their management. According to a surveyor's plat dated November 21, 1751, half of the tract had already been sold to Col. Fielding Lewis of Spotsylvania County. The following year, Lewis purchased the other half totalling 3,078 acres for £688. If Lewis had paid a similar amount for the first purchase, Nicholas netted over £1300 from his grandfather's

³⁷Rind's Virginia Gazette, May 30, 1766; Purdie and Dixon's Virginia Gazette, January 1, 1767; Purdie's Virginia Gazette, May 1, 1778; Malone, Jefferson the Virginian, p. 122; Julian P. Boyd, ed. The Papers of Thomas Jefferson (17 vols. to date; Princeton, 1950 -), I, 73 (hereinafter cited as Boyd Papers).

legacy.³⁸

Having turned his back on lands across the Blue Ridge, Nicholas concentrated instead on accumulating lands along the James River. In April 1752 he and his brothers signed an agreement to divide the lands left by their father. Due to the debts of Dr. Nicholas, the only lands left to partition were 4200 acres along the James River in Albemarle County. John Nicholas, the eldest, took the 1600 acre tract on the south side of the James in what is now Buckingham County. The two younger brothers split the 2600 acres on the north banks of the river, George taking the lower part with 1357 acres and Robert taking the upper half of 1323 acres. The youngest Nicholas treated these lands in much the same fashion that his father had. Never dwelling on the land himself, he had it worked by tenant farmers and used some of the profits for improvements such as mills. Although he probably visited his Albemarle lands occasionally, he was fortunate that his brother John could keep a close eye on the property.³⁹

³⁸Patent of September 23, 1730, photostat, VHS, original in possession of George Harrison Burwell of "Mt. Airy", Millwood, Clarke County, Virginia; Henning's Statutes, V, 300-301; Everard Kidder Meade, "The Papers of Richard Evelyn Byrd, I, of Frederick County, Virginia," VMHB, LIV (April, 1946), 106; Surveyor's Plat of November 21, 1751 and Certified Copy of Indenture of Sale of April 30, 1752, in Taylor Family of "Springsbury" Clarke County, Virginia, Papers, 1715-1902, VHS. An interesting item in these two documents is the address given for Nicholas. In 1751 his address is Elizabeth City County while his 1752 address is Williamsburg.

³⁹Agreement of John Nicholas, George Nicholas, and Robert Carter Nicholas, April 14, 1752, E-R Papers, UVA; Robert Carter Nicholas' Expenses in Albemarle County, 1758-1760, Box 13, N.D. Misc. Accounts File, WCN-UVA.

Ten years later, Nicholas increased his Albemarle holdings when he purchased 4411 acres along Green Mountain from Richard Randolph of Henrico. Other land purchases may have followed tips from his brother John. As clerk of Albemarle, John Nicholas undoubtedly knew of good lands for sale close to his brother's holdings. In 1767, for example, Robert Nicholas purchased Scott's Island in the James River from John Nicholas' brother-in-law, John Scott, for £350. Five years later, he purchased two tracts totalling 750 acres from James Phelps for £150. With these and other purchases, the Williamsburg attorney eventually became one of the chief landowners in a county where he never dwelled. When his Albemarle estate was assessed for taxes in 1782, it totalled 7500⁴⁰ acres.

Nicholas' Albemarle holdings contained excellent lands for farming, and the James River provided an easy avenue of transportation to float crops to market. The only big obstacle were the falls of the James just above Richmond. Because of the falls, goods coming downriver had to be landed above Richmond and hauled overland to ships waiting below the fallline. Realizing the immense advantage of owning lands at this debarkation point, Nicholas purchased from William Byrd in June 1763 5,000 acres of land known as Westham in Henrico County. As a lawyer who had often worked for clients involved in land disputes, Nicholas knew

⁴⁰ Bond of Richard Randolph, December 11, 1761, WCN-UVA; Deed to Green Mountain Lands, April 13, 1762, Oversize box, E-R Papers, UVA; Albemarle County Deed Book No. 4, 1764-1768 and Deed Book No. 6, 1772-1776, microfilm, VSL; Albemarle County Sheriff's Ledger, 1782-1783, UVA.

that he would have to take steps to ensure the validity of his title. The deeds and titles to the land were old and questionable, and Nicholas suspected that unpatented lands lay within the property's bounds. Following his petition of July 1763, the Council allowed Nicholas to take up all the unpatented lands on the north side of the James between the patents of Edmund Jennings and Robert Beverly. Upon securing clear title to the tract, Nicholas procured lands not only good for farming but also strategically located for storage facilities for crops from his upriver lands.⁴¹

A year-and-a-half after he had purchased the Westham estate, Nicholas decided to turn it into a profit-making enterprise. For a sum of £1500, he sold half interest to his wife's brother-in-law, Edward Ambler of Jamestown. The two men agreed to hold the land as tenants-in-common for twenty years, jointly stocking it with slaves, cattle, horses, sheep, hogs, tools, houses, and other agricultural gear. Profits were to be divided equally, and the death of one partner gave sole management (though not sole ownership) to the other. To compensate Nicholas for the extra trouble he had encountered in acquiring the land and securing its title, he would be allowed to build warehouses for tobacco and other upriver produce on the tract at the plantation's expense. Once a year, he could use slaves, oxen, and whatever else he needed to haul his upriver produce to markets or public warehouses and drive stock from his Albemarle

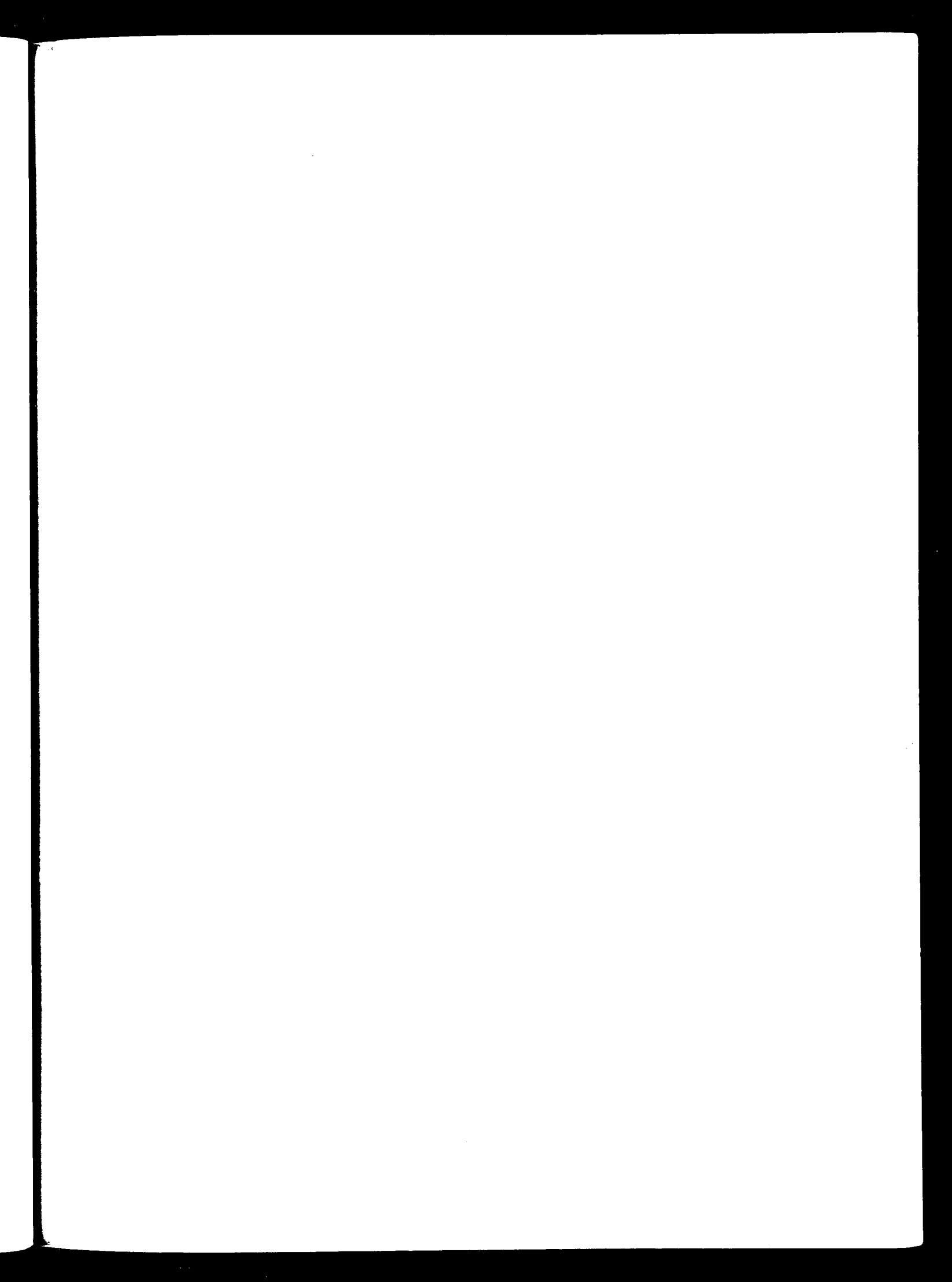
⁴¹Commission to Examine Mary Byrd, Oversize Box, E-R Papers, UVA; Executive Journals of the Council of Colonial Virginia, VI, 264-66. Sitting on the Council that day were Nicholas' brother-in-law William Nelson and his brother Thomas Nelson, Nicholas' half-brother Robert Burwell, Nicholas' cousin Robert Carter, and John Blair.

holdings as far east as Williamsburg. Just what profits the enterprise returned is not known, but Nicholas obviously thought it a prime tract because he willed it to his eldest son George, following a Virginia custom that the eldest son received the choicest lands. The Westham tract proved to be a mixed blessing, however. Its convenient location and fertility were offset by a series of suits that involved Nicholas' sons in legal tangles as late as 1812. The interesting feature about the enterprise is its jarring of common conceptions of Virginia's gentlemen-farmers. Nicholas was not attached to Westham from any particular love of the soil or belief in the superiority of rural life. Westham was purely a business venture inspired by the same desire to turn a profit as other businesses.⁴²

By colonial Virginia standards, the Nicholases had achieved success. Entering adult life with little wealth but with good practical training, they used excellent social and familial connections to advance their careers and fortunes. Whether they sought positions or lands, relatives were usually in seats of authority to give aid if it was needed. Accepted by the colony's elite as natural (though not charter) members, they added their own talents and virtues to ensure attaining the success that was clearly within reach. With the exception of one flirtation each,

⁴²Photostat copy of Westham Agreement between Robert Carter Nicholas and Edward Ambler, VHS (from original in Ambler Papers, 1638-1810, LC). The lands discussed in the pages above were virtually all the lands that Nicholas possessed when he died in 1780. With the exception of the lands given to him by his grandfather, he procured property with the long-range goal of leaving good estates to his sons. Since he never intended to sell these 13,000 acres, he can hardly be classified as a land speculator despite the charges of some historians. For example, see Julian Boyd's note in The Papers of Thomas Jefferson, I, 506.

they were not land speculators in any true sense of the term. They farmed because that is what Virginians had always done and because it provided a necessary supplement to the income from their professions. Thus, they fit the picture of Virginia's eighteenth-century elite very well: gentlemen-farmers and gentlemen-professionals with just a touch of the entrepreneurial drive.



CHAPTER IV

FAMILY ALLIANCES AND POLITICAL SERVICE

The role of strong family connections in colonial Virginia society has often received too much emphasis. Familial links with Virginia's elite gave one a tremendous initial advantage over competitors who lacked them, but by themselves they could not guarantee instant or lasting success. The potential of connections could be realized only when actively exploited. On the other hand, absence of connections did not automatically exclude one from the colony's governing class. Success was more difficult to achieve, but it was not out of reach, especially in the newer counties of the western Piedmont. Likewise, sons were not forced by Virginia society to accept the disgrace or failure of a father. Although past disgrace might cause some embarrassment, it was not an obstacle. Existing connections with the elite, then, were not crucial for success, but they could be very helpful when fully used, and a skeleton in the family closet was no barrier whether successfully hidden or slightly exposed. Individuals could succeed on their own merits.

The Nicholases, of course, were faced with both circumstances -- links to the Carters, Burwells, Pages and other families and the disgrace of their father's transportation. Taking advantage of the former, they never really suffered from the latter. This was borne out not only by

the success they enjoyed in their professions, but also by their marriages which were judged as strong ones by colonial standards. If their father's felony had been held against them, families such as the Frys, Carys, and Ruffins would not have been too willing to see their daughters marry one of the physician's sons.

Marriage arrangements were much more of a family affair than they are today. A suitor generally sought the permission of his future bride's family as well as her consent. Families which may have spent decades in building wealth and reputation were not about to let either be wasted by a bad match. When the proposed match received parental approval, the two fathers often corresponded to arrange the terms of the marriage contract, for a good marriage was an affair of the purse as well as of the heart. Governor Gooch's comment about his son's choice, "I liked the Girl's Family and Fortune," was typical. The girl's father was a prominent Maryland merchant, and she brought £6000 to the match. Such marriages were highly respected in Virginia and often received congratulatory notice in the Virginia Gazette. A couple could upset the expectations of their families and marry without approval, but the usual consequences of ill will and loss of fortune made it an uncommon occurrence.¹

¹Calhoun, A Social History of the American Family, I, 254-55, 262; Morgan, Virginians at Home, pp. 29-34; Andrew Karl Prinz, "Sir William Gooch in Virginia: The King's Good Servant," unpublished Ph.D. dissertation, Northwestern University, 1963, pp. 55-56; Bridenbaugh, Myths and Realities, pp. 11-12.

Records are so scanty that it is difficult to know which one of the three Nicholases married first and at what age. Two of them appear to have married twice, although even this is not certain. John Nicholas, the eldest brother, married Martha Fry, daughter of Col. Joshua Fry, in 1758 or 1759, but there are indications that he was already a widower. When the Rev. Thomas Dawson arranged to have his nephew serve an apprenticeship under Nicholas, he wrote in 1755 "Your B^r. Sist have been lately indisposed, but both they, & your little Daughter, are now very well" and in 1756 "Your Daughter & Friends are all well." Since the child could have been born no later than November 1754 when Mary Fry would only have been fourteen, the daughter must have been the result of an earlier union. Dawson's letters indicate that the girl was living in Williamsburg with the family of Robert Carter Nicholas, which leads to the plausible conclusion that John Nicholas was a widower who felt that his daughter could get better care in his brother's household.² These scraps of information yield no clue as to the identity or fate of John Nicholas' first wife.

John Nicholas' second match was typical of those engineered by Virginia's gentry who sought brides of name and fortune as well as compatibility. Martha Fry was the eldest daughter of his late friend and neighbor, Col. Joshua Fry. Fry had already made his mark in the Tidewater where he had served as master of the grammar school at William and

²Thomas Dawson to John Nicholas, July 24, 1755 and February 18, 17[56], Dawson Papers, LC; Philip Slaughter, Memoir of Col. Joshua Fry ([?] , 1880), p. 35.

Mary as early as 1729 and was elevated to the post of Professor of Mathematics in 1732. He was thus a member of the faculty which unanimously elected Dr. George Nicholas to represent the college before the House of Burgesses from 1730 to 1734. Having served as a vestryman and a justice of the peace in James City and Essex Counties, Fry further solidified his social standing when he married Mary Micou Hill, daughter of a prominent Huguenot physician and wealthy widow of Col. Leonard Hill. Although he could have settled to a life of ease and status in the older sections of the colony, Fry decided to build his fortune in the rolling hills of Albemarle County. When the county was first organized in 1745, Fry became county surveyor, presiding justice of the peace, and first lieutenant of the county militia with the rank of colonel, a string of offices which truly made him the "first citizen" of the new county. A partner to land grants totalling over 22,000 acres in Albemarle, he sold his interest in the Loyal Land Company to Dr. Thomas Walker. Fry collaborated with Peter Jefferson in drawing the boundary line of the Fairfax claims between the headsprings of the Rappahannock and Potomac Rivers in 1746, extending the boundary line between Virginia and North Carolina in 1749, and drafting their famous map of Virginia and Maryland in 1751. Elected as the first burgess from Albemarle in 1745, he was named chairman of the Committee on Public Claims in 1752. When conflict arose with the French over western lands, Fry was commissioned on March 15, 1754, as Colonel of the Virginia regiment sent to protect the colony's claim. A fall from his horse during the march caused his death on May 31 and gave

the command to a young planter from the Northern Neck named George Washington.³

Nicholas married Martha Fry around 1758 when she was eighteen. His age, thirty-three, reinforces the notion that he was taking a second wife. Though no copy of a marriage contract exists, Martha Fry had been willed almost 1,000 acres of Albemarle land by her father. One of these tracts contained a mine site, and she also owned rights to land patents taken out in her name by her father. Martha Fry's wealth was not stunning, but it was adequate to make her an attractive catch especially since she carried the name of one of the county's most illustrious citizens.⁴

Traces of the family of George Nicholas of Dinwiddie are difficult to find. Because of the destruction of Dinwiddie County records, only tantalizing and unconnected scraps of information about George Nicholas' life come to the surface. Like his brother John, he may have married twice. It is certain that he married Elizabeth Ruffin, daughter of John Ruffin of Mecklenburg County, but when the union occurred and how long Mrs. Nicholas lived are unknown. The Ruffins were a prominent family in Virginia's Southside counties whose best known descendant, Edmund Ruffin, later achieved fame as an agricultural reformer and southern

³George W. Frye, Colonel Joshua Fry of Virginia and Some of His Descendants and Allied Families (Cincinnati, 1906), pp. 1-44; Malone's introduction to Fry & Jefferson Map; Slaughter, Memoir of Col. Joshua Fry, pp. 16-24.

⁴Will of Joshua Fry, proved in court August 8, 1754, Albemarle County Will Book No. 2, microfilm, VSL; Virginia Land Patent Books, Book No. 34, p. 531; John Nicholas, Jr., The Statement and Substance of a Memorial, &c. of John Nicholas; Presented to the Virginia Legislature, 1819-20.... (Richmond, 1820), p. 1.

firebrand. This match gave Nicholas excellent connections in his adopted county, but since the Ruffins were not among the colony's wealthiest families, he probably added no great fortune to his estate.⁵

In 1753 a Virginia gentleman added a note of gossip to a letter when he wrote, "The Widow Taliaferro was married to Mr. George Nicholas last Sunday Night." This tidbit of information provides more questions than clues. Did Nicholas marry the widow before or after he wed Miss Ruffin? Just who was the Widow Taliaferro, and is the George Nicholas mentioned in the scanty postscript the son of Dr. Nicholas? Exhaustive digging among court records, magazine articles, and family genealogies has failed to answer these questions. The incident is interesting nonetheless. Most widows were not allowed to remain in their single state for very long. Not only was there still a shortage of prospective brides, but widows had certain advantages. If the first husband had been a good manager, her original dowry would still be intact, and she might also hold a good portion of her first husband's estate for use for life if not by title. Dr. George Nicholas was only following a time-honored Virginia custom when he took a widow as his wife, and it was not unnatural at all that one of his sons would also recognize the benefits of such a match. Besides, the Taliaferro name, a widespread and respected one in

⁵Wills of John Ruffin, Jr. and John Ruffin, Sr., Mecklenburg County Will Book No. 1, pp. 198-200, 250-51, microfilm, V3L; Tyler's Quarterly Historical and Genealogical Magazine, XXIII (October, 1941), 134.

the colony, could be expected to bring a man good political and social connections. If George Nicholas of Dinwiddie did marry the widow, his choice would have been deemed a good one.⁶

Colonial Virginians applauded good matches, and of the three brothers, Robert Carter Nicholas undoubtedly earned the highest accolades for his choice. A man's attention to the colony's eligible females were so closely followed and reported by both men and women that courting among the elite almost assumed the status of a spectator sport. Even letters of some of Virginia's most respected leaders contained gossip of courtships and marriages, and the Virginia Gazette was always prepared to announce triumphantly the winner of a particularly good prize.⁷

Robert Carter Nicholas' pursuit of Anne Cary was followed by at least one prominent Virginian. In September 1750 the Rev. Thomas Dawson told his good friend Mrs. Rebecca Staunton, "The President [sixty-year-old Thomas Lee] is laid out for the Widow Lightfoot, but I believe he has made no advances. M^r. King, it is said, is vastly in Love with Miss Molly Cary, and Rob^t. Nicholas (your Godson) is supposed to be engaged to

⁶Philip Ludwell to Henry Lee, January 23, 1753, in Archibald Bolling Shepperson, John Paradise and Lucy Ludwell of London and Williamsburg (Richmond, 1942), p. 23; Calhoun, A Social History of the American Family, I, 248; Morgan, Virginians at Home, pp. 44, 47.

⁷For example, see Ludwell letter cited above; Thomas Jefferson to William Short, February 9 and December 14, 1789, Boyd Papers, XIV, 529-31, XVI, 24-28; Virginia Gazette, December 30, 1737.

Miss Nancy Cary." Thomas Lee never won the Widow Lightfoot, for he died a month after this letter was penned, and Mr. King lost his choice to Edward Ambler of Jamestown. But Nicholas triumphed in his quest of Anne Cary, sixteen-year-old daughter of Col. Wilson Cary of Richneck and Ceelys.⁸

The Carys had been an important Tidewater family since the mid-seventeenth century. Following the Virginia pattern of acquiring large land grants and making strategic marriages, the Carys were a very wealthy family by the early years of the next century. Anne Cary's father, Wilson Cary, attended William and Mary College and in 1721 entered Trinity College, Cambridge, where Dr. Nicholas and John Carter had studied before him. After his return from England, Cary established a library at his plantation Richneck which achieved some distinction in Virginia. Securing the post of Naval Officer and Collector of Duties for the Lower James River District in 1726, he also served as a justice of the peace in Warwick and Elizabeth City Counties. Taking his expected place in the Elizabeth City County militia, he became county lieutenant of the unit in 1751 with the rank of colonel. His marriage to Sarah Pate produced only one son out of five children, but achieved the object of all Virginia fathers by seeing that his progeny married well. Two of his daughters married into the Fairfax family, another wed Edward Ambler, and his son, Wilson-Miles Cary, won Sarah Blair, daughter of John Blair, Councilor and acting

⁸Thomas Dawson to Mrs. [Rebecca] Staunton, September 4, 1750, Dawson Papers, LC; Morton, Colonial Virginia, II, 597-98.

governor in 1757 and 1758. For Nicholas to have received permission to marry Cary's daughter Anne, he must have been seen as a proper young man of a good background and a promising future. The ignominy of Dr. Nicholas' transportation did not intrude.⁹

The young couple were married sometime during 1751 when Anne Cary was sixteen and Nicholas was twenty-two. These ages were typical for a Virginian's first marriage. A single woman over twenty was considered a "stale maid" wrote one observer, and another added, "that great curiosity, an Old Maid, is seldom seen in this country. They generally marry before they are twenty-two, often before they are sixteen." The marrying age for a young man was greater because he had to show his ability to function independently, accept his place among the ruling gentry, and support a family. When Robert Carter Nicholas took his bride, he was already a practicing lawyer and either an alderman or common councilman for the city of Williamsburg. The Carys had plenty of opportunity to watch the young man in action. Wilson Cary was a justice of the Warwick court before which Nicholas practiced, and Miles Cary, Anne Cary's uncle, was a respected lawyer who rode the same circuit as the young Williamsburg attorney. Thus, they could easily judge his worth and potential as a prospective member of the family.¹⁰

⁹Fairfax Harrison, The Virginia Carys: An Essay in Genealogy (New York, 1919), 108; Wilson Miles Cary, "Wilson Cary of Ceelys and His Family," VMHB, IX (July, 1901), 104-111; Morton, Colonial Virginia, II, 601.

¹⁰Calhoun, A Social History of the American People, I, 245; Bridenbaugh, Myths and Realities, p. 20; Leola O. Walker, "Officials in the City Government of Colonial Williamsburg," VMHB, LXXV (January, 1967), 48; Hemphill, "George Wythe," p. 56.

Anne Cary would have been considered a good catch by many young Virginian males. She was of a wealthy, respected family whose members held the key to many colonial appointments. Described as "small in person, very energetic in character," she seems to have been better educated than many of her female contemporaries. Her sister, Sally Cary Fairfax, once wrote how welcome her letters were. Not only was the sister entertained by the verse and prose in the letters, she often read them to her British friends because "I can't deny myself the pleasure of hearing the Gent:men express surprise, and say did an American, and a Lady write this. I never saw a better stile or [illegible] Pen'd."¹¹

Just what dowery Anne Cary brought to the marriage is uncertain, but chances are good that it was more than Nicholas' two older brothers had gained in their matches. The Carys were wealthier than the Frys or Ruffins, and Wilson Cary's holdings extended into six different Tidewater counties. As Anne Cary's husband, Robert Carter Nicholas had a legal right to use of her real property and outright possession of her personal property. Because of the importance placed on even distant family ties, a well-connected lady could occasionally expect to benefit from legacies and gifts of relatives, but these too would pass into the control of her husband. Nicholas lost little time in benefitting from

¹¹Description of Anne Cary Nicholas in Wilson Miles Cary Mss., UVA; Sally Cary Fairfax to [Anne Cary Nicholas], September 4, 1775, Public Records Office, Colonial Office, C.O. 5/40, Original Correspondence - Secretary of State: 1770-1782, Intercepted Letters to and from American Colonists (copy on microfilm, Virginia Colonial Records Project, UVA).

these matrimonial rights. In her will, Mrs. Anne Whiting had left the children of Wilson Cary shares in a capital fund of £9800 managed by William Prentis, a merchant in Williamsburg, and his partners. Anne Cary's portion was a one-twenty-fourth share, and in 1751, soon after their marriage, Nicholas signed an agreement with Prentis to surrender his wife's share for £480.6.8. In 1756 her uncle Miles Cary left her the small sum of £30 in his will, but this too would actually be controlled by her husband. Clearly, Nicholas reaped financial rewards from the marriage other than the dowry.¹²

All three Nicholas brothers, then, achieved matches that enhanced their standing among Virginia's gentry. Accepted by some of the colony's leading families, they were not harmed by their father's past. Able to benefit from their own merits as well as ties with families such as the Carters, all three were dubbed as successes in their professions and marriages by their contemporaries.

Another indication of the Nicholas' acceptance by Virginia's gentry was their role in local leadership. With the exception of a few offices, such as clerk of the county court or county surveyor, local appointments were controlled by members of the leading families of each

¹²Agreement of Robert Carter Nicholas and William Prentis, 1751, William Prentis Papers, UVA; Morgan, Virginians At Home, p. 44; Copy of Will of Miles Cary, Proved in Court, September 8, 1756, Wilson Miles Cary Family Mss., microfilm, UVA; Lescure, "The Early Political Career of Robert Carter Nicholas," p. 7.

county who were themselves officeholders. Service on the parish vestry or county court was at once a verdict and a trial. Not only was it a sign that one had earned a position of responsibility, it also served as a proving ground for a young man to so impress the local gentry that they would sponsor him for higher offices on the colony level.¹³

Many young Virginians began their political career by serving on a parish vestry. Upon the formation of a parish, the original vestry of twelve was chosen by the parish freeholders and householders, but from that moment on, all new members were chosen by the vestry itself. Thus it became a self-perpetuating body of "men who were correct in politics as well as in religion, and who were substantial owners of both lands and slaves." Although they were created as governing bodies for the local churches, vestries also assumed many civil functions. They managed church property through their two annually-elected churchwardens, provided for the parish poor, made presentments to the Grand Jury for morals offenses, levied the parish taxes to finance their activities, oversaw the processioning or quadrennial renewing of boundaries of lands in the parish, and appointed the minister and other church officials. The expenses of these numerous activities frequently caused the budgets of vestries to exceed those of the county courts.¹⁴

¹³Sydnor, Gentleman Freeholders, pp. 100-101.

¹⁴Ibid., pp. 83-84; Morton, Colonial Virginia, II, 466-67; Mays, Edmund Pendleton, I, 18-19.

Because vestry activities and parish levies touched virtually everyone in the parish, the twelve men who sat on the body could wield quite a local clout. A man could serve on the vestry from motives of social duty, local power, or political advancement as well as the wish to advance the doctrines and fortunes of the established church. That the former considerations often operated in the absence of the latter is demonstrated by the service on vestries of Virginians who were not known for their love of Anglican preachments.¹⁵

Whatever the motivations of the Nicholases, all three accepted positions in vestries. Dr. Nicholas had served as a vestryman in Bruton Parish during his Williamsburg residence, and his youngest son, Robert Carter Nicholas, followed his example on October 18, 1754 when he and Thomas Everand "took the usual Oaths to his Majestys Person and Government and the abjuration Oath and Subscribed the last mentioned Oath and repeated and Subscribed the Test" before the York County court. Although scanty records are not conclusive, Nicholas probably served on the body until his death because the appointment was virtually permanent if one wished to retain his seat and because his interest in and involvement with the established church remained a consistent theme throughout his life.¹⁶

¹⁵E.g., George Washington who was a vestryman in Truro Parish in Fairfax County and Thomas Jefferson who briefly appears in the vestry book for St. Anne's Parish in Albemarle.

¹⁶York County Judgements and Orders, Book No. 2, 1752-1754, p. 493, photostat, VSL; Meade, Old Churches, I, 179, 183.

Six years later, on December 6, 1760, George Nicholas was sworn in as a vestryman for Bristol Parish located in the Southside area near Petersburg. As county clerk, Nicholas had long received yearly fees from the vestry for drawing up lists of tithables. Taking his position very seriously, Nicholas proved to be a conscientious vestryman who rarely missed the meetings held twice a month. From 1768 until his death three years later, he served as one of the two churchwardens of the parish and thus was responsible for executing the decisions of the vestry. In October 1770, for example, he placed an advertisement in the Virginia Gazette to sell some of the church's glebe lands in Prince George County. The close connections of a parish's leading families and their control over the vestry is well illustrated by the vestrymen of Bristol Parish. Nicholas' brother-in-law, John Ruffin, joined the body in 1765. His future son-in-law, Robert Skipwith, was added to the vestry in 1774 following the 1763 appointment of his kinsman, William Skipwith. These families were joined on the body by Atkinsons, Joneses, and Bollings who were also frequently connected by marriages.¹⁷

John Nicholas also served as a vestryman. When Albemarle County was formed in 1744, St. Anne's Parish was created within the same approximate bounds. No parish records prior to 1772 are extant, but it is most likely that John Nicholas sat on its vestry as one of the county's

¹⁷Chamberlayne, The Vestry Book and Register of Bristol Parish, pp. 163, 167, 175, 180, 216, 223-24; Slaughter, A History of Bristol Parish, p. 123; Purdie and Dixon's Virginia Gazette, October 18, 1770.

leading citizens. In 1761 Buckingham County was carved from Albemarle lands on the south side of the James, and a new parish, Tillotson, was simultaneously created for the same area. Existing records reveal that Nicholas served the new parish as a vestryman from 1774 to 1785, but he probably held a seat on the vestry both before and after those dates. Like his brother George, John Nicholas was paid in tobacco for delivering lists of tithables to the parish vestry. Churchwarden positions were generally rotated among the vestrymen, and Nicholas took his turn for Tillotson Parish in 1776.¹⁸

The Nicholas brothers were also active on county courts or municipal governing bodies. The county courts, composed of a number of justices of the peace, controlled all facets of local government which the vestries did not so that in effect these two bodies were the center of local power. Since vestrymen and justices of the peace were very often the same men or at least from the same families, the two bodies were not competitors for authority but allies. Each court was composed of eleven to thirty-six justices, although only four were required to carry on business. New justices were added to the court by the governor's commission, but traditionally the governor accepted the courts' recommendations. Seldom did a man become a justice of the peace without being

¹⁸Vestry Book of St. Anne's Parish, Albemarle County, 1772-1785, photostat, VSL; Tillotson Parish, Buckingham County, Records, 1774-1785, photostat, VSL; Dabney, "Jefferson's Albemarle," pp. 162-64.

acceptable to the local gentry, but once on the court, he enjoyed virtually permanent tenure as long as he wished to serve. Subject to neither popular nor central control, the justices embraced judicial, legislative, and executive duties. They served as criminal and civil courts, controlled county tax collections, maintained roads and waterways, issued licenses for taverns and ordinaries, and controlled appointments to most county offices. Courts often granted these offices to their own members, and justices could expect to serve as sheriff, tobacco inspectors, or militia officers. Because the chief criterion for being named a justice was membership among the county's elite rather than judicial knowledge, the law provided that at least one of the justices sitting in every court session had to have legal training or experience. Other members of the court relied upon these trained justices when tricky legal problems arose. With their legal background, both John and Robert Carter Nicholas were undoubtedly designated as one of these "justices of the Quorum."¹⁹

John Nicholas began his career as a justice rather late in his public career. Typically, a political career in colonial Virginia began on the local level followed by a seat in the House of Burgesses and perhaps an important government post such as a collector of customs. Nicholas reversed the process by becoming a justice of the peace in

¹⁹This brief section on the county courts is based upon the excellent discussion contained in Chapter 6 of Sydnor's Gentlemen Freeholders and Chapter 4 of May's first volume of Edmund Pendleton.

March 1772, fifteen years after a brief two-year sojourn in the House in 1757 and 1758. Ineligible to serve on the Albemarle court due to his clerk's office, he served in Buckingham County where most of his prime lands lay. Because of the destruction of Buckingham County records, it is impossible to know just how active Nicholas was in his new post. Along with justice Charles May, he issued on May 18, 1773, a proclamation outlawing a Negro slave named Tom for murder, theft of firearms, and running away from his master. The two justices empowered the sheriff to use whatever means necessary to capture the fugitive, adding that if he resisted capture "then any Person whatsoever may lawfully kill and distroy him without being liable to any Penalty for so doing." When Tom was found dead, a coroner's jury ruled suicide, and the Buckingham Court awarded his owner £85 for death of a slave attributed to public outlawry. Nicholas resigned his post by December 1777, but he lived to see two of his sons nominated to the same court.²⁰

Unlike his brothers, Robert Carter Nicholas remained a town dweller for most of his life, which meant that his initiation into local government had a different twist from that experienced by most Virginians. Williamsburg's charter of 1722 provided for a municipal government that

²⁰VMHB, XVIII (April, 1910), 279-81; Executive Journals of the Council of Colonial Virginia, VI, 449; Legislative Journals of the Council of Colonial Virginia, ed. by H.R. McIlwaine (3 vols.; Richmond, 1918-1919), III, 1170; Calendar of Virginia State Papers and Other Manuscripts Preserved in the Capital at Richmond, ed. by William P. Palmer and others (11 vols.; Richmond, 1875-1893), VI, 439-41; Edward Ingle, Justices of the Peace of Colonial Virginia, 1757-1775, Bulletin of the Virginia State Library, Vol. XIV (Richmond, 1922), pp. 113, 127.

was just as closed to popular control as the county governments. At the bottom of the hierarchy was a Common Council of twelve who probably served as the local legislative body. Acting in an executive and legislative capacity were the six aldermen (one of whom served as mayor) and the recorder, an officer knowledgeable in the law. The aldermen, mayor, and recorder served as municipal justices of the peace at a monthly Hustings Court. After the initial appointments in 1722, all vacancies were filled by election of the Common Hall, a combination of Common Councilmen, mayor, aldermen, and recorder. By tradition, aldermen had once served on the council. Nicholas' name first appears in the existing records on June 4, 1750. He probably took his oath then as an alderman because council vacancies were filled every November 30, while new positions among the aldermen were filled within a month of a vacancy. It is significant that Nicholas took his first public office less than a month after he qualified to practice law. Although it is not certain how long Nicholas served the Williamsburg government, he could be assured of a lengthy term if he desired. Only death, retirement, or a move out of Williamsburg would necessitate his removal. By 1767 he was also serving as a justice of the peace in James City County, a position he held at least five years.²¹

Experience on the various bodies of local government gave the

²¹Leola O. Walker, "Officials in the City Government of Colonial Williamsburg," VMHB, LXXV (January, 1967), pp. 35-51; Ingle, Justices of the Peace, pp. 72, 88, 117.

Nicholases a thorough knowledge of local politics and colonial justice. When two of the brothers moved up to positions of colony leadership, they were not political novices. John Nicholas had years of experience with the county courts as a clerk, while Robert Carter Nicholas could claim time as a vestryman and a city official in Williamsburg. When they stepped into the halls of the House of Burgesses, it was with strides of self-assurance and political knowledge rather than with the faltering gait of a tyro.

Dr. George Nicholas had established a precedent for his descendants when he assumed his seat in the House of Burgesses as a delegate for the College of William and Mary in 1730. During the next eighty years, two of his sons, four of his grandsons, and one great-grandson saw duty in the House of Burgesses or the post-revolutionary House of Delegates.

The first to follow the doctor were his two sons, John and Robert, both elected to the House of Burgesses for the session beginning in March 1756. As a representative of the western piedmont county of Albemarle, John Nicholas faced a long journey to the colonial capital. When he reached Williamsburg, he no doubt stayed at the home of his brother Robert who had just been elected to represent York County and faced no travel at all.²²

²²William G. Stanard and Mary Newton Stanard, The Colonial Virginia Register (Baltimore, 1965), pp. 140, 142, 144, 145; Edgar Woods, History of Albemarle County Virginia (Charlottesville, 1901), p. 384.

Early in the morning of March 25, the two brothers probably left Robert's comfortable home adjacent to the Governor's Palace on the Palace Green and rode down the Duke of Gloucester Street to the Capital for the ceremonious opening of another General Assembly. They did not enter the halls as strangers, for close relatives and friends were all about them. The first stage of the ceremony called for the Burgesses and Councilors to meet in the crowded Council chamber to take the oaths of supremacy and allegiance and subscribe to the Test Oath. As the Nicholas glanced around the room perhaps they nodded politely to the Councilors they knew -- John Blair, whose daughter Sarah had married Robert's brother-in-law Wilson Miles Cary; William Nelson who had wed the Nicholases' half-sister Elizabeth Burwell; Thomas Nelson, the Secretary of State for the colony, who had signed John Nicholas' clerks' commissions; and the Rev. Thomas Dawson, who had sent his nephew to John Nicholas for training.²³

After taking their oaths, the Burgesses returned to their own meeting room in the opposite wing of the Capitol to await the Governor's command that he wished to see them in the Council chamber. Squeezing into the small room for the second time, the Burgesses listened quietly as the Governor issued his single sentence instructing them to return to

²³Mary A. Stephenson, "Carter-Saunders House, Block 30," unpublished research report prepared for the Architectural Department of Colonial Williamsburg, 1956; Lucille Griffith, The Virginia House of Burgesses, 1750-1774 (revised edition; University of Alabama Press, 1970), pp. 3-4; Sydnor, Gentlemen Freeholders, p. 21; Stanard, The Colonial Virginia Register, pp. 47-49.

their chamber to choose a Speaker. Upon returning to the Burgesses meeting room, the Nicholases noted that it was their uncle, Landon Carter of "Sabine Hall," who nominated John Robinson to the position. This too was a mere formality. Robinson had been Speaker of the House of Burgesses since 1738 and was destined to serve until his death in 1765. Among the Burgesses who voted unanimously for Robinson's selection were many other Nicholas relatives and friends -- first cousins Benjamin Harrison of Charles City County, John Page from Gloucester, and Charles Carter, Jr. of King George; their half-brother Robert Burwell representing Isle of Wight County; uncle Charles Carter of "Cleve" in King George; Robert's brother-in-law George William Fairfax representing the county which carried his family's name; John Chiswell, son of their father's former iron works partner; and Benjamin Waller, the clerk of the General Court who had most likely supervised John Nicholas' training as a clerk. After Robinson's election, the Burgesses trooped to the Council chamber for the third time that morning to present their Speaker who, in turn, petitioned the Governor to protect the Burgesses rights and privileges. After promising to do so, Governor Dinwiddie delivered his prepared address containing his suggestions for the legislative program. Only after the Burgesses returned once more to their chamber and had appointed a six-man committee to draft a response did opening-day ceremonies come to an end.²⁴

²⁴Griffith, The Virginia House of Burgesses, pp. 4-5; Sydnor, Gentlemen Freeholders, pp. 21-22; Stanard, The Colonial Virginia Register, pp. 140-142.

The Nicholases had chosen an interesting period to pass their initiation into the House of Burgesses. The colony was in the midst of the French-Indian War, and Governor Dinwiddie was pressing the House to provide troops and supplies for the British effort to oust the French from North America. His dissolution of the last General Assembly for not following his view of how best to accomplish the task had allowed the Nicholases to offer their names in the ensuing elections. Normally, the second day of a legislative session was devoted to filling the ranks of the five standing House committees and the creation of necessary temporary committees. But due to the tension between the Governor and the Burgesses and because the session would be primarily concerned with war measures, only the powerful standing Committee of Privileges and Elections was appointed in addition to the temporary ones. This committee was charged not only with the duty of supervising elections of Burgesses but also with protecting the rights of the members from other governing authorities including the Governor. Because of the dispute with Dinwiddie, older and experienced Burgesses staffed the committee to face his challenge, and no room was made for neophyte Burgesses such as the Nicholases. However, with the start of the April 1757 session, Robert Carter Nicholas was placed on this committee as well as the Committee of Propositions and Grievances.²⁵

²⁵Morton, Colonial Virginia, II, 681-85; Sydnor, Gentlemen Freeholders, pp. 22-23; Lescure, "The Early Political Career of Robert Carter Nicholas," pp. 15-16.

Both of the new legislators saw duty on the temporary committees of the 1756-1758 General Assembly. Robert was placed on a committee to make contracts with shippers to transport to Britain the "neutral French" who had come to Virginia from Nova Scotia. He also joined a committee authorized to disburse £25,000 for the raising and maintaining of militia to protect Virginia's frontier. The House passed a bill in May 1757 to divide Albemarle County and St. Anne's Parish and chose John Nicholas to present the bill to the Council for its approval. However, the Council rejected the bill and Albemarle County had to wait until 1761 for its division.²⁶

Even a cursory glance at the House records reveals the curious fact that Robert Carter Nicholas was a much more active Burgess than his older brother John. His name continually appears among committee lists while that of his brother is seldom seen. Just why this is so is a mystery. Perhaps the leaders of the House had already selected Robert Carter Nicholas as a candidate for careful grooming to join their ranks. He had shown much promise in his local career, and his residence in Williamsburg gave him an additional qualification. Most of the House officials and leaders lived in or close to the capital. At any rate, the General Assembly gave John Nicholas his last assignment in September 1758 when he, William Cabell, Jr., and Samuel Jordan were appointed commissioners to settle militia accounts and determine the amount of damages done by Cherokee Indian allies. Allen Howard, whose seat Nicholas

²⁶Hening's Statutes, VII, 9-25, 39-40; Legislative Journal of the Council, III, 1170.

had won in 1756, was re-elected in 1758, and he immediately voiced his objections to the Assembly's squandering money by paying these commissioners £40 per day. More than likely he was disgruntled at not being named to the group.²⁷

John Nicholas could truly have been called a war-time Burgess. After his initial term in 1756-1758, he did not return to the House until 1775 when the rumblings of revolution were about to become a roar. This time he represented Buckingham County, the seat of his Seven Islands plantation. During this period of transition from colonial subservience to home rule, he was also chosen to represent Buckingham at the revolutionary conventions of March and July 1775. Perhaps recollecting his services seventeen years earlier, he was appointed one of the five commissioners to settle accounts of the militia from Fincastle, Botetourt, Culpeper, Pittsylvania, Halifax, Bedford, and Augusta Counties who had served in the 1774 expedition against the Shawnees known as Dunmore's War. The July Convention had divided Virginia into sixteen districts for defense and protection and had appointed deputies to organize a battalion of "Minute Men" in each district. Nicholas was appointed to the district composed of Buckingham, Amherst, Albemarle, and Augusta Counties, and when the twelve deputies met in Amherst on September 8, he was chosen chairman of the meeting. When officers of the unit were chosen the next day, his seventeen-year-old son John Nicholas, Jr. was

²⁷Hening's Statutes, VII, 232-234; Griffith, The Virginia House of Burgesses, p. 111; Alexander Brown, The Cabells and Their Kin (Boston, 1845), p. 78.

commissioned a captain. Whether by his own choice or failure of re-election, Nicholas was not in the Convention when it reconvened in December. With only two short stints in the Assembly, he never became anything but a local leader, and he seemed perfectly content with that limited role.²⁸

Such was not the case with his younger brother. Except for a four year period from 1761 to 1765, Robert Carter Nicholas served in Virginia's lower house until the end of 1777 when he was elevated to the new High Court of Chancery. During his first term from 1756 to 1761, Nicholas pursued his duties with a determination that must have impressed the leaders of the House. His placement on many temporary committees reveal the leaders' knowledge that the young Burgess from York was capable and ambitious, for the older men were always prepared to reward these virtues with increasing responsibilities. One of the primary issues facing the Assembly during these war years was the raising of money for troops and supplies. In the spring of 1756, the Assembly passed two bills appropriating £55,000 for the war effort to be raised by new taxes over a three year period. Because the collection would

²⁸Stanard, The Colonial Virginia Register, pp. 198, 201, 203; Purdie and Dixon's Virginia Gazette, August 4, 1774; Legislative Journals of the Council, III, 1589; Henning's Statutes, IX, 61-62; "A List of Deputies from the Counties of Buckingham, Amherst, Albemarle, and Augusta, Appointed to Meet in the District of Buckingham, &c.," Collections of the Virginia Historical Society (New Series), VI (1887), 110-113; Brown, The Cabells, pp. 147-48.

not begin until 1758 and because the Treasury was low in funds, the Treasurer was empowered to issue paper notes which would eventually be based upon the collected taxes. Nicholas was placed on the committees which drafted these bills and allotted the funds. To complete his involvement with this episode, Nicholas and Attorney-General Peyton Randolph joined Speaker-Treasurer John Robinson as signers of the new notes. Nicholas and Randolph were chosen not only because of their honest reputations but also because both were Williamsburg dwellers who could accept the task with little inconvenience. Each received £50 for this handwriting assignment. For the first time Nicholas got his feet wet in the murky waters of colonial finances.²⁹

Throughout the remainder of his first stint in the House, Nicholas was constantly on committees dealing with war financing and taxes. Whenever a new issue of paper money was voted, Nicholas and Randolph were authorized to sign the notes. Since the amount of notes increased every year, a committee was established to examine the returned notes twice a year, and burn all those due on or before March 1765. Once again Nicholas was among the committeemen given the task.³⁰

Although Nicholas lost his seat to Thomas Nelson, Jr., in the

²⁹Hening's Statutes, VII, 9-25, 69-87; Lescure, "The Early Political Career of Robert Carter Nicholas," pp. 17-18; Morton, Colonial Virginia, II, 684-86.

³⁰Lescure, "The Early Political Career of Robert Carter Nicholas," pp. 21-24.

1761 elections, he remained a working member of the House of Burgesses through his membership on the newly created Committee of Correspondence. A 1759 act of the Assembly named Edward Montague of the Middle Temple in London as agent for the colony at a salary of £500 per year. Acting as a colonial lobbyist, Montague was to represent Virginia's interests before the Board of Trade and the Privy Council. His instructions would be drawn up by a Virginia committee composed of four Councilors and eight Burgesses. The committeemen were appointed to seven year terms whether they retained their Assembly seats or not. This provision allowed Nicholas to remain in the thick of all the developing controversies despite the loss of his House seat.³¹

The members of the committee shared three characteristics: they were either established or rising leaders in Virginia politics; they were related by blood, friendship, or business; and most were residents of the capital or lived close by. William Nelson, Thomas Nelson, Philip Grymes, and Peter Randolph represented the Council, while the Burgesses sent John Robinson, Peyton Randolph, Charles Carter, Landon Carter, Richard Bland, Benjamin Waller, George Wythe, and Nicholas. Waller, Sythe, Peyton Randolph, and Nicholas all lived in Williamsburg while the two Nelsons lived only a few miles away in Yorktown. The ties of Nicholas to the Carters and Nelsons have already been detailed, and a close look at the other members' families would reveal a fantastic web of connection. Also, Wythe and Nicholas were in the midst of their legal

³¹Hening's Statutes, VII, 276-77.

cooperation. Whether these familial, social, and economic ties aided an atmosphere of unanimity or not, all the gentlemen were working in a familiar setting with men they knew very well.³²

The committee was continued for five more years in 1765, but by then, the personnel had changed slightly. Replacing Grymes and Randolph from the Council were John Blair and yet another Carter -- Robert Carter of "Nomini Hall". Charles Carter of "Cleve" had died since his original appointment, but ties of kinship were not weakened, for his replacement was Lewis Burwell. Of the new appointees, only Dudley Digges was not related to Nicholas in some way. Nicholas proved to be an indefatigable worker on the committee. He rarely missed meetings, and he co-authored statements of the colony's position on some of the most crucial issues of the day, such as the Stamp Act. The Burgesses decided not to renew the services of the colony's agent and the Committee of Correspondence in 1772, but by then Nicholas held an undisputed leadership among Virginia's more cautious revolutionaries.³³

Nicholas returned to the House of Burgesses in the fall of 1765, joining his kinsman Lewis Burwell as a representative of James City County. Almost immediately he resumed his work on important committees. The stature of a Burgess could be determined by the number of standing committees on which he served. More important Burgesses were placed on

³²Ibid.

³³Hening's Statutes, VIII, 113; "Virginia Legislative Documents," VMHB, IX (April, 1902), 364; Lescure, "The Early Political Career of Robert Carter Nicholas," pp. 31-32, 38.

as many as three of the standing committees, while the strongest leaders of the House would chair one as well. In 1769 Nicholas was appointed first chairman of the permanent Committee on Religion during a time when he was already serving on four other standing committees. In addition to this load, he chaired a number of special committees. Thus, by the decade of the 1770's, Nicholas was one of the most powerful leaders in the House of Burgesses, second in importance only to Speaker Peyton Randolph.³⁴

One great cause of Nicholas' influence was his position as Treasurer of Virginia, a post he had held since 1766 when he replaced John Robinson. Robinson had combined the posts of Speaker of the House of Burgesses and Treasurer of the colony since 1738, and his dual positions gave him a dominant role in Virginia politics for almost thirty years. Robinson used his office to advance his friends' interests, and as early as 1758 there were rumors of irregularities in the Treasury accounts. Despite British pressure on Governor Fauquier to separate the two offices and easily blunted moves in the House of Burgesses for an investigation, Robinson held both posts until his death on May 11, 1766. Then the scandal exploded. Instead of retiring, or burning on schedule, paper money issued during the French-Indian War, Robinson had loaned the money to an astonishing number of Virginians including many friends from among the colony's most eminent families. Although the full extent of

³⁴Stanard, The Colonial Virginia Register, pp. 170-72; Sydnor, Gentlemen Freeholders, pp. 88-90.

the affair was not immediately realized, careful audits later revealed over £100,000 had been illegally loaned from the Treasury.³⁵

Candidates for succession to Robinson's offices were not lacking in number. Richard Henry Lee and Richard Bland were desirous of obtaining the Speaker's chair, while Peyton Randolph, the successful candidate, wanted to assume the Treasurer's office as well, just as Robinson had done. Nicholas was the only candidate interested solely in the Treasurer's post. On the day of Robinson's death, Fauquier wrote the Board of Trade that he planned to appoint James Cocke, the Treasurer's clerk, interim Treasurer until the General Assembly could meet to choose Robinson's successor. But during the next ten days, the Governor was solicited by Nicholas' friends and by Nicholas himself to grant the temporary appointment to the Williamsburg attorney. Fauquier yielded to the pressure, writing the Board of Trade on May 22, "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 day before Nicholas had already announced his appointment in the Virginia Gazette, promising to do equal justice to his country and and the memory of his honorable predecessor.³⁶

The identity of Nicholas' friends in this issue is an interesting

³⁵Joseph Albert Ernst, "The Robinson Scandal Redivivus: Money, Debts, and Politics in Revolutionary Virginia," VMHB, LXXVII (April, 1969), 148-49; Mays, Edmund Pendleton, I, 174-75, 358-83.

³⁶Ernst, "The Robinson Scandal Redivivus," pp. 156-58; Lescure, "The Early Political Career of Robert Carter Nicholas," p. 51; Rind's Virginia Gazette, May 30, 1766.

if perplexing question. One Virginian who distrusted Nicholas' motives in seeking the office averred that Nicholas had used "the favourable light he stood in with the Governour and Council" to obtain the interim appointment. This was only partially correct. Fauquier wanted both jobs to go to Peyton Randolph, but he accepted the Council's advice to grant the Treasury post to Nicholas until the Assembly meeting. A recent study has concluded that Nicholas' chief backers on the Council were motivated by opposition to paper money and the Robinson faction which had engineered the currency issues of the post war years. However, that opposition was just one of the motives to back Nicholas. It is true that with one exception Council members had not sought or benefitted from Robinson's largesse to any great degree. This may have been due to a distaste for paper money, but it could also have been caused by lack of need for loans. However, in an age when factions were built as much around blood as principle, it is interesting to note that five of the twelve Councilors were related to Nicholas in some way. They included his half-brother Robert Carter Burwell (also the Nelsons' brother-in-law), his cousin Robert Carter of "Nomini Hall," his brother-in-law William Nelson, Nelson's brother Thomas, and John Blair, whose daughter had married Nicholas' brother-in-law, Wilson Miles Cary. Although family ties never automatically denote cooperation, they formed a stronger bond in colonial Virginia than today. As one correspondent wrote, "you must well know the family connections in this Colony are so numerous that if a Person offends one they don't know where it may stop."

When one adds these Councilors to those who were opposed to the union of the offices of Speaker and Treasurer and to their passing into the hands of Robinson's followers, it is easy to see why Nicholas had powerful support from the Council.³⁷

If Nicholas wanted the Treasurer's job permanently, he had to win approval of the House of Burgesses, where the question of "friends" was even more complicated. When Fauquier notified the Board of Trade of Nicholas' interim appointment, he added, "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." Clearly many of these numerous friends would have to come from the House, yet Nicholas' support from that body was an unknown factor. In a letter to the Virginia Gazette, "Philautos" asserted that Nicholas was really after the lucrative income from the Treasurer's office, but since he could not muster sufficient strength in the House to capture both posts, he decided to push for separation in hopes of getting the one. Nicholas could still claim numerous rela-

³⁷Purdie and Dixon's Virginia Gazette, July 25, 1766; William Reynolds to George Flowerdew Norton, May 25, 1775, in Samuel M. Rosenblatt, "The Significance of Credit in the Tobacco Consignment Trade: A Study of John Norton & Sons, 1768-1775," WMQ (3rd series), XIX (July, 1962), 384-85; Ernst, "The Robinson Scandal Redivivus," pp. 158-59;

Shepperson, John Paradise and Lucy Ludwell, pp. 34, 37, and Stanard, The Colonial Virginia Register, p. 49. Of the Robinson debtors on the Council, William Byrd III, owed £1491.19.3, Peter Randolph owed £325.17.7, Robert Carter Burwell owed £250.6.1, and Richard Corbin owed only £28.18.2. Thus only one of the Council members was among the large debtors. Mays, Edmund Pendleton, I, 353-69.

tives in the House, but several were among the largest debtors in the Robinson affair, and it was not to their interest to split the offices or see them escape the control of Robinson's friends. On top of this, his uncle Landon Carter, who held a seat in the House for Richmond County, publicly though anonymously attacked Nicholas' drive to separate the two offices in the Virginia Gazette. However, if the House of Burgesses overruled his wishes and voted for separation, Carter promised his nephew that "I shall then vote for your continuance in the office separated, but with extreme concern for my dear country, which I am sensible must feel some dire effect from that separation, sooner or later: Because I see a power somewhere too apt to be abused, and fond of extending the right to lucrative employments." Nicholas claimed that he had not sought the power of "private connexions" in his pursuit of the post, and as far as the House was concerned, he was probably right.³⁸

All his actions show that Nicholas actively sought the Treasurer's post. Not only did he make his request for the interim appointment directly to the Governor, he also admitted in the Virginia Gazette that he was not without "some hopes of being continued in office" permanently. To give these hopes a good chance of success, Nicholas immediately

³⁸Lescure, "The Early Political Career of Robert Carter Nicholas," p. 51; Purdie and Dixon's Virginia Gazette, June 27, July 25, and August 1, 1766. Three of his cousins owed huge debts to the Treasury. Lewis Burwell owed £6274.11.6, Carter Braxton was indebted for £3848.4.2, and Charles Carter's debt amounted to £3834.16.2. Mays, Edmund Pendleton, I, 353-69. For the identification of "An Honest Buckskin" as Landon Carter, see Greene, Landon Carter, p. 8 and "A Key to the Virginia Gazettes," Purdie and Dixon's Virginia Gazette, January 1, 1767.

wrote letters to every Burgess soliciting their votes to become permanent Treasurer at the next Assembly. Two days later Nicholas wrote to Richard Henry Lee seeking his aid and more strongly urging separation of the two offices to avoid placing too much power in the hands of the Speaker. Earlier, when he had spoken to Fauquier, Nicholas had said that he wanted the Treasury post even if it meant abandoning his newly won seat in the House. But the Governor must have assured Nicholas that he could maintain his House seat, for when he wrote to Lee, Nicholas admitted that the decision "may be at my option."³⁹

Because of criticism of his actions in seeking the office, Nicholas felt obliged to defend himself in the Virginia Gazette, thus initiating one of the colony's earliest newspaper wars. His opponents and backers filled the columns with charges and countercharges from late June until the meeting of the Assembly in November. But Nicholas had managed his efforts well. When the meeting convened on November 6, he was the recognized leader of the separation push. Not only did he command the votes of many Burgesses on the issue, he had also received public endorsement for his position from his constituents in James City County and from the freeholders of Accomack who had instructed their delegates to help effect the separation. Peyton Randolph was successful in his effort to assume the Speaker's chair, but he could not muster

³⁹Purdie and Dixon's Virginia Gazette, May 23 and June 27, 1766; Robert Carter Nicholas to Richard Henry Lee, May 23, 1766, "Selections and Excerpts from the Lee Papers," Southern Literary Messenger, XXVII (1858), 117.

adequate support to carry the Treasury with him. William Nelson reported that Randolph was "mortified" when the House decided to split the offices by an overwhelming 68 to 29 vote. On November 27 the papers reported that Nicholas had been successful in his efforts.

This day it was determined in the Hon. the House of Burgesses, by a large majority, that the office of Treasurer of this colony shall be exercised by one person; and it was accordingly agreed that ROBERT CARTER NICHOLAS, ESQ; should be intrusted with that important department.

To replace the Treasurer's fees which Randolph could no longer claim, the House granted the Speaker a yearly salary of £500.⁴⁰

The most recent study of the Robinson scandal and the fight to split the Treasury from the Speaker's office depicts a battle between the remnants of the Robinson faction on one hand and a union of factions headed by Richard Henry Lee, Richard Bland, Patrick Henry, and Robert Carter Nicholas on the other. Victory by the latter, goes the argument, lessened the power of the Tidewater aristocracy and forced a sharing of power with dissident planters from the Northern Neck and Piedmont.⁴¹ But the lines and conclusion of the fight were never very sharply drawn. Nicholas could never have reached his positions of responsibility in the House and on its Committee of Correspondence without the direct patronage

⁴⁰William Nelson to John Norton, November 12, 1766, Nelson Letterbook (microfilm, UVA); Purdie and Dixon's Virginia Gazette, June 27, October 17, and October 30, 1766; William Nelson to Edward and Samuel Athawes, November 13, 1766, Nelson Letterbook (microfilm, UVA); Purdie and Dixon's Virginia Gazette, November 27, 1766; Ernst, "The Robinson Scandal Redivivus," p. 167.

⁴¹Ernst, "The Robinson Scandal Redivivus," p. 167.

of the House members grouped around John Robinson. After all, Robinson had been a power -- perhaps the power -- in the House since 1738, and as Charles Sydnor has observed, "prudence advised new members to work with rather than against the established leaders." Although Nicholas may have fought against some of Robinson's chief political friends over the Treasury issue, he too had been a member of, and had benefitted from, the "Robinson political machine" in his earlier political career. He sided with many of these same men on other contemporary issues such as the Stamp Act, and could be found closely cooperating with them in virtually all the events that led to the Revolution. Furthermore, for a faction that supposedly had controlled Virginia politics for nearly a quarter of a century, losing a 68 to 29 vote on the separation issue indicates that either the faction was mythical or that on this particular issue it experienced massive defections. While it is true that the old clique now had to share its powers, it shared those powers with men of exactly the same class who lived just a little farther north or west. Even at that, the chief offices were still controlled by Tidewater leaders. Speaker Peyton Randolph, the new Attorney General John Randolph, Treasurer Nicholas, and Clerk of the House George Wythe (as of 1769) all lived in Williamsburg within two or three blocks of each other. Thomas Nelson of Yorktown was still the Secretary of State and Richard Corbin of King and Queen County remained in his post as Receiver-General. The chief beneficiaries of the successful battle were Nicholas, who received an important political post with a rather steady income, and

the colony itself which benefitted from the regard for accuracy and honesty which the new Treasurer adopted toward his job.⁴²

Nicholas' motivations in seeking the office of Treasurer were mixed. The post had always been a lucrative one, and Nicholas was authorized to receive a commission of five per cent of all taxes he received plus £100 per year for auditing and settling the accounts of the colony's tobacco inspectors. To an ambitious politician, the office meant a definite boost in his influence in local politics as well as in the House of Burgesses. All county sheriffs, tobacco inspectors, court clerks, and local tax collectors were directly responsible to the Treasurer for the revenues they received, and it was to their best interest to work smoothly with the new Treasurer who kept such a careful eye on their activities. Besides these "practical consideration," Nicholas was opposed to paper money issues at the time of the separation fight, and he wanted to be certain that the Treasury would devolve on safe hands. Too, he experienced a sense of moral outrage that the duties had been carried out in a careless and questionable manner by his predecessor.⁴³ Thus political and pecuniary considerations blended with his monetary principles and sense of morality to spur Nicholas' candidacy for the Treasury office.

When Nicholas began to delve into the Treasury records, he found

⁴²Sydnor, Gentlemen Freeholders, pp. 88-92.

⁴³Hening's Statutes, VIII, 211-14; Purdie and Dixon's Virginia Gazette, June 27, 1766 and January 1, 1767; Ernst, "The Robinson Scandal Redivivus," p. 160; Griffith, The Virginia House of Burgesses, p. 150.

a bewildering mire. Many records were missing, and those that existed were in complete disarray. Abundant errors surfaced in the records of the land, poll, and carriage wheel taxes, and the accounts of many sheriffs and other local officials were in arrears. To begin bringing some order to the mess, Nicholas immediately printed announcements in the newspapers calling upon all sheriffs to settle their accounts. When he did not get adequate response to his notices, he reminded the local officials that he would have to force compliance through the courts no matter how much against his nature. Nicholas was willing to grant extensions to those officials who exhibited an honest effort to cooperate, and he obviously did not enjoy having to go to court. He wrote to Col. William Dabney of Hanover County in January, 1767:

I now send...a Copy of your Account, as it stands at the Treasury, that you may know what to demand of your Deputies. I am commanded by the House of Burgesses to prosecute the Collectors for all Arrears; but if you can assure me that the Bal^a of your Acc^t will be paid in April, I will give you no Trouble on the Occasion, as it would be extremely disagreeable to me to do so. A Gentleman of your good Sense & Discernment must know what is my Duty as Treasurer. The utmost of my Wishes is so to demean myself in the Office as to escape Censure & at the same give all the Satisfaction I can to my Countrymen, who have honour'd me with so high a Trust.

Although the account was still unsettled in October, Nicholas agreed to a further stay to accommodate one of Dabney's debtors.

As M^r Tomkins & Col^o Syms both seem to be of Opinion that he will be able to settle his Accounts by the first of January, if you incline to indulge him till that Time for the Balance,

it will make no great Difference to the Country
& I shall be easy. It would give me great Pain
to distress any Man, where it can be avoided.

Yet when suits could not be avoided, Nicholas did not hesitate to seek
court judgements to aid his task of settling the long-standing confusion
in the Treasury records.⁴⁴

Through his aggressive and conscientious supervision of the Treasury, Nicholas was able to bring order to its records and operations. Refusing to grasp hidden rewards that were always available in such offices, he maintained the strong reputation for honesty that had helped him obtain the post. As an important public official, he could not expect nor did he receive unanimous approval for his conduct of the Treasury. In 1773 the colony was besieged by cleverly counterfeited £5 notes, and Nicholas was forced to expend a great deal of energy in ferretting out the notes and telling his fellow Virginians how to recognize the bogus bills. One critic wrote, "Our Treasurer has filled the papers with long advertisements on the Subject, I'd send you them but being the production of his heavy gum Head they are not worth reading." Apparently, this critic was in a tiny minority, for when the new state

⁴⁴Mays, Edmund Pendleton, I, 184-187; Purdie and Dixon's Virginia Gazette, May 30, 1766, and January 1, 1767; Robert Carter Nicholas to Col. William Dabney, January 20 and October 3, 1767, Charles W. Dabney Papers, Southern Historical Collection, University of North Carolina; List of Accounts in Suit in York and Gloucester County Courts, 1768, N.D. History Notes File, Box 13, WCN-UVA; Rind's Virginia Gazette, December 17, 1772; Robert Carter Nicholas to Henry Tazewell, September 5, 1774, Tazewell Papers, VSL.

was organized, Nicholas was named its first Treasurer.⁴⁵

For his part in the events leading to the Revolution, Nicholas has generally been characterized as a conservative. While this term may be correct in a certain sense, it should not be taken to mean that Nicholas was opposed to battle with the Crown. Quite the contrary. When the Committee of Correspondence received word that the British ministry intended to pass a Stamp Tax, Nicholas and George Wythe were appointed to draft the colony's response. Ignoring their plea that local taxes should be levied only by local representatives, Parliament passed the act and thereby created a political fire-storm in the American colonies. Although he was not a member of the House during the session when Patrick Henry carried his famous resolutions against the Stamp Act, Nicholas undoubtedly agreed with Peyton Randolph, George Wythe, and other leaders that they were precipitate and ill-advised.⁴⁶

Parliament's repeal of the Stamp Act was closely followed by new duties and taxes which became known as the Townshend Acts. Nicholas was placed on the committee created by the House in April 1768 to petition against passage of these acts. Well aware that some suspected the

⁴⁵Purdie and Dixon's Virginia Gazette, February 4, 1773; James Parker to Charles Stewart, February 20, 1773, in Samuel M. Rosenblatt, "Merchant-Planter Relations in the Tobacco Consignment Trade: John Norton and Robert Carter Nicholas," VMHB, LXXII (October, 1964), 465; Lescure, "The Early Political Career of Robert Carter Nicholas," pp. 63-65.

⁴⁶"Proceedings of the Virginia Committee of Correspondence," VMHB, XII (1904-05), 1-14; Stanard, The Colonial Virginia Register, pp. 168-70.

Virginians of aiming toward a split from Britain, Nicholas assured his old friend John Norton that no one really desired "independency." As long as Britain allowed things to "return to their old channel," all would be well. "We only desire a free enjoyment of our birth rights," he added. "Possibly these may be taken from us, but the Americans, I am persuaded will never resign them." Like his brother-in-law William Nelson, he felt the Virginians had a just cause that would triumph if the colonists could avoid "intemperate Heat & indecent Behaviour."⁴⁷

When Parliament passed the Townshend Acts, the General Assembly met in May 1769 with a determined spirit of opposition. Dissolved by the new Governor, Norborne Berkeley, Baron de Botetourt, the Burgesses trooped to the Raleigh Tavern to form the "Association" to boycott British goods until the acts were repealed. Nicholas was the second Burgess to sign this document of open resistance and received a toast from the association after all had signed it. Taking the decision very seriously, he wrote to John Norton, "There is no Inconvenience or hardship, but what I will submit to rather than desert the Cause, the essential Interests of my Country." By the next year the British government decided to repeal the Townshend measures except for the tax on tea. To leaders such as Nicholas, who saw himself as "a friend to Decency and Moderation," this partial repeal indicated willingness by

⁴⁷Rind's Virginia Gazette, April 21, 1761; Robert Carter Nicholas to John Norton, October 3, 1768 in Lescure "The Early Political Career of Robert Carter Nicholas," p. 43; William Nelson to John Norton, March 11, 1769, Francis Norton Mason, ed., John Norton & Sons, Merchants of London and Virginia (Richmond, 1937), p. 86.

Parliament to respect American rights, and he was ready to meet the British halfway. Most Virginians willingly discarded the Association, but Nicholas' uncle Landon Carter was outraged. Leaders who did not remain fully committed to the boycott were "Persons parading from no principle but only to make a show of Patriotism and Mr. T_____ [Nicholas] is at last found out to be the man I always took him, a noisy declaimer on nothing or next a kin to it." The controversial events of the pre-Revolutionary years shattered the unanimity of more than one Virginia family.⁴⁸

The British decision to maintain the tax on tea produced a stir in the otherwise quiet years after 1770. The stir grew into a storm in 1773 when the British government allowed the East India Company to sell its tea to the American colonies at a very attractive price, albeit one that included the hated tax. Angry Bostonians held their informal tea party in the harbor, and the British responded with acts to punish Massachusetts. Some of the younger Virginia leaders led by Thomas Jefferson drew up a set of resolutions calling for a day of fasting and prayer in sympathy for the Bostonians. Very wisely, they persuaded Nicholas, chairman of the Committee on Religion, to introduce the motion in the House, and on May 24, 1774, it passed without dissent.

⁴⁸Purdie and Dixon's Virginia Gazette, May 18 and 25, 1769; Robert Carter Nicholas to John Norton, May 31, 1769, John Norton & Sons, pp. 96-97; Robert Carter Nicholas to Arthur Lee, May 31, 1769, "Selections and Excerpts from the Lee Papers," p. 184; The Diary of Colonel Landon Carter of Sabine Hall, 1752-1778, ed. with an introduction by Jack P. Greene (2 vols.; Charlottesville, 1965), I, 418, entry for May 29, 1770.

Governor Dunmore furiously dissolved the Assembly, but Nicholas and the other Burgesses merely walked to the Raleigh Tavern once again to form another "Association" to boycott products of the East India Company, which had imported the tea, and to issue calls for an American congress and a Virginia Convention. Although not selected as a delegate to the Congress by Virginia's first Convention which met in August, Nicholas assumed the duty of supervising collection and distribution of funds to support the delegates' trip to Philadelphia. The Congress drew up a more general non-importation Association and recommended that all localities should create committees to see that the terms of the Association were followed. Turning to their perennial representative, the freeholders of James City County unanimously elected Nicholas chairman of their committee and chose his nephew John Nicholas, Jr., to serve as its clerk.⁴⁹

The momentum for separation grew, though Nicholas still hoped for reconciliation. As a member of Virginia's second Convention of March 1775, he must have sat in stunned silence when Patrick Henry introduced his resolution to place the colony "in a posture of defence." To Nicholas and other moderate leaders, such an action would further exacerbate tensions between Britain and her colonies and slam the door against a reconciliation. Virginians in many counties were already arming themselves and forming militia units should hostilities occur. As far as the

⁴⁹Malone, Jefferson the Virginian, 172; Mays, Edmund Pendleton, I, 270; Robert Carter Nicholas to Henry Tazewell, September 5, 1774, Tazewell Papers, VSL; Pinckney's Virginia Gazette, December 1, 1774; Dixon and Hunter's Virginia Gazette, April 1, 1775.

moderate leaders were concerned, that course should be continued, but only upon an unofficial basis. By having the Convention maintain silence on the issue, Virginians could be prepared for a fight without officially escalating the dispute. Furthermore, Henry's resolutions called for arming only two regiments of militia, and the realists of the Convention knew that if the colony were seriously to prepare for war, two regiments were hopelessly inadequate. Nicholas, therefore, urged the raising of at least 10,000 troops, but he could not carry the Convention with oratory as Henry had done, and he lost on both issues. Henry's resolution to arm the colony passed, but the amendment to raise only "such a number of men as may be sufficient," prevented the creation of a viable military force. Although Nicholas was placed on the committee to draw up suggestions for military preparations, he must have felt uncomfortable working toward a goal with unrealistic means.⁵⁰

When illness forced Peyton Randolph to resign as President of the Convention late in the summer of 1775, Nicholas agreed to fill the position temporarily until the next meeting of the Convention. The Treasurer served in his new office until December 1 when Edmund Pendleton took his place. Earlier, Nicholas had assumed a task similar to that given to his brother, John Nicholas of Albemarle, when he was elected chairman of the committee to prepare for the defense of the Peninsula counties.

⁵⁰Mays, Edmund Pendleton, II, 3-12; Merrill Jensen, The Founding of a Nation: A History of the American Revolution 1763-1776 (New York, 1968), pp. 543-45; Dixon and Hunter's Virginia Gazette, April 1, 1775; Hugh Blair Grigsby, The Virginia Convention of 1776 (Richmond, 1855), p. 64.

Just as in Albemarle, this position proved a benefit to the family as well, for his son George Nicholas was nominated to be commissioned a captain of the regular forces. In the Tidewater just as in the Piedmont, the Revolution served to introduce the third generation of Virginian Nicholases to public life and prominence.⁵¹

The advocates of separation from Great Britain were growing in number, but Nicholas was not yet among them. Knowledge of his opposition to independence was widespread. Nicholas' second cousin John Page informed Jefferson that "almost every man here, except the Treasurer is willing to declare for Independence." Wishing to inform the delegates of their views, the freeholders of James City County instructed Nicholas and his co-delegate William Norvell to "exert your utmost ability in the next Convention, towards dissolving the connexion between America and Great Britain, totally, finally, and irrevocably." But Nicholas, who had more regard for his own opinion than the instructions of his constituents, was determined not to be stampeded into changing his mind. When the Convention met in May, he alone stood up to oppose independence. For two days he single-handedly debated all advocates of separation before he grudgingly gave his assent and joined his fellow delegates in supporting the decision to propose separation to the Congress. In a move foreshadowing that of another troubled Virginian in 1860, once the decision had

⁵¹Purdie's Virginia Gazette, August 25 and November 17, 1775; Dixon and Hunter's Virginia Gazette, September 16, 1775.

been made, "he declared that he would rise or fall with his country."⁵²

The new state constitution forbade elected members of the Assembly from holding any other salaried state offices. Faced with the choice of remaining Treasurer or keeping his seat in the new House of Delegates, Nicholas decided to step down from the Treasury "rather than forgo his best services, as a delegate in Assembly, at this critical juncture." The following May, he became a candidate to replace the ailing Pendleton as Speaker of the House. His opponents were his kinsman Benjamin Harrison of Charles City County and his old friend and colleague George Wythe. Wythe's victory on the second ballot after a close vote signalled the end of Nicholas' power in the lower house of the Assembly. After serving in the House for almost twenty years and playing a dominant role in that body for half that period, he had been replaced by younger men more attuned to the spirit of the times. He was a member in good standing of the old colonial order, and the changes swept in by the force of the Revolution made him a stranger in his own land.⁵³

But Virginia was not done with him yet. His long experience was too valuable to lose in difficult times despite his loss of influence in the House. A new court system was being established, and his long

⁵²Purdie's Virginia Gazette, April 26, 1776; Mays, Edmund Pendleton, II, 106-110; Randolph, History of Virginia, p. 290; Irving Brant, James Madison (6 vols.; New York, 1941-1961), I, 220, 424.

⁵³Hening's Statutes, IX, 199; Purdie's Virginia Gazette, December 20, 1776; David John Mays, ed., The Letters and Papers of Edmund Pendleton (2 vols., Charlottesville, 1967), I, 207.

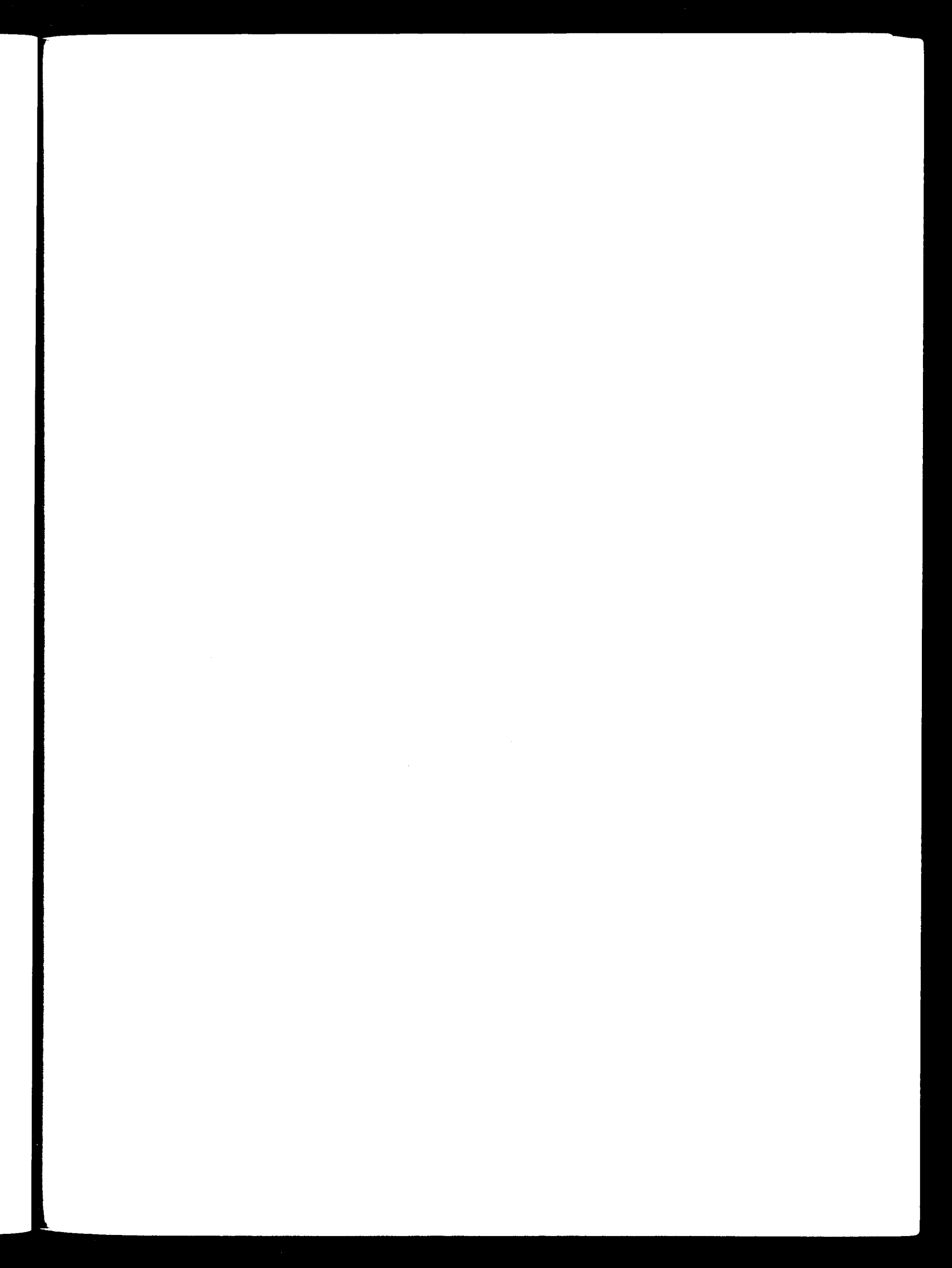
career as a lawyer and a justice made him a logical candidate for a high judicial post. On January 14, 1778, Nicholas, Edmund Pendleton, and George Wythe were unanimously elected to the High Court of Chancery. It was somehow very fitting that these three elderly giants of the Virginia political scene should be placed together on the new court. Their legal careers, paths to political prominence, and reputations for integrity must have been very striking to those who witnessed the oath-taking ceremony in Williamsburg in April.⁵⁴ The judgeship was to be Nicholas' last public service for his state.

It may now seem strange to combine discussions of marriages and politics, but in colonial Virginia, the two were often related. One advanced himself according to a certain hierarchical pattern which included marriage and politics as well as wealth. The arrangement of the pattern was not universal, but the pieces involved usually were. One inherited or built wealth, made a respectable marriage into a prominent family, proved his mettle in local politics, and then logically assumed his place among the colony's leaders if he so desired. In every phase of the climb, family connections played an important, though not necessarily decisive, role. A wealthy family could provide a good education, an excellent catalyst to the building of one's own fortune, and the

⁵⁴Mays, Edmund Pendleton, II, 153; Dixon and Hunter's Virginia Gazette, January 23, 1778; H.R. McIlwaine, ed., Official Letters of the Governors of the State of Virginia (3 vols.; Richmond, 1926-1929), I, 259.

means to achieve a matrimonial match worthy of one's station. In addition to these benefits, the family could provide its aspiring male offspring with something more important -- connections. Familial connections among the gentry meant that relatives who would take an interest in advancing one's career would be sitting on all levels of government. Matrimonial ties geometrically increased these aides. If the aspirant succeeded in reaching the House of Burgesses and could convince his constituents to keep him there over a long period of time, he could shape these connections into a loose but influential political bloc.

However, familial ties did not bring automatic cooperation in the political sphere. As previously stated, one could advance without influential family ties, and one could fall despite them. Furthermore, these bonds weakened in the face of political controversies that welled around strong principles or crucial issues. As long as the legislative skirmishes dealt with land grants or political appointment or special interest acts, factions of blood held firmly. But when faced with the political battles of the Revolutionary era, the apparent unanimity of family-connected political groups received a telling blow whose effects became more obvious with time.



CHAPTER V

FAMILY RESPONSIBILITIES, I

Like most eighteenth century Virginians of their class, the Nicholases produced extensive records and correspondence. In those days of slow communication and long distances, much of the information that could now be transmitted orally had then to be put to pen and ink. Carefully kept records were important not only for managing a plantation, but also for working in a profession or ordering goods from British merchants. Planters who were involved in the colonial ruling structure kept copies of letters written to friends and associates for future reference if necessary. A few, such as the Nicholases' uncle Landon Carter, kept careful and extensive diaries which contained information about farming practices, social relationships, and political activity as well as the diarist's daily routine.

Unfortunately, most of the papers of the second generation American Nicholases have been lost or destroyed. Occasionally, references to some lost document surfaces, but without the documents themselves, the allusion serves only to tantalize the researcher instead of illuminating the story of the family. One such reference is found in the diary of John Hartwell Cocke of Breemo Bluff in an entry regarding the son of John Nicholas of Seven Islands. "Received from Col. John Nicholas," Cocke recorded, "an account in manuscript of the life,

writings and end of his late wife, which is intended for publication. The most extraordinary production that ever came under my notice."¹ Needless to say, the manuscript appears to have been lost, as have many other papers which would certainly have contributed to the portrayal of the Nicholas family in the Revolutionary Era.

Of the papers that do remain, most deal with Robert Carter Nicholas -- a natural circumstance since his activities covered a broader spectrum of Virginia life than those of his brothers. Therefore, any discussion of the activities and beliefs of the Nicholases must center around the life of this youngest brother.

When the three brothers divided the residue of their father's lands in 1752, they had already determined upon the locations of their homes. Robert Carter Nicholas remained in Williamsburg where his parents had lived, but John chose the western Piedmont lands along the James in Albemarle and Buckingham, and George decided upon the Southside county of Dinwiddie near Petersburg. As far as serving the interests of the family was concerned, Williamsburg proved to be the most advantageous location. Because of their positions as county clerks, John and George were in frequent contact with governmental superiors in the colonial capital, and it must have been very convenient to have their younger brother present to represent their interests should difficulties arise.

¹Diary of General John Hartwell Cocke, November 8, 1816- May 19, 1818, entry for November 27, 1816, typescript, Cocke Papers, UVA.

Robert was also a good source for news. As a Williamsburg resident and a rising political leader, he could give first-hand accounts of the colonial assemblies and sessions of the General Court. These advantages increased in value when Robert became Treasurer of the colony. Not only was he privy to all political activities, no matter how secretive or serious, he was also a direct superior to his brothers in matters relating to taxes and fees.

Robert's location in Williamsburg also had economic advantages for his brothers, though John probably benefitted more by this than George. The chief outlet for the crops of all three brothers was the James River.² Lands of Robert and John lay directly along the banks of this vital Virginia waterway, while George had access to the Appomattox River which joined the James northeast of Petersburg at the present-day city of Hopewell. Although each of the three brothers could have operated independently to consign their tobacco crops to British merchants, there are indications that Robert acted as a sort of family agent in this task. In August 1772, for example, he wrote his good friend John Norton of London, "Capt. Robertson will have six Hogsheads of my Brother Jno. Nicholas's Tobo. which he would be glad to have insured; he intended you a Consignment last year, but his Crop was swept off by the fresh."³

²Rosenblatt, "Merchant-Planter Relations in the Tobacco Consignment Trade," p. 459.

³Robert Carter Nicholas to John Norton, August 4, 1772, John Norton & Sons, p. 261. The "Fresh of 1771" was probably the greatest natural disaster experienced by Virginians since the founding of Jamestown until the devastating floods of 1972. Nearly two weeks of constant rain in May 1771 in the central Blue Ridge region reportedly raised the James River forty

John Nicholas probably benefitted by the lands which Robert held above the falls of the James at Westham because he could store his tobacco crops in his brother's warehouses there until they were ready for loading below Richmond. Too, in the news that Robert communicated from Williamsburg he probably included the general trend in prices that crops were commanding. During the four "public times" experienced by Williamsburg in April, June, October, and December, merchants and planters gathered in this "nearest approach to a central market in the province" to bid on crops. A price which began to be generally accepted during these gatherings was called a "court price," and it tended to set prices throughout the colony. Presumably, Robert Nicholas quickly directed this information to his brothers who then could decide whether to sell immediately or hold the tobacco in a warehouse until the price

feet above its normal level in some places. A plantation just below John Nicholas' lands lost 14 Negroes and 29 out of 40 buildings. John Nicholas was luckier; his crops were destroyed, but most of his buildings stood on a high bluff overlooking his rich bottomlands. The Westham lands of Robert Carter Nicholas were severely damaged, and the warehouses there were totally destroyed. Many formerly rich lands were "so totally stripped of their Soil, that they will never be able thereafter to overload the Warehouses, as they used to do, with Tobacco." Nicholas estimated that it would take ten years for the colony to recover her normal tobacco production and reported that "The Losses I sustain'd by the Fresh have obliged me to look out for more Lands to work my Negroes on." The General Assembly passed a measure to reimburse planters for ruined tobacco which had been stored in public warehouses, but that relief covered only a small portion of the "amazing Destruction." Robert Carter Nicholas to John Norton, February 12, 1773, John Norton & Sons, p. 301; William Nelson to Thomas and Rowland Hunt, February 19, 1772 and to George Maynard, June 19, 1772, Nelson Letterbook, microfilm, UVA; Rind's Virginia Gazette, July 18, 1771; Hening's Statutes, VIII, 493-503, 647; Elizabeth Coleman, "The Great Fresh of 1771," Virginia Cavalcade, I (Autumn, 1951), 20-22.

improved.⁴

Many planters and local officials found it necessary to travel to the colonial capital for personal and government business. The most propitious occasions for these visits were the "public times" when the Council sat as either the General Court or the Court of Oyer and Terminer because the chances of meeting one's correspondents or business contacts was much greater. However, this meant that the small town was literally swamped with temporary residents who crowded the taverns and rented rooms of the town. Fortunately, the brothers of Robert Nicholas could depend upon space in his commodious house which would make their occasional trips a bit pleasanter. Instead of having to struggle with others for a room, they were provided rooms without contention and with the extra advantage of visiting relatives who had not been seen for a time.⁵

But the most beneficial actions that Robert Carter Nicholas took toward his brothers were in relation to their children. An unwritten rule religiously observed by Virginians, especially among the elite, was that a family took care of its own. Numerous wills directed that a man's children were to be raised by a brother, a father-in-law, a nephew, or some other relative. Though aid did not always go unquestioningly to an adult relative, the general pattern showed that it often did to his children. The practice of extending generous aid to youthful rela-

⁴James H. Soltow, "The Role of Williamsburg in the Virginia Economy, 1750-1775," WMQ (3rd series), XV (October, 1958), 470-73.

⁵"Journal of a French Traveller in the Colonies, 1765," American Historical Review, XXVI (July, 1921), 742.

tives proved to be almost a family trait throughout the three generations of Nicholases treated in this study. Relatives had had to assume the task of raising the three sons of Dr. Nicholas, and Robert Carter Nicholas seemed very willing to offer the same favor to the children of his brothers. In 1755 and 1756, when he already had three children of his own, he took in the young daughter of John Nicholas after the Albemarle clerk had apparently lost his first wife. Just how long the girl remained in the Williamsburg household is uncertain, but Robert Nicholas was probably willing to have her stay as long as his brother wished despite his own growing family.⁶

In 1771 he extended a similar favor to the family of his brother George at a time when his own family had increased to at least seven children. George Nicholas had died on March 9 of that year leaving his widow with six children. His brother in Williamsburg immediately assumed the responsibility of handling overseas orders for the Dinwiddie family. "I have lately had the misfortune to lose my Brother Mr. George Nicholas," he informed John Norton. "His Family will want a few necessaries, which I wish to procure on the easiest Terms. You'll therefore be pleased to send them according to the within Invoice & charge them to me in a separate Account; I would have them packt by themselves, &, if possible landed at once at Petersburg, otherwise deliver'd to me here." Although no court records exist to show exactly how all the children were cared

⁶Thomas Dawson to John Nicholas, July 24, 1755 and February 18, 17 [56], Dawson Papers, LC.

for, Robert Nicholas opened his home to two of his nephews, John, aged seventeen, and Carter, who was then seven. Since large families were the rule in colonial Virginia, the death of a parent usually meant that the children were separated. A relative who had a large family of his own usually could not afford either space or funds to assume the responsibility for all of them. In this instance, the other children of George Nicholas probably remained with their mother or were raised by relatives such as the Ruffins.⁷

Robert Carter Nicholas assumed full responsibility for his two nephews. Not only did he take them into his home and look after their material needs just as he did for his own sons, he also guided their education and even helped introduce one of them into the political life of the colony. John had most likely received some training as a clerk in his father's Dinwiddie office, and his uncle undoubtedly saw the wisdom of continuing that path plus adding some studies in law. Carter was old enough for only a grammar school education when he came to his uncle's home, and he was still just sixteen when his guardian died in 1780. Although the records for William and Mary are very scrambled and contradictory for the years preceding the Revolution, there are some indications that the two boys attended either the college or the grammar school associated with it. When the James City County

⁷Registers of Albemarle Parish, Surry and Sussex Counties, 1739-1778, ed. by Gertrude R.B. Richards (Richmond, 1958), p. 321; Robert Carter Nicholas to John Norton, November 12, 1771, September 19, 1772, and October 15, 1773, John Norton & Sons, pp. 205, 272, 355-59; Will of John Ruffin, Mecklenburg County Will Book No. 1, pp. 250-51, microfilm, VSL.

freeholders met on November 25, 1774, to approve the Association established by the Congress, they elected Robert Carter Nicholas as chairman of their enforcing committee and chose his nephew John as secretary of the group. Two weeks later, John was initiated into the Williamsburg Lodge of Masons, a move which further demonstrated his acceptance by the gentry of the area. There can be little doubt that his prominent uncle had played an important role in the young man's introduction to adult society.⁸

Robert Carter Nicholas changed his residence in Williamsburg several times. The house that sheltered John Nicholas' little daughter

⁸Robert Carter Nicholas to John Norton, October 15, 1773, John Norton & Sons, pp. 357-58; Pinkney's Virginia Gazette, December 1, 1774; Williamsburg Lodge of Masons Treasurer's Book, 1773-1784, CWI, p. 49; George Eldridge Kidd, Early Freemasonry in Williamsburg, Virginia (Richmond, 1957), p. 82. A Catalogue of the College of William and Mary in Virginia printed in 1859 asserts on pages 36 and 37 that John Nicholas, son of John Nicholas of Seven Islands, attended the school in 1762 and that Robert Carter Nicholas, son of the Treasurer, attended in 1766. 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 printed in 1941 continues the same information on page 30. Both assertions are incorrect. John Nicholas' son was only three or four years old in 1762 and Robert Carter Nicholas' son was not born until 1768 and died as an infant. Furthermore, the John Nicholas, Jr. referred to above never mentioned having attended the school when he briefly outlined his life, and it was not in his character to leave unmentioned anything worth bragging about. The index of the manuscript Bursar's Book of the college for the years 1754-1769 lists a Robert Carter Nicholas as a student on page 21, but page 21 is missing from the book. John Nicholas of Dinwiddie could have entered the grammar school in 1762 as an eight-year-old student, but Carter Nicholas would only have been two-years-old in 1766 which was a little young for formal education even in those times. However, considering the unreliability of a great

in 1755 was not the same one that welcomed the two sons of George Nicholas in 1771. Where Nicholas first established his residence after his marriage to Anne Cary is not known, but by the last days of 1753 he was living in the large frame house next to the Governor's Palace now known in its restored condition as the Carter House. The property had been owned from 1747 until 1751 by Dr. Kenneth McKenzie, but he had sold it to the colony in November of that year to be used as a temporary residence for Governor Dinwiddie. When Dinwiddie was able to move into his refurbished palace, the Council agreed to sell the house to Nicholas for £450. Nicholas owned the house less than eight years, for on May 7, 1761, he sold it to his cousin Robert Carter of Nomini Hall for £650, a price which suggests that Nicholas had made extensive additions or improvements to the property. Carter maintained the property as his personal townhouse until he sold it to Robert Saunders, Jr. in 1801.⁹

Nicholas' residence for the next nine years remains a mystery.

number of dates and names appearing in both printed and manuscript records of the college, both those dates could be wrong and the boys could have entered the school while living in Williamsburg with their uncle. John Nicholas, The Statement and Substance of a Memorial, &c. of John Nicholas.... (Richmond, 1820), p. 1; William A.R. Goodwin, The Record of Bruton Parish Church, ed. with revisions by Mary Frances Goodwin (Richmond, 1941), pp. 151-52; College of William and Mary Bursar's Book, 1754-1769, Earl Gregg Swen Library, College of William and Mary, Williamsburg, Virginia (hereinafter cited as W&M).

⁹Executive Journals, Council of Colonial Virginia, V, 372, 398, 455-56; Stephenson, "Carter-Saunders House." Colonial Williamsburg, Inc., now refers to the house simply as the Carter House.

He may have purchased another house in Williamsburg, or he may very well have moved to a five-hundred acre plantation he owned in James City County on Powhatan Swamp only six miles from the capital. At any rate, by 1770 he definitely was living in Williamsburg. In that year the entire square of lots which surrounded and included the old James City Courthouse was sold to Nicholas at a public auction by the county court. On the corner of the square formed by the junction of Francis and England Streets, Nicholas constructed a "large and commodious" two-story frame house measuring 53 feet long and 32 feet wide. Each floor contained four rooms, and the kitchen was typically housed in a separate frame building behind the main structure. Flanking the house were "two large office houses on each side, in front, quite new." Only three blocks south of his former residence and about one block closer to the Capitol, the house faced the green which contained the Public Magazine. If they were awake in the early morning hours of April 20, 1775, the Nicholases witnessed one of the first military actions of the Revolution from their front door. It was during the pre-dawn hours of that day that Governor Dunmore removed the gunpowder from the Magazine to prevent its use by Virginia revolutionaries. After living in the house not quite eight years, Nicholas sold it to his kinsman John Carter in the fall of 1777. Although Carter attempted to sell the house less than a year later, he maintained possession until his death in 1792. A year later, Nicholas' brother-in-law, Wilson Miles Cary, purchased the house for £330. After having been briefly

owned by future president John Tyler, the house was destroyed by fire in 1873 and has not been reconstructed.¹⁰

Nicholas sold this house because he had moved his family out of the small town. With the coming of the Revolution, many planters moved their families from Tidewater plantations to temporary residences in the Piedmont which was considered less exposed to British attack. The Nicholases purchased a small estate in Hanover County which they promptly dubbed "The Retreat." They were in no way isolated, for many of their kinsmen joined them in the exodus. Mrs. Nicholas' sister, Mary Cary Ambler, and her brother, Wilson Miles Cary, also bought estates in the same neighborhood, as did Thomas Nelson of Yorktown. A descendant of the Amblers remembered that the "neighborhood, as deserted and uninhabited as it now is, afforded at that time as polished society as any in Virginia."¹¹

"The Retreat" proved to be Robert Carter Nicholas' last home. After his death on September 8, 1780, his wife and part of his family moved even further inland to his lands in Albemarle County. His son George, who had achieved quite a reputation in the war, remained in

¹⁰Purdie's Virginia Gazette, October 17, 1777 and August 21, 1778; "James City Courthouse Site, Block 4, Colonial Lots #192-196 & 200-204," unpublished research report, 1949, CWI; Arthur Pierce Middleton, "President Tyler's Williamsburg Residence," Tyler's Quarterly Historical and Genealogical Magazine, XXXI (April, 1950), 222-25; Williamsburg-James City County Tax Book, 1769, p. 18, CWI.

¹¹Harrison, The Virginia Carys, pp. 108-109; Meade, Old Churches, Ministers and Families of Virginia, I, 109.

Hanover until around 1782 when he too removed to the county of Jefferson. With the war's end, Anne Cary Nicholas returned to the familiar streets of Williamsburg with her youngest son Philip and her only unmarried daughter Mary. Where the reduced family lived is unknown, but they may have rented their old house on Francis Street from John Carter who had not been able to locate a buyer for the property. Although the town no longer served as the capital and its generally tranquil pace had been slowed almost to a crawl, Mrs. Nicholas must have felt very much at home after her five year exile.¹²

Both of the Nicholas houses in Williamsburg were located on very large lots which allowed the planting of extensive vegetable gardens. When Nicholas advertised the Francis Street house for sale in 1777, he noted that the property, which covered the area of a square city block, contained "a very large garden, well enclosed, and very well cropped" as well as "an exceeding fine spring... very convenient to the house." Connected to this property was a large enclosed pasture with "several very fine springs, and a valuable piece of meadow pretty well reclaimed" for grazing his horses and a cow or two. From these town properties, the family could expect fresh vegetables and fruits in season as well as milk and most likely poultry products.¹³

¹²Dixon and Nicolson's Virginia Gazette, September 13, 1780; Dr. John M. Galt Account Book, 1782-83, CWI; John Minson Galt and Philip Barraud Apothecary-Surgeon Day Book, December 1782-May 1797, CWI; Thomas Perkins Abernethy, "Robert Carter Nicholas," Dictionary of American Biography, ed. by Dumas Malone (20 vols.; New York, 1928-1936), XIII, 485-86.

¹³Purdie's Virginia Gazette, October 17, 1777.

The greater part of their meat supply came from plantations in the surrounding countryside. Nicholas undoubtedly procured much of his beef, pork, and mutton from his own plantations in James City, Albemarle, and Henrico Counties, but he also depended upon the farm products of his relatives. In 1766, for example, he purchased from the estate of his half-brother, Carter Burwell, one hundred barrels of corn, two hogsheads of cyder, three shoats, and one mutton. The year before he had made similar purchases plus sixty-two pounds of butter. If these orders were a good indication of the Nicholases' diet, pork held precedence over other meats, with beef running a poor third after mutton. Much of the pork, especially hams and shoulders, was cured, for many Virginians preferred cured pork to fresh pork. One of Nicholas' correspondents, William Lee, wrote from London that "M^{rs}. Lee & myself being both Virginians, still remember the excellence of your hams & the sweetness of Homony" and begged Nicholas to direct their farm managers to ship them both items as soon as possible.¹⁴

Most of the other items of the Nicholases' diet had to be obtained from Britain. The list included all types of spices, currants, raisins, salad oil, anchovies, lemons, tea, and an annual order for "1 best Cheshire Cheese well packt to come as fresh & cool as possible." Nicholas was not as great a consumer of liquors as many of his relatives, but every year he ordered "1 Hhd. best and freshest Porter in an Iron

¹⁴Carter Burwell's Estates' Ledger, 1764-1766, typescript, CWI, pp. 18-19; William Lee to Robert Carter Nicholas, October 25, 1770, Stratford-Lee Papers, microfilm, UVA.

bound Cask." The various boycotts against goods shipped from Britain caused him to give up his "annual Pipe of Wine." He was "resolved to import Nothing that I can possibly do without....There is no Inconvenience or hardship, but what I will submit to rather than desert the Cause...."¹⁵

Nicholas placed his overseas orders with his old friend John Norton. Norton had first come to Virginia in the 1740's as the junior partner of the London firm of Flowerdew and Norton. Not only a successful merchant, he also achieved social and political prominence as evidenced by his appointment as a justice of the peace in King William County as early as 1744 and his service in the House of Burgesses from 1749 to 1756 for York County. When he gave up his House seat in 1756, he was replaced by his younger friend, Robert Carter Nicholas. Upon the death of his partner in 1764, Norton returned to London to assume command of the firm. His Virginia residence proved to be quite beneficial as many of his old friends continued their patronage. Nicholas consigned his tobacco crops exclusively to Norton's company and also acted as an unpaid quasi-agent for his friend by purchasing enough tobacco for Norton to keep the merchant's ships filled. For his part, Norton seemed to be willing to take special pains to fill Nicholas' orders and supply money that Nicholas needed to pay other creditors. "I observe you had run yourself pretty bare

¹⁵Robert Carter Nicholas to John Norton, September 6, 1768, May 31, 1769, and October 15, 1773, John Norton & Sons, pp. 72-73, 96-97, 357-59.

in Cash by different purchases," wrote Norton in 1769, "& that you did not know but you shou'd have occasion to draw some Bills on me in payment of which I shall always be glad to have it in my power to answer your Expectations."¹⁶

Nicholas ordered an impressive variety of goods from Norton. Besides the food items already mentioned, the lists included clothes for his family and servants, shoes, medicines, snuff, agricultural tools, cooking ware, writing supplies, cutlery, books, and even fiddle strings. When ordering clothes, only approximate sizes could be given. Apparel for his wife had to be suitable for "a small Woman" while clothes for himself had to fit "a large Man." By large, Nicholas was undoubtedly referring to girth rather than height, for the Nicholases were never characterized as tall men. Children's sizes were determined by their ages. For example, one item listed was for "6 Pr. colour'd Lamb Mitts for a Girl of eleven years." The most exact measurements were given for shoes with length receiving more emphasis than width. In 1768, Mrs. Nicholas wished to order "2 pr. best shammy Pumps for a very small Woman exactly 8 inches long." It also appears from the orders that when the Nicholases put on their best attire for occasions such as church meetings, the children were dressed exactly as the adults but on a

¹⁶Jacob M. Price, "Who Was John Norton? A Note on the Historical Character of Some Eighteenth-Century London Virginia Firms," WMQ (3rd series), XIX (July, 1962), 405-407; Rosenblatt, "The Significance of Credit in the Tobacco Consignment Trade," pp. 384-85; Rosenblatt, "Merchant-Planter Relations in the Tobacco Consignment Trade," pp. 454, 457-59; John Norton to Robert Carter Nicholas, March 8, 1769, WCN-UVA.

smaller scale. When Nicholas ordered hats for himself and his sons in 1773, the only differences listed were in price and size. As far as style went "it is desired that all these Hats may have pretty large crown & moderate brims but not shaped according to the modern Fashn. as they don't suit in this warm country." This choice of similarity of styles was also followed in apparel selected for the female members of the family.¹⁷

As mentioned earlier, large families were the rule in colonial Virginia. All three of the second-generation Nicholas families faithfully observed the tradition. John Nicholas and Robert Carter Nicholas each sired seven children who reached maturity, while George Nicholas was close behind with six. If nature had not been harsh, the size of these families would have been greater, for there were other children who died as infants. Robert Nicholas had at least two children who were short-lived, and there were probably others in all three families.¹⁸

All three men possessed adequate wealth to insure their children a comfortable life. Though not among the very wealthiest families of the colony, the size of the Nicholas estates, the prominence of the heads of the families, and the goods they ordered from overseas merchants all

¹⁷Invoice of Goods Received From John Norton, March 9, 1771, WCN-LC; Invoices of Goods Ordered from John Norton, September 6, 1768 and October 15, 1773, John Norton & Sons, pp. 72-73, 357-59.

¹⁸Goodwin, The Record of Bruton Parish Church, pp. 151-52.

indicate that the many children were not deprived in any economic sense. Neither did they suffer any educational deprivations. All of them, boys and girls alike, most likely learned the basic rudiments of reading and writing at their mothers' knees. While the families were certainly wealthy enough to hire tutors, these teachers were not usually called in until after the children had grasped at least elementary skills in the three R's. Colonial mothers, even among the upper classes, were not always adequately educated themselves to instruct their own children, but Anne Cary Nicholas did not have that problem. Her father and brothers were the recipients of excellent educations, and her family obviously saw fit to see that she attained more than just elementary accomplishments. We have already seen how her verse and prose delighted her sister and astonished her sister's British friends.¹⁹

After mastering their home instruction, students in rural areas often attended schools established by their parents or some other planters in the immediate area. The teacher or tutor often had only scanty education himself, though some such as Philip Fithian, who taught the children of Robert Carter of Nomini Hall, could boast a Princeton degree. One purpose of these tutors was to prepare young gentlemen for the Grammar School of the College of William and Mary or for the small private schools such as those conducted by Donald Robertson of King and Queen County or James Maury in Albemarle. In Williamsburg, the pattern was much the same though the tutors were replaced by more formal schools

¹⁹Harrison, The Virginia Carys, 108; see above, p. 105.

established by clergymen or school mistresses, and the natural step from there was the college grammar school.²⁰

Records detailing the education of the Nicholas children are scanty, but they most likely followed these common steps. After all, their families were of the gentry which placed a high value on education. As explained earlier, at least two of George Nicholas' sons most likely attended the college's grammar school. John Nicholas' eldest son, John, who was studying at William Fontaine's school at Union Hill, had his education interrupted by the more exciting events of the Revolution. Only the sons of Robert Carter Nicholas appear to have attended the college proper. George was there in 1772, and Philip attended about 1790. Wilson Nicholas also entered the college for a brief stay sometime during the late 1770's, but two other sons appear not to have attended the school at all. Following the procedure of most students, the Nicholases who did patronize the college probably remained little longer than a year, without procuring any degree.²¹

Whatever the steps followed or the level of education achieved, the various Nicholas children required books for their studies, and their parents seemed ready to provide them. Some books could be obtained from the offices of the Virginia Gazette. In 1764 George Nicholas purchased five grammar books there for use by his children and those of the Ruffins.

²⁰Jarratt, The Life of the Reverend Devereux Jarratt, pp. 15, 24-26; Bridenbaugh, Myths and Realities, p. 35.

²¹Slaughter, Memoir of Joshua Fry, p. 60; A Provisional List, p. 30; WMQ (2nd series), I, (April, 1925), 125; Bridenbaugh, Myths and Realities, p. 36; Thomas Lewis to Wilson Cary Nicholas, June 6, 1801, WCN-UVA.

The following year, his brother Robert bought a copy of "Dilworth's Spelling" from the same office for his daughter Sally.²² But most school books were purchased directly from London merchants, and Robert Carter Nicholas ordered books for his children from John Norton. An order of 1772 reveals a list of books that could serve his children from Lewis and John, who were six and eight, to George, who at eighteen was ready to enter William and Mary. The list included:

Entick's new spelling Dictionary &c
D^r Nugent's new pocket Dictionary of the French
& English languages
Watson's Horace translated into English Prose
Patrick's Terences Comedies done in the same manner.
Gignou's new spelling Book.
Stackhouses Gracao Grammatices Rudimenta
Epistolary Correspondence made pleasant & easy
Ash's easiest Introduction to D^r Lowth's English
Grammar
Addington's practical Treatise of Arithmetick
Wright's Treatise on Fractions
Fordyee's Dialogues concerning Education 2 vols.
Familiar Letters on various Subjects of Business
& Amusement.

Eight months later, in another letter to Norton, Nicholas added that "my Son George desires the favr. of you to send him Fening's Algebra by the first Opportunity."²³ These titles reveal Nicholas' determination that his sons be furnished with the classical education that was the mark of a gentleman. At the same time, he was interested that they know something of modern languages, elementary and advanced mathematics, and proper forms of correspondence. Thus the social necessity of a classical

²²Virginia Gazette Daybook, 1764-1766, UVA.

²³Book Order of June 16, 1772, John Norton & Sons, p. 295; Robert Carter Nicholas to John Norton, February 12, 1773, Ibid., p. 303.

education was tempered by the more practical skills an active Virginia gentleman was expected to exhibit.

Robert Nicholas' sons may also have browsed through the books of their father's modest library, but they probably did not find the volumes terribly interesting. From purchases he made in Williamsburg and in London, Nicholas adopted the rule of usefulness which governed most Virginia book collections. Included were law books to aid him in his profession and prayer books to bolster his devotion to the church. Works by Cicero and sets of the House Journals armed him with republican political principles and a close knowledge of the laws of the colony. Eight volumes of the Spectator would help develop a respectable writing style while a copy of "Col. Carter's Pamphlet" kept him abreast of political disputes with Britain. How-to-do-it books included contemporary volumes on growing tobacco and inoculating against smallpox. After he became Treasurer of the Colony, he also procured Sir James Stewart's Political Economy, no doubt a move to improve his grasp of economics and finances necessary to his position.²⁴

Except for the polishing touches of learning how to dance, to acquire social graces, and to manage a household, a young lady's education was usually concluded at the tutorial stage. Not so for the young gentlemen. Each of the three fathers took steps to insure that one or

²⁴Virginia Gazette Daybooks, 1750-1752, 1764-1766, UVA; Robert Carter Nicholas to John Norton May 20, 1768 and September 19, 1772, John Norton & Sons, pp. 52, 273.

more of his sons would follow in his occupational footsteps. A clerk's training was given the sons of George and John Nicholas. Their eldest sons, both named John, succeeded them in their offices. John Nicholas Sr. of Buckingham resigned his office in 1792, and his son immediately assumed the position. Other sons had worked in the office as deputies for several years, but there was only one chief position available, and that went to the eldest. The case of George Nicholas is even more interesting. When he died in 1771, his eldest son John was too young to accept a clerk's commission. However, by 1777, John Nicholas was serving as clerk of Dinwiddie and kept the post until his death in 1818 when the office passed to his son in turn. Apparently the office had been held for him as a kind of family property until he reached his majority.²⁵

Because they were Virginians of the late eighteenth and early nineteenth centuries, all the sons were farmers. Whether the younger Nicholas sons added other occupations is not clear. George Nicholas' son of the same name was dead by 1785, and his third son Carter did not leave many traces behind. In 1786 he was considered a wealthy enough resident of Mecklenburg County to stand as one of the securities for Sheriff Henry Walker who was about to collect the county's taxes. Seven years later the Surry County court granted him a license to run

²⁵ Albemarle County Deed Book No. 10, 1789-1793, microfilm, UVA; Wyllie, "Marriage Bonds in Albemarle County, 1786-1795," pp. 42-75; Purdie's Virginia Gazette, April 18, 1777; Richmond Enquirer, February 26, 1818; Johnston, Memorials of Old Virginia Clerks, p. 168.

an ordinary at Cabin Point, and the records of the administrator of his estate after his death in 1799 indicate that he held a partnership in a mercantile firm. However, his father could not have planned any such venture for his son because Carter was only seven when George Nicholas died.²⁶

The younger sons of John Nicholas left just as tenuous a path. Their signatures as witnesses for marriage bonds indicate some training in their father's office, but only Joshua Nicholas benefitted to any practical extent from the experience. He served as a deputy clerk for his older brother John for a short time, but appears to have relinquished his post when he moved away from Buckingham. The two other brothers, Robert and George, apparently settled down as farmers on the rich lands along the James left them by their father. They may have held interests in the family slate quarry operated by their eldest brother as well as partnerships in a flour mill, but no definite proof of this has yet emerged.²⁷

Robert Carter Nicholas' abilities lay in the law, politics, and public finances, and four of his five sons followed his lead in one or more of these fields. His eldest son George achieved great distinction as a lawyer in central Virginia and the new state of Kentucky, while

²⁶Mecklenburg County Order Book No. 6, p. 290, Mecklenburg County Deed Book No. 7, p. 26, Surry County Order Book 1789-1794, p. 403, Surry County Will Book No. 4, microfilm, VSL.

²⁷Joshua Nicholas to William S. Crawford, August 19, 1792, Cabell Family Papers, W & M; Wyllie, "Marriage Bonds in Albemarle County, 1786-1795," pp. 42-75.

the youngest son Philip earned a similar reputation in Richmond. Although both John and Wilson also received legal training, the latter never practiced as an attorney. Wilson and Philip served terms as presidents of Virginia banks but never equalled their father's reputation in public finances. Four of the five sons became political leaders in three different states, and two, Wilson and John, played important roles as Republican leaders in the national government. Only Lewis Nicholas adopted exclusively the agricultural pursuits of his father and never played any role in politics.

In the education they received and the life styles they adopted, the sons of the three second-generation Nicholases exhibited no sharp break with the past. Their schooling and training were very similar, and their occupations closely followed those of their fathers and grandfathers. Though none opted for the life of a physician, the choices they did make -- lawyer, clerk, farmer, banker, political leader -- ran true to form both as Nicholases and as Virginia Gentlemen.

Perhaps more important than academic and professional education was the inculcation of values, a code of morality, and the proper way to interact with one's fellow man. The risk factor in such an undertaking was much higher than with more formal training. It was much easier for a father to transmit professional training or classical knowledge to his sons than to pass on the values which had guided his life. In this endeavor, Robert Carter Nicholas probably fared no better and no worse than most parents. While some of his children accepted his

belief's without deviation, others evolved a more tolerant view of man, of political structure, and of religion than he could have approved.

Nicholas did not believe in the innate goodness of man. Because he was a creation in God's image, man did possess a certain natural dignity, but the world was full of temptations that could ensnare the most noble of men. A few select men of integrity could rise above "every influence and prejudice," he noted, and then asked, "but can we from hence with just reason conclude that the generality of those, who compose societies are of this sort?" The answer for Nicholas was a definite no. So sure was he of this that he would not even place his own name among those who could successfully resist temptation. One might wish that all men could be trusted, "but the necessity of human laws in most instances is the strongest evidence that it cannot with safety be relied on." This did not mean conversely that man was innately evil. He had been given the correct start and was equipped with the proper tools to do right. But man was weak, and his weaknesses often led to misery for himself and his fellows. The portrait that Nicholas painted was of a creature who usually managed to achieve the good, but who occasionally stumbled along the way. It was the stumbling that forced men to create institutions such as governments, law, and the church to prevent harm to one's self and to others.²⁸

Neither did he accept the notion of the general equality of men. All around him, Virginia society exhibited just the opposite. Men

²⁸Purdie and Dixon's Virginia Gazette, June 27, 1766.

were placed in the crude ranks of slaves, servants, and freemen, and even this last group was sub-divided into several layers. Rule of the colony by an elite based upon wealth, education, family, and talent seemed only natural, because men were categorized by nature into a few leaders and a great many followers. Discussing the effects of the Reformation, he remarked, "Though all Men had a Right to judge for themselves, yet few, in Comparison, were capable of doing it with Propriety, without proper Instructors and Teachers." This natural division created a two-way obligation. The bulk should show "a proper deference and respect to Gentlemen in authority...", while the few in the elite were obligated to govern for the public good and not just for their own special interests.²⁹

A gentleman who aspired to be a leader was required to possess certain virtues. Among these were "truth and candour, which ought ever to be the distinguishing characteristick of a Gentlemen." Decisions were to be calmly evolved by reason rather than hastily concluded by passions. In all deliberations, the gentleman-leader had to carry himself with a dignity that befit his role. This dignity could be maintained only if he were truly independent of parties, factions, and special interests. When it was charged by some opponents of the separation of the Treasury from the Speakership that Nicholas was the head or the tool of a party,

²⁹Ibid., June 27, 1766, and May 12, 1774. Nicholas felt that the first article in the Virginia declaration of rights stating that all men are by nature equally free and independent was a dangerous remark in a slave society. Edmund Randolph, History of Virginia, ed. with an introduction by Arthur H. Shafer (Charlottesville, 1970), p. 253.

the indignant attorney replied that both "characters have been and I hope ever will be equally odious to me." Although a gentleman usually allowed himself to be called to a position of leadership, there were occasions when it was proper to actively seek an office as long as one did not actually solicit votes or support from others and was motivated purely by a wish to serve the common good. This genteel seeking of office was the pattern Nicholas sought to follow when he aspired to the Treasurer's chair in 1765.³⁰

Nicholas best summed up his views of the ideal gentleman in a 1772 letter which supported Thomas Nelson's bid to assume his father's seat on the Governor's Council.

Perhaps you may think me partial to him, as he is a near Relation [wrote the Treasurer], but I really think his Pretensions are superior, all Things consider'd, to those of any other....He had a liberal & expensive Education at Cambridge... which has proved a Foundation for him to build a Stock of manly Sense on; I believe he has as good a Heart as any Man living; his morals are sound; his Conduct steady, uniform & exemplary; & in point of Fortune, which necessarily gives a Man an Independency of Spirit, he is inferior to very few.³¹

The system of government best calculated to serve that common good was the system embodied in the unwritten British constitution which Nicholas supported faithfully until the vote for independence in the

³⁰Purdie and Dixon's Virginia Gazette, June 27 and September 5, 1766; Robert Carter Nicholas to Richard Henry Lee, May 23, 1766, "Selections and Excerpts From the Lee Papers," p. 117.

³¹Robert Carter Nicholas to John Norton, November 30, 1772, John Norton & Sons, p. 285.

Virginia Convention of 1776. He believed that the "beautiful harmony in the British constitution" preserved human liberties by so balancing governmental duties and powers that no one branch of the government could wield enough influence to crush them. During the era of increasing friction between Britain and her North American colonies, Nicholas agreed with many of his contemporaries that the various British ministries and the Parliament had evolved a plan to gain unconstitutional control over the colonies and thereby subvert the "just, original Principles" of the British constitution. Unlike some of his fellow Virginians, Nicholas never espoused independence before it was declared. Instead, he repeatedly stated his wish that Parliament would see the error of its ways and cease its depredations against American liberties so "that Things may return to their old Channel, when we lived a free and happy People."³²

Nicholas' view that the American colonists were actually attempting to preserve inviolate the British constitution was not unique. Neither was his attitude toward change. It was a commonplace in eighteenth century political thought that change should come only under the greatest necessity and then at such a pace that social equilibrium would be maintained. Nicholas' statement that "the fundamental principles of any constitution...ought never to be touched, but with a delicate hand" fits the age just as well as Jefferson's similar sentiments in the Declaration of Independence. Nicholas was far more reluctant to accept social

³²Purdie and Dixon's Virginia Gazette, June 27, 1766; Robert Carter Nicholas, Considerations on the Present State of Virginia Examined (Williamsburg, 1774), pp. 4, 29; Randolph, History of Virginia, p. 251.

and political change than many of his Virginia contemporaries, but when his native land made the decision to separate from Great Britain, he devoted his energies to ensure the success of the venture.³³

Because of Nicholas' hesitancy to accept change in long-standing practices, historians have generally regarded him as a conservative. Although it is a bit difficult to understand how a revolutionary can be termed a conservative, especially one who took such an important role in Virginia's growing resistance to British measures, it becomes easier to see why the term has been applied to Nicholas when one examines his attitudes toward religion.³⁴

Nicholas was a truly devoted member of the Anglican Church, and religion occupied an important position in his life. According to his son-in-law, Edmund Randolph, "his youthful reading impressed upon his mind a predilection for the Established Church, though he selected the law as his profession." Never entering the ministry himself, Nicholas took his role as a vestryman so seriously that he even engaged in a public newspaper controversy to prevent a minister he considered unfit from being elected to the pulpit of Bruton Parish Church in Williamsburg.

³³Purdie and Dixon's Virginia Gazette, September 5, 1766. Although Nicholas was slow to accept most changes, his arguments against declaring independence from Britain rested on the more practical consideration of the inability of the colonists to withstand Britain's military might. Randolph, History of Virginia, p. 251.

³⁴For example, see Thomas P. Abernethy's sketch of Nicholas in the Dictionary of American Biography, XIII, 485-86.

That his contemporaries were well aware of his religious stance is evidenced not only by his appointment as the first chairman of the Committee on Religion in the House of Burgesses but also by his selection to propose the day of prayer and fasting to show Virginia's sympathy for the inhabitants of Boston in 1774. Nineteenth-century Virginians who praised the accomplishments of their predecessors of the colonial era were more impressed by Nicholas' piety than any other feature of the man.³⁵

Nicholas made a concerted attempt to pass on his religious attitudes to his children. In the case of his daughter Elizabeth, his efforts met complete success. Her husband later wrote that she had been educated in the ways of the established church "with strictness, if not bigotry. From the strength of parental example, her attendance on public worship was unremitted, except when insuperable obstacles occurred....The questioning of sacred truths she never permitted to herself, or heard without abhorrence from others." Nicholas' third son John also approached his father's religious zeal, but the appearance of this attitude only toward the end of his life may indicate the strength of other than parental influence. Nicholas was not so successful

³⁵Randolph, History of Virginia, p. 184. See Purdie and Dixon's Virginia Gazette, May 13, May 20, and June 3, 1773, and Rind's Virginia Gazette, June 10 and June 17, 1773, for the beginning of Nicholas' newspaper war with Samuel Henley which was still sputtering in 1775. James Miller Leake, The Virginia Committee System and the American Revolution (Baltimore, 1917), p. 52; DuBellet, Some Prominent Virginia Families, II, 311; Meade, Old Churches, Ministers, and Families of Virginia, I, 183.

with his two eldest sons, George and Wilson, who took prominent roles in pushing Jefferson's Bill for Religious Freedom through the General Assembly in 1786 and who never exhibited any dominant strain of religious piety in their personal or professional lives.³⁶

The Treasurer would have shuddered at the thought that his view of God as a benevolent, rationalistic Creator could have been accepted by some Deists. According to Nicholas, the earth was not an "orphan World" abandoned by the God who created it. It was true that God allowed most things to pursue their natural courses according to the natural laws he had designed to guide them, but still the entire world was overseen by a "Direction of Providence." Like everything else in the world, man had been given means to live a proper life, but it was sometimes necessary to use prayer for guidance in how best to use those means. Beyond this view of God, however, any similarity of Nicholas' religious beliefs to those held by his more liberal contemporaries must stop, for he was no friend of toleration and firmly believed that the Church of England held a monopoly on religious truth. When the House of Burgesses in 1769 twice ordered Nicholas' Committee on Religion to prepare a bill extending toleration to Protestant dissenters, Nicholas

³⁶Three copies of Edmund Randolph's memorial to his wife in the form of a letter to his children exist in the manuscript division of the Alderman Library at the University of Virginia. The most legible and fullest copy can be found in Box 7 of the Edgehill-Randolph Papers. For an example of John Nicholas' reliance upon religion see John Nicholas to Wilson Cary Nicholas, February 15, 1817, WCN-UVA. H.J. Eckenrode, Separation of Church and State in Virginia: A Study in the Development of the Revolution (Richmond, 1910), pp. 104-106; Malone, Jefferson the Virginian, p. 279.

apparently found methods to ignore the directives, for there is no record of any bills having been introduced. Three years later the Treasurer did introduce such a bill along English examples, but it was unsatisfactory to dissenters because it forbade night meetings and itinerant preaching. It never became law. When the first independent Virginia Assembly met in October 1776, dissenters petitioned that the church be disestablished. The explosive issue was debated by the Committee of the Whole House in what Jefferson later called "the severest contests in which I have ever been engaged." Nicholas joined with his friend Pendleton to lead the fight against disestablishment. When it became clear that they were outnumbered, the champions of the established church effected a compromise whereby collection of parish levies would be suspended until the next Assembly, but the church would not be stripped of its property. This measure left the church attached to the state but without the benefit of compulsory financial support. Nicholas was engaged in a losing battle, for parish levies were finally abolished in 1779, and complete disestablishment came in 1786, six years after his death. Ironically, his two eldest sons helped to lead the fight for total religious freedom in Virginia.³⁷

It is difficult to find any aspect of the Church of England with which Nicholas disagreed. Accepting its doctrines as the only religious truth, he also saw great value in its formal liturgy and was

³⁷Nicholas, Considerations, pp. 39-41; Purdie and Dixon's Virginia Gazette, June 3, 1773; Eckenrode, Separation of Church and State, pp. 38-40, 46-53; Mays, Edmund Pendleton, II, 133-37.

easily upset when he noticed deviations from either substance or form. When the Bruton Parish vestry was forced to choose a new minister in the spring of 1773, Nicholas led the fight to keep the position out of the hands of the Rev. Samuel Henley, a professor at William and Mary. In both sermons and personal conversations, Henley had proven to be too tolerant of dissent, and Nicholas even accused the minister of exhibiting Socinian views by denying the trinity, the divinity of Christ, and the existence of hell. Henley decided to make the private decision of the vestry a public issue by turning to the pages of the Virginia Gazette, and Nicholas was only too willing to expose Henley's unorthodox views in a newspaper war that continued for two years.³⁸

Claiming not to be opposed to the principles of toleration, Nicholas asserted that it was a minister's duty to promote the truths of the Church in a forceful manner so that dissenters could be persuaded to forego the errors of their ways. But Henley had seen it as "a Matter of Indifference whether the Truth of Christianity should be believed or not" and his sermons tended "to beat down and destroy that necessary, that friendly and amiable Alliance between Church and State, which the best and ablest Divines have thought essential to the Prosperity of both." In addition to this excessive toleration, Henley had attacked the rituals of the church and, indeed, departed from them in his private life.³⁹

When Henley responded that he was being unfairly persecuted by

³⁸Purdie and Dixon's Virginia Gazette, May 13 and May 20, 1773.

³⁹Ibid.

Nicholas who had based his opinion of Henley on second-hand information, Nicholas answered that it was his duty as a vestryman to firmly uphold the doctrines of the Church and reject those who did not. Usually, he would not have relied upon second-hand sources, but the issue was so important that he felt a duty to use them to prevent Henely's succession to the Bruton Parish pulpit. Reiterating that he was not opposed to any man holding dissenting views in private, he held that public utterances of the views were dangerous because they led away from the blessing of religious uniformity.⁴⁰

As the newspaper war continued, Henley admitted that he had shown a great deal of toleration but only in a civil sense. As long as a man acknowledged the obligations of morality and the existence of God, civil peace could result without subscription to the doctrines of the Anglican Church. Calling upon the authority of the Church's great figures, Henley asserted that toleration was a Christian tradition and eased the process of conversion. As a final stroke, Henley pointed to the advocacy of toleration by John Locke, a thinker whom Nicholas had publicly endorsed. But Nicholas made it clear that he was not bound to all of Locke's positions. The English philosopher carried toleration to an extreme, especially when he said that a magistrate ought to permit the discussion of all political views. Accepting the obligation of morality was not adequate, for scriptural morality was more perfect,

⁴⁰ Purdie and Dixon's Virginia Gazette, June 3, 1773; Rind's Virginia Gazette, June 3, 1773.

and the moral good of the community required a belief in Christianity.⁴¹

The outcome of the controversy was that Nicholas succeeded in having the minister's position granted to Rev. John Bracken, another member of the college faculty. But the failure of Henley to obtain the post did not put an end to the feud. Throughout 1774, the subscribers to the Williamsburg papers were treated to further attacks on Nicholas by the disgruntled parson and to a more specific delin-eation of Nicholas' charges that Henley had advocated Socinian views. In the spring of 1775, Henley also opened an attack against Nicholas for alledgedly breaking the agreements of the non-importation Association. Dipping into the past, Henley attempted to disgrace the Treasurer with public slurs about Dr. Nicholas' transportation over fifty years earlier. In all these issues Nicholas managed to best his clerical foe, who bitterly departed Virginia for Britain in the late spring of 1775. Henley had adopted a much more liberal position than the Treasurer during the religious controversy, and later events showed that he probably could have elicited wide support for his stance. But when he attacked Nicholas' attachment to Virginia's economic war against Britain, and when he tried to condemn a son for his father's errors, he lost the favor of many gentlemen who had previously supported him.⁴²

⁴¹Rind's Virginia Gazette, June 3, and June 10, 1773.

⁴²Rind's Virginia Gazette, June 17, 1773, May 19 and June 9, 1774; Purdie and Dixon's Virginia Gazette, February 24, May 12 and May 19, 1774; Pinckney's Virginia Gazette, February 23, March 2, March 9, and March 23, 1775; Purdie's Virginia Gazette, March 10, 1775; Dixon and Hunter's Virginia Gazette, January 14, January 21, February 11, and April 29, 1775.

Nicholas took his attitudes toward life very seriously and never seemed content to assign them mere lip service. Instead of simply telling his sons the duties of a gentleman and a Christian, he provided them with examples in his own life. One such example was his association with the school for Negro children in Williamsburg. Not only did the project demand time and effort from him, it also risked his popularity among the planters of the Tidewater.

The idea of establishing schools to educate Negro children in the American colonies first received practical consideration in the fertile brain of Dr. Thomas Bray, appointed commissary for the Anglican Church in Maryland in 1696. Although spending only a couple of years in the colony, Bray devoted much of his energy to providing the colonies with Christian literature and missionaries. Through his Society For Promoting Christian Knowledge, he sent over 34,000 books and tracts to parochial lending libraries in British North America, and after 1701, he was responsible for sending missionaries to the more remote areas of the colonies through the Society For the Propagation of the Gospel. Receiving a handsome donation from the private secretary of King William to educate and convert Negro slaves to Christianity, Bray appears to have done little in that direction before his death in 1730, but his will named trustees to oversee this task. These trustees, known as "Dr. Bray's Associates," attempted to use the funds to arrange for the education of Negro children in schools that already existed in the cities of America, but the effort encountered resistance from teachers who

feared loss of patronage by white parents. A separate school for black children was finally opened in Philadelphia in the late 1750's, and its success encouraged the trustees to try other cities. Following suggestions by Benjamin Franklin, the associates picked New York, Newport, and Williamsburg for their next efforts.⁴³

Unable to afford total support for the schools of thirty pupils each, the associates planned to allot no more than £20 per year for each school and hoped that contributions from local residents would meet additional expenses. The Virginia gentry around Williamsburg donated only £17 to the venture. Selected as managers for the Williamsburg effort were William Hunter and the Reverend Thomas Dawson. To serve as mistress of the school, Hunter hired Mrs. Ann Wager, an experienced teacher who had instructed the children of Col. Carter Burwell. Mrs. Wager opened the school in September 1760 with twenty-four pupils, but troubles began mounting soon thereafter. Dawson died just after the school opened, and in the letter informing the trustees of the minister's death, Hunter felt compelled to ask for an increase in funds. Hunter also suggested that Nicholas be asked to help manage the school.⁴⁴

⁴³Richard Rawlinson, A Short Historical Account of the Life and Designs of Dr. Thomas Bray in Rev. Thomas Bray: His Life and Selected Works Relating to Maryland, ed. by Bernard C. Steiner (Baltimore, 1901), pp. 39-42; Edgar Legare Pennington, "Thomas Bray's Associates and Their Work Among the Negroes," Proceedings of the American Antiquarian Society, (New Series), XLVIII (October, 1938), 311-15, 350; "An Account of the Designs of the Associates of the Late Dr. Bray" n.d., and "An Account of the Proceedings of the Associates, For the Year 1757, 1758," Thomas Jefferson Papers, UVA.

⁴⁴John Waring to Rev. Dr. Thomas Dawson, February 29, 1760 and Report of Thomas Dawson and William Hunter to Dr. Bray's Associates, n.d., Jefferson Papers, UVA; William Hunter to John Waring, February 16, 1761, Archives of the Society for the Propagation of the Gospel, London, microfilm, V.C.R.P., UVA.

It was fortunate for the school that Hunter made his recommendation when he did, for shortly after Nicholas received the trustees' letter asking for his assistance, Hunter died. The Reverend William Yates agreed to join Nicholas in the effort, but neither he nor the Treasurer held any great hopes for the school's success. As Nicholas explained, most masters simply were unconcerned about their slaves' spiritual needs and too often set bad examples by their own immoral conduct. Some masters sent young Negroes to the school just to get them out from underfoot until they reached an age of usefulness, while other masters were concerned solely with the youths receiving the rudiments of education without any religious instruction. Many planters refused to send their young slaves to the school, for they had found that the most intelligent and best educated slaves were the most difficult to control. To Nicholas, the most discouraging feature was that the moral impressions made by the school upon the minds of the young black scholars would be nullified as soon as they resumed contact with the everyday routine of Virginia life. Thus he cautioned the associates not to expect any significant change in the morality of the slave population until there was a general reformation of the colony's white population.⁴⁵

In spite of these misgivings, Nicholas promised to give the

⁴⁵John Waring to Robert Carter Nicholas, June 1, 1761, Jefferson Papers, UVA; Benjamin Waller and Thomas Everard to John Waring, September 1, 1761, Robert Carter Nicholas to John Waring September 17, 1761, and Robert Carter Nicholas and William Yates to John Waring, September 30, 1762, microfilm, V.C.R.P., UVA.

project "a fair Trial" and he exceeded the energy of his predecessors in attempting to set and maintain reasonable ^{rules} ~~guidelines~~ for the teacher, students, and slaveowners alike. Setting up ^{rules} ~~guidelines~~ was one thing; getting Virginia slaveowners to accept them was quite another. Nicholas created the requirement that if an owner enrolled a child in the school, the student had to stay for at least three years with the owner ensuring regular attendance, proper clothing, and consistent discipline. But by 1765, Nicholas reported that his regulations were "not well relish'd" by the planters, and he had decided to drop or ease the rules so that he would not lose all the students. As he told John Waring, the secretary of the trustees, "'tis a very difficult Business I am engaged in. I find it necessary to manage it with great Delicacy."⁴⁶

Despite Benjamin Franklin's 1763 assessment that Nicholas "appears a very sensible and a very conscientious Man, and will do his best in the Affair," Nicholas experienced continual difficulties with the school. Operating funds were less than he had expected because local citizens contributed little money to the venture and rent for a schoolhouse proved to be high. When Nicholas requested more than a yearly appropriation of £30 from the trustees in London, the organization's secretary briskly replied that all other schools made do with £20 per year and that in the future Nicholas could expect no more than £25 yearly to operate the Williamsburg school. Any difference between

⁴⁶ Robert Carter Nicholas and William Yates to John Waring, September 30, 1762, Ibid.; Robert Carter Nicholas to John Waring, June 23, 1762, December 21, 1764, September 19 and December 27, 1765, Ibid.

that sum and actual expenses, Nicholas would have to scrounge from local contributors. Furthermore, Nicholas often found that he had to superintend the school and furnish reports to the London associates because the ministers connected with the project exhibited a pattern of dying soon after their appointments, and obtaining replacements acceptable to the associates proved to be a lengthy process. The most discouraging problem to Nicholas was the seeming absence of any long-range effect of the schooling on the moral development of the black students. One of his own slave girls had attended the school for three years and had shown a remarkable improvement in her morals and religion, but upon leaving the school and resuming contact with other slaves who had not received the benefit of such a schooling, she regressed considerably. This pattern did not surprise Nicholas; it was exactly what he had predicted would happen. The final blow came in 1774 when Mrs. Wager, the schoolmistress, died. Doubtlessly discouraged with the school's shortcomings and the difficult task of finding another teacher, Nicholas decided to close the school until he received further word from the associates. Sharing the Virginian's pessimism, the associates concurred with his decision, and the fourteen-year experiment came to an end. Although the school may have been a noble effort, Nicholas probably concluded that it had little lasting impact on spreading Christian morality among the colony's slave population.⁴⁷

⁴⁷ Benjamin Franklin to John Waring, June 27, 1763, The Papers of Benjamin Franklin, ed. by Leonard W. Labaree et al. (13 vols. to date; New Haven, Connecticut, 1959-), X, 298-300; John Waring to Robert

In addition to their political services, the Nicholases met their civic and personal obligations as gentlemen in other typical ways. One responsibility frequently assumed by members of Virginia's elite was that of serving as executor of the estate of a deceased friend. No light task, the job could cover a number of years and involve the executor in legal snarls. A good example was John Nicholas' role as one of the executors of Peter Jefferson's estate. Though the task never involved the Albemarle clerk in any legal difficulties or personal bitterness, it was a long drawn-out process lasting from Jefferson's death in 1757 until his two sons finally settled all loose ends in 1790. Following a typical pattern, the will had named a number of men as executors so that no one man would be burdened with the entire respon-

Carter Nicholas, May 30, 1766, April 20, 1768, and May 25, 1769, Jefferson Papers, UVA; Robert Carter Nicholas to John Waring, December 21, 1764, September 19, and December 27, 1765, February 16, 1769, December 1, 1772, January 5 and November 17, 1774, microfilm, V.C.R.P., UVA. Though Nicholas expressed no compunctions about accepting the Virginia slave system, he did show more than the usual concern for his slaves' physical and religious welfare and had at least eight of them baptized in Bruton Parish Church between 1753 and 1764. Like other Virginia planters, he placed advertisements in the Virginia Gazette for runaway slaves, but the descriptions made no references to scars from mutilation or punishment. In 1773 he asked his plantation manager to look into a case of maltreatment of one of his slaves. "The Bearer Ben has been with me a terrible Complaint ag't his Overseer," he wrote. "I beg that you will enquire into it; & not suffer the Negroes to be abused." Goodwin, The Record of Bruton Parish Church, p. 157; Purdie and Dixon's Virginia Gazette, February 7, 1771; Purdie's Virginia Gazette, August 21, 1778; Dixon and Nicolson's Virginia Gazette, August 7, 1779; Robert Carter Nicholas to Charles Dabney, September 4, 1773, Charles W. Dabney Papers, Southern Historical Collection, University of North Carolina Library.

sibility and so that the estate would be protected in case of death or withdrawal of one or more of the executors. Dr. Thomas Walker appears to have served as chief executor of the Jefferson estate for a number of years before John Nicholas assumed the brunt of the responsibility.⁴⁸

Robert Carter Nicholas kept very busy administ^{er}ing the estates of his friends and relatives. In 1756 he was named an executor of the estate of his half-brother Lewis Burwell, the former President of the Council. He was also named a guardian of Burwell's children and in 1773 still referred to one of Burwell's children as his "ward." Nicholas must have achieved a reputation as a responsible and effective executor among his relatives, for in 1773 he was listed as one of the executors of the estate of his father-in-law, Col. Wilson Cary.⁴⁹

Handling an estate was not always an easy task. When Robert Nicholas' wealthy friend Philip Ludwell died in 1767, he named the Treasurer as one of his executors, together with Richard Corbin, John Wayles, and Benjamin Waller. Nicholas assumed the most active role in

⁴⁸Will of Peter Jefferson, Albemarle County Will Book No. 2, pp. 32-34, microfilm, UVA; Thomas Jefferson to Thomas Walker, January 18 and January 25, 1790, Thomas Walker to Thomas Jefferson, January 19, 1790, Thomas Jefferson to John Nicholas, January 20 and October 16, 1790, Boyd Papers, XVI, 112-116, 127-28, XVII, 600.

⁴⁹Handwritten Copy of Will of Carter Burwell of James City County, Proved in Court October 26, 1756, UVA; Robert Carter Nicholas to John Norton, October 15, 1773, John Norton & Sons, p. 356; Handwritten Copy of Will of Wilson Cary of Ceelys, Proved in Court February 25, 1773, Wilson Miles Cary Family manuscripts, microfilm, UVA.

the settlement of the Ludwell estate. Shortly after Ludwell's death, quarrelsome William Lee, then living in London, married Ludwell's daughter Hanna and promptly demanded a quick division of the estate. Lee's numerous letters were so critical and so full of contradictory directions that the exasperated Treasurer wished to put an end to "this troublesome Business." His wish was not granted for he was still involved with Lee as late as 1778.⁵⁰

Even more tangled were the complications surrounding the estate of his close friend and plantation partner, Edward Ambler. Ambler died of consumption at Nicholas' house in October 1768. His will stipulated that executors should be Nicholas, his wife Mary Cary Ambler (Nicholas' sister-in-law), his brother Jacquelin Ambler, John Blair, Jr., and Wilson Miles Cary. Once again Nicholas accepted chief responsibility for the estate. His former partnership with Ambler in the Westham plantation and interference from Ambler's wife led to unforeseen troubles, and Nicholas spent the rest of his life trying unsuccessfully to straighten out the accounts of the estate. After his death, his three eldest sons inherited the problem and Wilson Cary Nicholas was still

⁵⁰Shepperson, John Paradise and Lucy Ludwell, pp. 34-54; William Lee to Philip Ludwell's Executors, March 14, 1769, Robert Carter Nicholas to [Richard Henry Lee?], January 5, 1770, Robert Carter Nicholas to William Lee, July 31, 1773, William Lee to Robert Carter Nicholas, Richard Henry Lee, Richard Lee, and Francis Lightfoot Lee, October 15, 1778, Lee-Ludwell Papers, VHS; William Lee to Robert Carter Nicholas, September 11 and October 25, 1770, Stratford-Lee Papers, microfilm, UVA.

facing court battles over the estate as late as 1812.⁵¹

The Nicholases also shouldered their share of civic duties handed them by the General Assembly. Besides his roles as commissioner to settle militia accounts, John Nicholas was appointed one of the trustees of the newly created town surrounding Buckingham Court House in 1782. During the Revolution, he had served as a trustee for the erection of an iron furnace on the James River in Buckingham County and before that had been granted a public ferry across the Slate River on his Buckingham lands. Robert Nicholas was much more active, as one would expect, and accepted appointments to serve as trustee for such various enterprises as clearing the falls of the James River, establishing a mental hospital in Williamsburg, creating a wine industry for the colony, constructing a causeway over Sandy Bay, and ordering a statue of his good friend, Norborne Berkeley, Baron de Botetourt, a late Governor of Virginia.⁵²

When these activities were added to the professional and political lives of the Nicholas brothers, one wonders when they had time for their families. Yet the very number of these duties was in itself a lesson for the next generation. Membership in Virginia's elite

⁵¹Lucille Griffith, "English Education for Virginia Youth: Some Eighteenth Century Ambler Family Letters," VMHB, LXIX (January, 1961), 9-11; Rind's Virginia Gazette, December 15, 1768; also see folder labeled Macon vs. Ambler and Nicholas, Box 1, WCN-UVA.

⁵²Hening's Statutes, VII, 368-71, VIII, 148-50, 364-81, XI, 29-30; Purdie's Virginia Gazette, August 2, 1776; Purdie and Dixon's Virginia Gazette, July 25, 1771; Rind's Virginia Gazette, August 12, 1773.

offered many advantages, but it also demanded the acceptance of many responsibilities -- personal, political, and social -- if a gentleman was to fulfill completely his privileged role. The constancy of this lesson must have made a powerful impression upon the many Nicholas youths.

One of the most important tasks of a colonial Virginia father was to see that his children married well. Criteria for a good match included compatibility of the two prospective mates, but just as important were expected pecuniary benefits and union with a name in good standing. Judging from this perspective, the three second-generation Nicholases were very fortunate. Although none of them lived long enough to witness the marriages of all their children, they would have agreed that almost without exception their sons and daughters had not married beneath their stations. Continuing a two generation tradition, the Nicholas name was connected with some of the most prominent families of Virginia and Maryland.

Of the numerous matches that occurred, the surviving documentation gives more than a superficial glance into just one -- the courtship and marriage of Robert Carter Nicholas' eldest daughter, Sally. Born in 1752, Miss Nicholas was beginning to attract the admiring attentions of several youthful Virginians by the time that she was sixteen. In the spring of 1768, the Virginia Gazette printed a rebus cleverly disguising the writer's heartfelt attachment to the young belle, but

the piece did not fool everyone as a poem in a following issue of the paper revealed.

Ingenious youth, declare the truth,
 (Your rebus thus I'll prove)
When SALLY NICHOLAS appears
 Can you forbear to love?
If you can twine her heart with thine,
 As indices with letters,
You may be blest; but do not jest,
 For love sometimes has fetters.⁵³

By the following spring, Sally Nicholas had found a very serious suitor, the eldest son of her father's old friend, John Norton of London. After a twenty-two year residence in Virginia as the junior partner of a London mercantile firm, John Norton had returned to England in 1764 to assume chief direction of the company. Three years later, he sent his eldest son, John Hatley Norton, to the colony to direct the Virginia end of the business. Repulsed in his first Virginia affair in 1768, young Norton decided that he would never marry in Virginia and would return unencumbered to England when his father so directed. Then he was smitten with the charm of Sally Nicholas and by the spring of 1769 was writing his father that he intended to marry the Treasurer's daughter.⁵⁴

The Lady you are desirous of making your partner
for Life is unexceptionable as well as her family,
[wrote Norton], but alas! is that all that is to
be considered? This Lady is full young to enter

⁵³Rind's Virginia Gazette, April 14, 1768.

⁵⁴John Norton to John Hatley Norton, July 28, 1769, John Norton & Sons, pp. 98-100.

into the cares of Life, has been bred in a genteel way & has a right to expect to live so, can you say 'tis in your power to comply with this price of Justice towards her?.... her fortune may be as handsome as can well be expected for a young Lady who is the Daughter of a Gentleman that has many children to provide for & will do Justice to each of them & lives in a generous and hospitable manner, it may be full as much or perhaps more than you have a right to expect in Virginia, as you have not an equivalent to answer the same in a Virginia estate....

Besides, Norton continued, if his son expected to match Miss Nicholas' wealth through his efforts in business, he would have to exhibit better sense than he had shown in his vacillating love affairs. Norton was more concerned that his son would be unable to handle the financial responsibilities of such a match than that he was choosing the wrong wife or was marrying beneath his station. As his final argument against the match, Norton reminded his son of the promise to return to England, a move which he thought would be unacceptable to Miss Nicholas. This return was necessary, he wrote, because his own health was failing, and the business would be ruined if his son was not around to take over the firm's affairs should he suddenly die.⁵⁵

The receipt of this letter must have been a shock to young Norton because he had already sought and received Mr. Nicholas' consent to the marriage, and Tidewater Virginia society was anticipating the wedding ceremony with approval. William Nelson wrote to the London merchant, "My Family & all your Friends are in Status quo, but I am

⁵⁵Ibid.

told that your J.H.N. wants to be in Status novo; I presume 'tis with your Approbation: at least if he is to settle on this side the Atlantic; he can hardly do better than he designs." In the absence of his father's approval, young Norton was torn between a deeply felt duty to his parents' wishes and his love for the Treasurer's daughter. Postponement of the match would be embarrassing. His indiscretion in prematurely soliciting Nicholas' consent and then having to nullify the arrangement could lead to bad blood between the two families. Commenting on the strained situation, one Virginia gossip wrote, "God grant it may end amicably." Through all the ups and downs of the harried courtship, however, the two fathers managed to maintain their old friendship without visible ill feelings.⁵⁰

John Norton was led to believe that his cautions against marriage had obtained the desired effect. His son reported that his infatuation over Sally Nicholas had come to an end, and the father replied with the consoling message that perhaps it was all for the best. Relatives were now guessing that the son could easily win an English girl to his liking "with eight or ten thousand pounds fortune." But young Norton could not stay away from the Treasurer's fetching daughter despite his father's injunctions. He must have known that Sally Nicholas had caught the eye of such eligible young Virginia bachelors as Thomas Jefferson and her cousin John Page. Although

⁵⁰William Nelson to John Norton, September 4, 1769, John Norton & Sons, pp. 105-106; Martha Goosley to John Norton, Ibid., p. 108.

Norton tried to conceal his continued interest in Miss Nicholas, his affections could not be hidden from the eyes of Sally's sister Elizabeth. A correspondent informed the elder Norton in August 1771 that through Elizabeth he had learned that the son's "love for Sally Nicholas is not much abated for they cannot bear the sight of each other without great Emotions."⁵⁷

Meanwhile, John Hatley Norton's health was suffering in the Virginia climate. Though trips upcountry seemed to help ease his fevers and chills, they also prevented his return to England. Some friends felt that unless the young man quit the colony, he could not survive for more than two years. Still, young Norton refused to leave Virginia, and the Yorktown busybody, Martha Goosley, accurately put her finger on the cause when she wrote, "I wish Miss [Nicholas] was married [and] am of opinion that would determine his return." However, Mrs. Goosley's reputation as a professional gossip must have suffered when she added, "I with truth assure you they have not spoke to each other these two years."⁵⁸

By the late autumn of 1771, young Norton had made it clear to his Virginia acquaintances that he did not intend to return to London

⁵⁷John Norton to John Hatley Norton, April 21, 1770, John Norton & Sons, pp. 129-131; Thomas Jefferson to John Page, February 21, 1770, Boyd Papers, I, 35-36; William Reynolds to John Norton, August 19, 1771, John Norton & Sons, p. 176.

⁵⁸William Reynolds to George Norton, September 9, 1771, Martha Goosley to John Norton, October 18, 1771, William Nelson to John Norton, May 17, 1771, Ibid., pp. 158-59, 186, 200-201.

any time soon and that Sally Nicholas was the cause. Once again he informed his father of his intentions to marry the now twenty-year-old girl, and this time his father, bowing to the inevitable, gave the match his full blessing. "I entertain the pleasing hopes that you will be a little more steady when you have entered the Matrimonial State," he added. Chiding his son for failing in his promise to return to England and for not being candid about his intentions to marry Miss Nicholas all along, Norton asked "Why should ye not plainly say your Affections were unalterably fixed on the young Lady & that yo. had promised her Marryage?" Such lack of candor was as unfair to the prospective bride as to the family of the groom. But, as long as his son made it clear to Miss Nicholas that the couple could not remain permanently in Virginia, he gladly gave his "free Consent."

Far be it from me My Dear son to bias you in a matter of the greatest concern to your future happyness, it never was nor never shall be my intension. If the young Lady & her Parents approve of a Union between our Familys, & you think you can live happy & content with the small provision I am able to make for you agreeable to my former promise of 14 Oct. 1769 & the Ladys Friends consent she shall return to England with you in a reasonable time I am perfectly satisfied & shall have equally the same regard for her as if she was my own Daughter.⁵⁹

News of the wedding in January 1772 generated numerous letters of congratulations to all parties concerned. George Flowerdew Norton wrote his older brother that the marriage to "a Young Lady who by all

⁵⁹William Reynolds to John Norton, November 26, 1771, John Norton to John Hatley Norton, January 29 and March 10, 1772, Ibid., pp. 208, 215-16, 225.

Accounts is above the commonality of her Sex, & scarcely to be parallell'd" had brought joy to the entire family. Compliments about the new Mrs. Norton were abundant. One family friend considered her "one of the most accomplished ladies in Virginia," while another lauded her "good Sense & good Nature." An English relative heartily approved the match for several reasons. "I have heard a great Character of your Lady as also of her being the Treasurers Daughter," wrote Michael Turner. "I make no doubt but she will make you happy and that the alliance will be beneficial to you in Business." Robert Carter Nicholas, undoubtedly relieved that the fluctuating courtship had finally terminated in a marriage he had approved as early as 1769, wrote to his old friend John Norton, "Your J.H.N. is here with us extremely well; I make no Doubt but you will have heard of his Marriage, & shall leave it to him to give you an Acct. of his Situation. I can only say that I shall consider his Happiness as intimately connected with my own."⁶⁰

The marriage seems to have had the effects that John Norton desired. His son indicated in his letters a new steadiness and sense of responsibility that he had not consistently exhibited in the past, and the London family was delighted at the restored harmony between father and son. In October 1773, Sally Nicholas Norton gave birth to

⁶⁰George F. Norton to John Hatley Norton, March 30, 1772, William Reynolds to George F. Norton, May 23, 1772, William Nelson to John Norton, August 11, 1772, Michael Turner to John Hatley Norton, September 29, 1772, Robert Carter Nicholas to John Norton, April 7, 1772, Ibid., pp. 228, 231, 238, 268, 277.

a girl whom the couple promptly named after young Norton's mother in London. Despite these pleasing tributes to parental authority and affection, John Norton was never to see his son again. The old merchant died in 1777, and his son never returned to England.⁶¹

Although the extended courtship and eventual marriage of Sally Nicholas and John Hatley Norton was outside the usual pattern of Virginia matches, it revealed some interesting characteristics which were fairly typical. It was the task of the groom to seek the consent not only of his prospective bride, but also of both sets of parents. In their evaluations of the match, parents were just as concerned about economic and social compatibility as they were about personal harmony. Parental disapproval bore serious consequences and could halt a proposed match. But if the young couple were determined to marry, parents could do little more than stop any pecuniary accompaniments to the union. As in this case, if the prospective mates were personally unobjectionable, the parents could be won over without any such loss if it was obvious that the couple's affections were "too deeply rooted ever to be eradicated."⁶²

Virginians were renowned for their hospitality, and the Nicholases

⁶¹George F. Norton to John Hatley Norton, August 4, 1773, Robert Carter Nicholas to John Norton, October 15, 1773, Ibid., pp. 348, 356, 399.

⁶²William Reynolds to George F. Norton, September 9, 1771, Ibid., p. 186.

proved to be no exception. During the Revolution, Auguste Wilhelm du Roi, a German officer captured at Saratoga and marched to Virginia as a prisoner, considered himself very fortunate to be offered a room in John Nicholas' Charlottesville home. Du Roi reported that Nicholas was so glad to have his company that the clerk wanted to charge the officer no money but finally set a token sum at Du Roi's insistence. The young officer found the clerk to be very gregarious. "Our host is a man of rank and has so much company that it is often a bore to me. Many a time I wished to be alone, but had this privilege only a few times during my stay with him. We live very high and no stranger leaves the house without having dined with us. If he cares to stay overnight, he is welcome. I have made the acquaintance of almost everybody of rank around here and received so many invitations that I could go visiting all summer and not have any expenses whatever."⁶³

John Nicholas' brother in Williamsburg proved to be just as good a host. The diaries of George Washington show that the Fairfax County planter spent many an evening in Williamsburg dining or visiting with the Treasurer and his family. At least one member of the Nicholas family was able to return these visits. Sally Nicholas frequently visited her aunt, Sally Cary Fairfax, in 1768, and often journeyed the short distance from the Fairfax home to visit the squire of Mount Vernon.⁶⁴

⁶³Journal of Du Roi The Elder, pp. 153-54.

⁶⁴The Diaries of George Washington, 1778-1799, ed. by John C. Fitzpatrick (4 vols.; Boston, 1925), I, 252, 272, 284, 352, 354, 379, 383, II, 26, 40, 56, 57, 104, 132, 152, 159.

Since most Virginians were fond of company, there was an obligation to play the role of the visitor as well as the role of the host. Frequent and long family visits such as Sally Nicholas' stays with the Fairfaxes were especially popular. During the spring of 1763, for example, the Treasurer's family made a round of visits to their Cary relatives in the Tidewater. "Mr. Nicholas with all his Family removed to Rich Neck & from [there] down here," reported Wilson Cary, "during w'ch time the Family from Rich Neck stay'd here a week w'ch filled every room & bed here."⁶⁵

Occasionally trips were made for reasons of health. One General Court session left Robert Carter Nicholas so exhausted that he decided upon "a Trip up the Country" to recover his spirits. Journeys to the interior were a general prescription for Virginians suffering from ill health. According to who made the recommendation for such a trip, health would be restored by the more salubrious air, a change of habitat, medicinal waters, or the actual physical effort of the journey itself. When Nicholas' son-in-law, John Hatley Norton, attributed the restoration of his health to such a journey, one of his friends assigned all these reasons as responsible. "It is with pleasure I read...that you have recovered Your Health, which You impute to a long Journey, and the Use of Medicinall Waters. Health is worth purchasing at any Rate, but when obtained by a Journey, & the Use of Medicinall Waters, mutch more agreable, then, by a Load of Physick, & like to be

⁶⁵Wilson Cary to Elizabeth Fairfax, May 24, 1763, Wilson Miles Cary Family Manuscripts, microfilm, UVA.

more durable. I make no doubt but the length of the Journey, the Exercise, and the Continual change of Air in such a Journey, were as beneficial as the Waters."⁶⁶

Just how often the second-generation Nicholases felt the need of health-rejuvenating trips is unknown. All three brothers had experienced health problems of various types, but probably to no greater extent than most Virginians of the age. Robert Nicholas was forced to give up the heavy demands of his law practice partially to preserve his health, and John Nicholas suffered severely from gout as an old man. Of the three, only the eldest brother John lived to the ripe age of seventy. George died in his middle forties while Robert lived to the age of fifty-one.⁶⁷

When they paused for moments of reflection on the achievements of their lives, all three of the brothers must have felt a sense of satisfaction. Their years as orphans had not hindered personal success in any professional, political, social, or pecuniary sense. Although it was not accurate to say that they had risen from humble circumstances,

⁶⁶ Robert Carter Nicholas to Landon Carter, May 9, 1764, Sabine Hall Papers, UVA; Michael Turner to John Hatley Norton, February 13, 1773, John Norton & Sons, p. 304.

⁶⁷ Douglas Southall Freeman, George Washington (7 vols.; New York, 1948-1956), III, 224-26; Dr. George Gilmer to Col. William Cabell, June 3, 1790, Cabell Family Papers, W&M; Virginia Gazette and General Advertiser, November 11, 1795; Dixon and Nicolson's Virginia Gazette, September 3, 1780; Purdie and Dixon's Virginia Gazette, March 14, 1771.

they took pride in their version of what would come to be known as the American success story. When Robert Carter Nicholas' brother-in-law, Bryan Fairfax, expressed fears that Nicholas would cease corresponding due to a "Superiority of [Circ] umstances," Nicholas assured him that such would not be the case and then added a revealing explanation of his success,

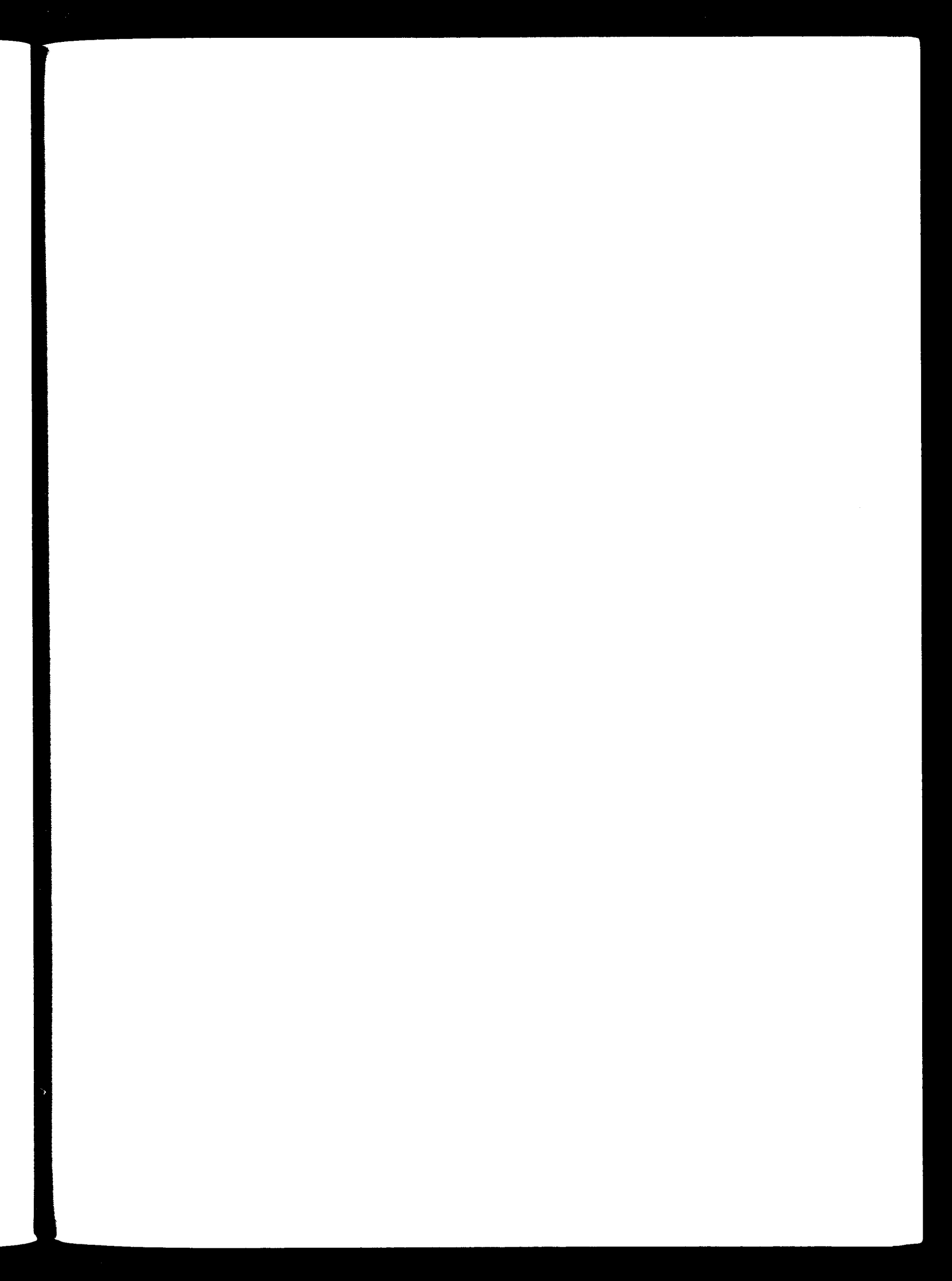
I had a much smaller Beginning than [You] and if by a good Deal of Industry & a vast Deal of Frugality I have [achieved a] comfortable Living were I inclined to boast, I could only comfort myself [with] the Thoughts that I am, after a Number of Years [finally possess'd?] of what [I] was born to. Besides, was there really the Disparity between us, which [You] hint at, I should be far, very far from valuing myself upon it, as I [have ever en]ertain'd a sovereign Contempt for any man who seem'd to over [value] himself on Account of what I call the Accidents of Fortune. Yo [u see] at present perhaps, at your first setting out in Life, some of the Difficulties [one must] encounter, which I have been obliged to rush thro' before you; but believe [me] Industry & Application will make them all vanish.⁶⁸

No life of aristocratic ease here! In this Virginia version of the self-made-man story, virtues such as hard work and frugal living counted just as much for success among the colony's rural elite as they did for Ragged Dick of New York City a hundred years later. The truth, of course, is that the Nicholases began their rise with tremendous advantages: strong family connections, a good education, practical professional training, and an inheritance that immediately classified them as gentlemen. Yet

⁶⁸Robert Carter Nicholas to Bryan Fairfax, February 13, 1763, V.C.R.P., microfilm, UVA (original in Fairfax of Cameron Manuscripts, Gays House, Holyport, Berkshire, England).

Robert Carter Nicholas had a good point. The virtues he promoted were important to a Virginia planter who wished to increase or maintain his estate, and they were certainly necessary for accomplishments such as Nicholas achieved.

The three brothers could be well satisfied with the legacies bequeathed their children. In addition to comfortable wealth, the children also inherited a family name of good standing in Virginia society. Perhaps just as important a legacy was the strong web of family connections within the Old Dominion's elite which could prove to be a great advantage if the next generation of Nicholases exploited them as ably as their fathers had done.



CHAPTER VI

THE REVOLUTION AND A NEW GENERATION

The years covering the events of the American Revolution were decisive ones for the various branches of the Nicholas family because they dramatically marked the emergence of a new generation of Nicholas leaders. Of the three sons of Dr. George Nicholas of Williamsburg, only John Nicholas, Sr., of Seven Islands was still alive to applaud the staggering American victory of Yorktown in October 1781. But Virginia did not lose the public services of the Nicholas family. The dispute with Great Britain provided a timely opportunity for the eldest sons to prove their mettle, and the young men lost no time in showing that they were prepared to inherit their fathers' positions among Virginia's governing elite.

Events in Williamsburg allowed George Nicholas, eldest son of Robert Carter Nicholas, to ^{get} ~~gain~~ the jump on his cousins. After the establishment of the Continental Association of 1774-75 to boycott trade with Great Britain, many Virginia counties created independent companies of soldiers to "protect" the local committees responsible for enforcing the provisions of the Association. Some of the young men of the colonial capital, including students at the College of William and Mary, organized into one or more companies under the leadership of

James Innes, the "gentleman-usher" of the college's grammar school, and chances are good that George Nicholas was among them. But the event which stirred these volunteers to use their forces for more than merely upholding the boycott was the removal of the gunpowder from the public magazine by sailors acting upon Governor Dunmore's orders in the pre-dawn hours of April 20, 1775. The outraged citizens of Williamsburg gathered in arms at the Common Hall to decide upon a course of action but were dissuaded from confrontation with the Governor by Robert Carter Nicholas and Peyton Randolph. The Treasurer's son was obviously of a different temperament because the Governor reserved especial condemnation for George Nicholas and James Innes in a tirade over the actions of the Williamsburg citizens. Dunmore threatened that if anyone fired a shot at the men who had removed the gunpowder, he would declare the slaves free, reduce Williamsburg to ashes, and depopulate the entire colony. He added that "if Innes & George Nicholas continue to go at large what he had say'd wou'd from some misconduct of theirs be certainly carry'd into execution." The two impetuous young friends probably reveled in their new notoriety, and they could only have laughed at Dunmore's threats to level the entire colony.¹

¹Jane Carson, James Innes and His Brothers of the F.H.C. (Charlottesville, 1965), pp. 77-79; Harry Ammon, James Monroe: The Quest For National Identity (New York, 1971), pp. 5-6; Mays, Edmund Pendleton, I, 304-05; "Deposition of Dr. William Pasteur in Regard to the Removal of Powder from the Williamsburg Magazine," VMHB, XIII (July, 1905), 48-50; Governor Dunmore to the Lords of Trade & Plantation, May 1, 1775, Public Record Office, CO5/1353, photostat copy, CWI.

Meanwhile, other angry Virginians had not been idle. Companies of men from the Northern Neck and the northern Piedmont had poured toward Fredericksburg from whence they planned to march upon the capital. Persuaded to abandon the effort by leaders such as Pendleton, Washington, Peyton Randolph, and Richard Henry Lee, the troops dispersed for their homes only hours before news reached Virginia of the "shot heard round the world" at Lexington in Massachusetts. Reacting with speedy energy, Patrick Henry urged his volunteers to resume the march toward Williamsburg. Offering to pay £330 to replace the purloined powder, Richard Corbin, the colony's Receiver-General ended the apparent reason for Henry's short march. Along with others, Henry then offered the services of his volunteers to protect the treasury from retaliation, but Nicholas, who was not one of the orator's admirers, curtly refused the aid as unnecessary.²

Dunmore's raid on the public powder magazine was partially motivated by Patrick Henry's successful resolution at the meeting of the Virginia Convention in March to place the colony in "a posture of defense" by raising two regiments of militia. Henry's resolution, which ignored the fact that many Virginia counties had been arming independent companies for some time, did not result immediately in the raising of additional troops. Instead, a committee was appointed to

²Mays, Edmund Pendleton, II, 13-16; Dixon and Hunter's Virginia Gazette, May 13, 1775; Robert Carter Nicholas to Burwell Bassett, May 8, 1775, Bassett Family Papers, LC.

decide upon measures necessary to carry the resolution into effect, and formal organization was delayed until September. During the interim, the citizens of Williamsburg, fearing an attack from Dunmore who had retired to the security of British ships, requested protection from the independent companies of the surrounding counties, and Williamsburg took on the appearance of an armed camp as the volunteers began to gather. Some of the more youthful soldiers, led by George Nicholas and a few other officers, carried out an unopposed daylight raid on the unoccupied Governor's Palace to obtain the few muskets stored there. Searching for something else to do, the volunteer officers, including the Treasurer's son and his first cousin, John Nicholas of Dinwiddie, wrote threatening letters to wavering patriots in Norfolk and suspect officials in the Virginia government.³

In the midst of this confusion, the third Virginia Convention finally got around to acting on Henry's March resolution. The delegates voted to raise two regiments of regular troops to be commanded by Patrick Henry and William Woodford. Supplementing the regulars would be a force of approximately 8,000 volunteer "minute men" raised from the sixteen multi-county districts into which Virginia had been divided. District committees, charged with the responsibility of nominating officers and raising troops for both the regular and volunteer

³Mays, Edmund Pendleton, II, 5, 11, 31; "The Papers of George Gilmer," Collections of the Virginia Historical Society (New Series), VI, (18), 91-96. Lord Dunmore to the Earl of Dartmouth, July 12, 1775, Public Record Office, CO5/1353, photostat copy, CWI. Dunmore's letter angrily accused Robert Carter Nicholas and Peyton Randolph of directing both violent and non-violent acts against the authority of the Crown.

forces, met early in September so that their actions could be approved by Edmund Pendleton's Committee of Safety, which was to meet in Hanover Town later in the month. Robert Carter Nicholas and his brother John chaired the meetings in their respective districts, and their eldest sons were nominated for captain's commissions. George Nicholas was tapped to form a company of Elizabeth City regulars while his cousin, John Nicholas, Jr., was charged with raising a company of "minute men" from the counties bordering Albemarle to the south and west. The nomination of the Treasurer's son was approved by the Committee of Safety, and he was assigned to Col. William Woodford's 2nd Virginia Regiment. As the sons of important gentlemen, the new young officers were probably not surprised by their military commissions. It was a gentleman's role to be an officer whether he had prior military experience or not.⁴

It was not long before George Nicholas saw action. From his base near Portsmouth, Dunmore had been using his small fleet of British warships to pillage plantations along the Tidewater rivers. When Dunmore threatened to burn the town of Hampton, a company of regulars from the 2nd Regiment under the command of Captain George Nicholas was

⁴Mays, Edmund Pendleton, II, 32, 34, 38, 357-58; Dixon and Hunter's Virginia Gazette, September 16 and October 7, 1775; Purdie's Virginia Gazette, September 22 and October 6, 1775. In a letter to Anne Cary Nicholas of September 4, Sally Cary Fairfax wrote that she was distressed by Mrs. Nicholas' report that three of the Nicholas sons were bearing arms. Either there was a misunderstanding between the correspondents or the Virginia militia accepted very young soldiers. George Nicholas was twenty-one, Wilson Cary Nicholas was fourteen, and John Nicholas only eleven. Sally Cary Fairfax to [Ann Cary Nicholas], September 4, 1775, Public Records Office, CO5/40, microfilm, V.C.R.P.

dispatched to the area to join Captain George Lyne's militia company from King and Queen County already guarding the town. A portion of the Governor's fleet attacked Hampton during the last week of October, but the two inexperienced Virginia companies repelled the threat without the loss of a man. One of the Governor's vessels ran aground, and the Virginians managed to take seven prisoners whom they consigned to the Williamsburg jail. Delighted with the little victory, local patriots heaped praise on the two young heroes. A distant kinsman of Captain Nicholas, Archibald Cary, wrote, "Our Young Treasurer Aided by Capt. Lyn behaved Like Heroes of Old," adding a hope that "this Brush at Hampton, will Spur the People up a little" and increase recruitment. A common soldier encamped in Williamsburg reported that the episode had brought the officers "Great honour," and letters to the Williamsburg papers added their praise. Even the Philadelphia newspapers reported the results of the skirmish. The two young officers must have been very flattered indeed.⁵

The encounter at Hampton in no way diminished Dunmore's raids, and Nicholas brushed several times with the Governor's ships after he and his company had returned to the capital. During a scouting trip

⁵Carson, James Innes and His Brothers of the F.H.C., p. 79; Pinckney's Virginia Gazette, October 26, 1775; Dixon and Hunter's Virginia Gazette, October 7, 1775; Archibald Cary to Thomas Jefferson, October 31, 1775, Boyd Papers, I, 249-50; William B. Wallace to [Michael Wallace], received November 12, 1775, Wallace Family Papers, UVA; John Norton to George William Fairfax, January 6, 1776, Fairfax of Cameron Manuscripts, Gays House, Holyport, Berkshire, England, microfilm, V.C.R.P., CWI; John Page to Thomas Jefferson, November 11, 1775, Boyd Papers, I, 256-59.

along the James, he ran into "a small party of the Enemy who saluted him with some Swivel Balls and Caused him to retreat with a Quick step at which time he heard a man on Board one of the Vessels say see how the Damned Rebels run." Despite the taunting remark, Nicholas' reputation for bravery was secure, and an expedition to Norfolk was getting underway that would add more laurels to his record.⁶

Determined to take action to put a halt to Dunmore's plundering, the Committee of Safety ordered Col. William Woodford to march his 2nd Regiment of regulars and at least eight militia companies to Norfolk. When the force began its trek toward Norfolk in the early days of November, Captain George Nicholas was among the officers who aimed to drive the marauding Governor out of Virginia by capturing the land base necessary for his supplies. After the first elements of Woodford's units reached the vicinity of Norfolk, the two opposing sides entered a two-week standoff which was punctuated only by brief skirmishes. Once again, Nicholas earned plaudits in the Williamsburg papers for his bravery under fire. On the morning of December 8, Dunmore's troops attacked the Virginia forces at the Great Bridge twelve miles outside Norfolk only to be driven back with heavy casualties after withstanding the rebels' withering fire for half an hour. Although Nicholas' precise role in this battle is not known, his connection with the action

⁶William B. Wallace to [Michael Wallace], received November 12, 1775, Wallace Family Papers, UVA.

which had forced Dunmore out of Norfolk added to his reputation as a dashing fighter.⁷

Throughout March of 1776 Nicholas appears to have remained a captain of the 2nd Regiment, a unit which had earned a reputation for lack of discipline. The Reverend David Griffith wrote that it was "the worst disciplined Regiment in the line, (though they boast of being Veteran,) and the Officers and Men the most profane and disorderly of any I ever met with." Whether Nicholas was included in this general condemnation is unknown, but he was having some troubles. In June he demanded a court of inquiry to examine a report issued by a junior officer who criticized his conduct. The court found no foundation for the charges and ordered the offender "to make this acknowledgment to Capt. Nicholas in a publick manner, and to be on his guard for the future, that no Officers Character be wounded by his ill meant and unguarded expressions." Although his conduct may sometimes have been undisciplined and rash, Nicholas did assume a personal responsibility for equipping the men of his company. Rather than have his men go without proper clothing until the Virginia government could provide it, he spent £54 of his own money to procure seventy-two hunting shirts and had to wait for reimbursement until near the

⁷Purdie's Virginia Gazette, December 8, 1775. Chapter 4, Volume II, of May's Edmund Pendleton contains an excellent account of the action at Great Bridge.

end of July.⁸

As the summer of 1776 waned, General Washington and Congress called for the states to provide additional troops for the continental army, and Virginia responded by authorizing the creation of six regiments for continental service in October. Among the officers who received their commissions in the new units on November 13 were George Nicholas and his comrade from the encounters with Dunmore, George Lyne, both of whom were promoted to the rank of major. However, the snail's pace that seemed to govern organization of new military units throughout the war prevailed in this instance as well, and the first of the new regiments, listed as the 10th Virginia Regiment, was not officially organized until the following February. When the officers had completed their recruiting, the regiment was sent north to join Washington's army in a brigade commanded by General George Weedon, a former tavern-keeper from Fredericksburg.⁹

The new regiment, commanded by Col. Edward Stephens (or Stevens), probably reached the army's camp at Morristown, New Jersey, early in

⁸Mays, Edmund Pendleton, II, 117; The Orderly Book of the Virginia Infantry - 6th Regiment, 1776-1778 under the Command of General Andrew Lewis, ed. by Charles Campbell (Richmond, 1860), pp. 54, 63; Journal of the Council of State of Virginia, ed. by H.R. McIlwaine, Wilmer L. Hall, and George H. Reese (4 vols. to date; Richmond, 1931-), I, 86; "Journal of the Committee of Safety of Virginia," Calendar of Virginia State Papers, VIII, 138.

⁹Dixon and Hunter's Virginia Gazette, November 15, 1776; C.A. Flagg and W.O. Waters, "Virginia's Soldiers in the Revolution," VMHB, XX (July, 1912), 273-74; Francis Bernard Heitman, Historical Register of the Officers of the Continental Army (Washington, 1893), pp. 53, 309; Purdie's Virginia Gazette, February 14, 1777; Journal of the Council of State of Virginia, I, 325, 339-40. Soldiers in the regiment were recruited from Augusta, Amherst, Fauquier, Fairfax, Culpeper, Orange, Spotsylvania, Cumberland, Caroline, Stafford, and King George Counties. Douglas Southall Freeman, George Washington, A Biography (7 vols.; 1948-1954), IV, 189-90.

the spring. Throughout the summer, the army was engaged only in what must have seemed constant maneuvering and occasional skirmishes. But then Howe shifted his British troops from New York to threaten Philadelphia, and Washington attempted to stop the British advance at Brandywine Creek on September 11. Weedon's brigade played a worthy role in the clash, but Washington's army barely escaped complete disaster, and Howe entered Philadelphia on September 26. The Virginia regiments in the brigade also fought at Germantown on October 4, but exactly where Nicholas was in this unsuccessful attack against the British is unknown. Sometime during late September or early October, he was promoted to the rank of lieutenant-colonel and transferred to the 11th Virginia Regiment. When Washington led his army into Valley Forge a week before Christmas, 1777, George Nicholas was not among the Virginia officers. He had resigned his commission on November 27 to return to Virginia and the beginnings of a very promising legal career. Although his major involvement with the war was over, Nicholas rejoined Virginia forces when his native state was threatened. During the Yorktown campaign, he served as aide-de-camp to his kinsman, Governor Thomas Nelson, who was in command of the Virginia militia as the trap began to close on Cornwallis.¹⁰

Nicholas' efforts in the war brought him several benefits.

¹⁰Freeman, George Washington, IV, 404-405, 439, 463, 482-84; Flagg and Waters, "Virginia's Soldiers in the Revolution," pp. 273-74; Heitman, Historical Register, pp. 53, 309.

His conspicuous role in the early days of the Revolution and his two years' service added luster to a family name already well respected in Virginia. His travels with Virginia regiments through Maryland, New Jersey, and Pennsylvania allowed him to see more of the American continent than either his father or grandfather had seen, but with one exception he did not later exploit his non-Virginia contacts. The one exception proved to be of great importance to his personal, political, and business life. At a Baltimore ball given for Virginia officers in 1777, he met Mary Smith, daughter of a wealthy Baltimore merchant and sister of Colonel Samuel Smith. The next year he married the Maryland belle and thus became the first member of the Nicholas family to choose a marriage partner with strong family connections outside the Old Dominion.¹¹

The military career of John Nicholas, Jr., of Buckingham is a bit more difficult to follow because the records indicate that at least three John Nicholases served in Virginia's forces and because in his later years the Buckingham soldier lied about the extent of his service in order to win a larger pension from the state government.

When the Committee of Safety first directed Virginia districts

¹¹Official Letters of the Governors of the State of Virginia, ed. by H.R. McIlwaine (3 vols.; Richmond, 1920-1929), III, 48, 144; Manuscript notes of Hugh Blair Grigsby, VHS. He may also have been the George Nicholas who served as a first lieutenant in a troop of 100 cavalry from Hanover County raised by Thomas Nelson in 1778. The unit

to raise companies of minute men in the early fall of 1775, the Buckingham district committee chaired by John Nicholas, Sr., nominated the clerk's eldest son for a captain's commission. Whether young Nicholas actually formed his company then is uncertain, but by late 1776 he had received a captain's commission for raising a company of troops designated to serve in one of the six additional regiments assigned by Virginia to the continental army. Upon reaching Williamsburg, Nicholas' company and four other companies were sent instead to serve in Colonel George Gibson's 1st Virginia State Regiment. Soon after the regiment joined Washington's army, the young captain received the honor of serving briefly in the Commander-in-Chief's Guard. First formed in March 1776, the unit accompanied Washington wherever he went, and it was considered quite a distinction to be assigned to the unit. The guards were required to be between 5'8" and 5'10" tall, be well drilled, and handsomely built. Because assignments were usually rotated among various state regiments, terms of service for junior officers were short. Nicholas was fortunate in joining Washington's army when he did because the General was then picking his guards from Virginia regiments, and the officer from Buckingham was tapped to join

proceeded to Philadelphia but were told they were not needed, and the unit disbanded in August. However, not many Virginians would voluntarily serve at a lower rank than what they had been accustomed to, and the George Nicholas may have been from either the Dinwiddie or Buckingham branches of the family. J.T. McAllister, Virginia Militia In the Revolutionary War (Hot Springs, Virginia, 1913), p. 251; "Revolutionary Services of Robert Bolling of Petersburg, Virginia," VMHB, XII, (October, 1904), 154-56.

the unit from May 1 to June 1, 1777, with the rank of first lieutenant.¹²

Later in his life, Nicholas specifically mentioned his role in only two battles while with the 1st Virginia State Regiment -- Edge Hill, Pennsylvania, on December 7, 1777, and Barren Hill, Pennsylvania, on May 20, 1778. One source claims that during part of this period, Nicholas served as an aide on the staff of Major General Marquis de Lafayette. The assertion may be true because no Virginia regiments were attached to Lafayette's command at the engagement of Barren Hill, and Nicholas could not have participated unless he was attached to such a staff. He definitely was with the troops who suffered the terrible winter of 1777-1778 at Valley Forge, and since he did not resign his commission until September 30, 1778, he probably was around for the battle at Monmouth in June.¹³

¹²Nicholas, Statement and Substance of a Memorial; Freeman, George Washington, IV, 404-405, 412; Carlos E. Godfrey, The Commander-In-Chief's Guard, Revolutionary War (Washington, 1904), pp. 19, 105, 220; Journal of the Council of State of Virginia, I, 437.

¹³Nicholas, Statement and Substance of a Memorial; Freeman, George Washington, V, 8-9; Curtis Carroll Davis, "The Curious Colonel Langborn: Wanderer and Enigma from the Revolutionary Period," VMHB, LXIV (October, 1956), 406; Louis Gottschalk, Lafayette Joins the American Army (Chicago, 1937), pp. 184-93; John H. Gwathmey, Historical Register of Virginians in the Revolution: Soldiers, Sailors, Marines, 1775-1783 (Richmond, 1938), p. 809; Dixon and Hunter's Virginia Gazette, July 10, 1778; Godfrey, The Commander-In-Chief's Guard, p. 220. The 1st Virginia State Regiment was assigned to General Peter Muhlenberg's brigade which was attached to Lafayette's command at the beginning of 1778.

Apparently returning to Virginia in 1778, Nicholas took a respite from his war services until the spring of 1780 when his state was called upon to send desperately needed troops to South Carolina to help stave off the British assault on Charleston. An Assembly Act of May 1780 authorized the raising of 2,500 militiamen to be sent to the relief of the sister state. Early in June John Nicholas received his commission as a lieutenant colonel in the force. Before the militia could even be organized, Charleston fell on May 12, and the militia was directed to join the forces of General Horatio Gates. Nicholas was probably with Gates' army when it was smashed by Cornwallis at Camden, South Carolina, on August 16. Although he may have personally performed well in the action, most of the Virginia militia behaved miserably, which simply reinforced the disgust that most regular army veterans held toward these temporary troops.¹⁴

Gates' defeat at Camden opened North Carolina and Virginia to invasion from the south as well as by sea, and in late October a small British squadron arrived to occupy Portsmouth for about a month. Though this short-lived incursion proved to be insignificant, some of the militia forces in the south returned to Virginia. When an invasion materialized on the last day of 1780, it came from the north in the form of Benedict Arnold and 1600 British troops from New York. On January 2 Governor Thomas Jefferson called out part of the state's militia to meet the threat, and John Nicholas hurried toward the capital

¹⁴Boyd Papers, IV, 643; Malone, Jefferson the Virginian, pp. 321-26; Nicholas, Statement and Substance of a Memorial.

from Albemarle. Arnold's forces entered Richmond on January 5 virtually unopposed, and a detachment proceeded to Westham to destroy the foundary there. By this time Nicholas had reached the area with a small force of militia. As the British detachment returned to Richmond, Nicholas attacked its pickets at a place called Scuffletown and drove them back to the main force. Because the pickets made the deepest penetration of Arnold's troops into Richmond, some patriotic organization eventually graced the spot with a stone marker commemorating Nicholas' little attack. In 1924, after the passing years had eroded the inscription, the marker was replaced by the Sons of the Revolution of the State of Virginia at the northeast corner of Grove Avenue and Mulberry Street in Richmond, where it still stands.¹⁵

As Arnold's forces retired from Richmond, Nicholas' increasing force of militia followed them step by step without ever actually engaging the British in battle. Nicholas assumed the task of keeping Jefferson up to date on all British movements, but he never received command of all regular and militia forces in the area as he desired and as he later claimed. Aside from the skittish firing of some of his sentinels into the night air, Nicholas' militia unit appears to have made no contact with Arnold's forces after the brush at Scuffletown, and the much loathed traitor returned to Portsmouth for several

¹⁵ Malone, Jefferson the Virginian, pp. 331-33, 337-39; John Q. Adams, "Arnold's Ficket Line," Sons of the Revolution in State of Virginia Quarterly Magazine, III (July, 1924), 15-23; Tyler's Quarterly Historical and Genealogical Magazine, IV (October, 1922), 152.

weeks. By January 17 Brigadier General Thomas Nelson, who was shortly to succeed Jefferson as Governor of Virginia, had assembled the various militia companies in Williamsburg, and Col. Nicholas claimed command of 439 men, although nineteen of them had already deserted. Existing records do not reveal whether Nicholas remained active in the militia forces during the months that ended with the surrender of Cornwallis at Yorktown in October; however, chances are good that he served until the end of active military operations in Virginia.¹⁶

It is clear that John Nicholas of Dinwiddie (eldest son of George Nicholas) served during the revolutionary struggle, but due to the confusion in the records, it is difficult to trace his steps as precisely as those of his two first cousins. On October 24, 1775, he received his commission as an ensign in the 2nd Virginia Regiment and very likely participated with his cousin George in the clash at Great Bridge. Congress confirmed his commission when the regiment was brought

¹⁶ Charles Fleming to Thomas Jefferson, January 6, 1781, John Nicholas to Thomas Jefferson, January 7, 1781, Boyd Papers, IV, 310-11, 316; John Nicholas to Thomas Jefferson, January 8 and January 10, 1781, Calendar of Virginia State Papers, I, 422, 427; Militia Muster Book of Brigadier General Muhlenberg, 1780-1781, Box 15, WCN-UVA; Nicholas, Statement and Substance of a Memorial. Nicholas applied several times for pensions and bounties offered by both the state and federal governments to revolutionary veterans, and in his last effort of 1833-35, he attempted to gain more than his just due by claiming the wartime services of his late cousin, John Nicholas of Dinwiddie. Justice was satisfied, however, when this illegitimate request was denied by Virginia in 1835. See Bounty Warrants Files, VSL, under the name of John Nicholas.

into the continental line, and on February 14, 1776, he was appointed a first lieutenant in the 9th Virginia Regiment. Apparently, he soon resigned or took an extended furlough, for he returned to Dinwiddie to marry and to follow in his father's footsteps as the clerk of the county court. Near the end of November 1777, he and Joseph Jones were appointed by the state government to serve as commissioners to raise clothing for the army. By 1780 he was again serving in the army, with the rank of captain. One source indicates that he belonged to Col. Gibson's regiment which was probably the same 1st Virginia State Regiment in which his cousin, John Nicholas, Jr., of Buckingham, had earlier been an officer. After a brief stint with the unit, he returned to private life in Dinwiddie and then achieved the rank of colonel after the war by heading the county's militia.¹⁷

The other Nicholas sons were too young to participate in the revolutionary armies to any considerable extent. Wilson Cary Nicholas, the second son of the colony's Treasurer, attempted to recruit soldiers for units he wished to command in 1780 and 1781, but there is no evidence that he succeeded in his quest to follow in his brother's footsteps as a war hero. In April 1781, for example, he was appointed a captain in a legion to be raised for the defense of Virginia, but apparently the effort never materialized. Persistent Virginia tradition holds that

¹⁷ John Nicholas Folders, Bounty Warrants, VSL; Heitman, Historical Register, p. 309; Journal of the Council of State of Virginia, II, 37; Purdie's Virginia Gazette, April 18, 1777; Dinwiddie County Order Book 1789-1791, photostat, VSL, p. 6.

Nicholas was assigned to the Commander-in-Chief's Guard during the revolution and eventually became its commanding officer, but the flattering tradition is clearly mistaken, and the would-be warrior had to settle for military honors through the regular county militia structure after the Yorktown victory. The war simply did not last long enough to provide the younger Nicholas sons with opportunities to win the military reputations earned by their eldest brothers.¹⁸

Though his participation in the early fights of the revolution in Virginia most likely did not hasten his career, John Nicholas of Dinwiddie was the first of the third generation of Virginia Nicholases to assume a role in local leadership. By the spring of 1777, and probably much earlier than that, he had "inherited" his father's office as clerk of the Dinwiddie County Court. Not enough is known of the father's personality to assess any duplication of character traits in the son, but the new clerk seems to have largely adopted George Nicholas' life style and limited role in Virginia politics. Like his father, John Nicholas chose his bride from one of the area's leading families. Alexander Purdie's Virginia Gazette noted on April 18, 1777, that Nicholas had married "Miss Dolly Pleasants Briggs, eldest daughter of Gray Briggs, esq; an agreeable and very accomplished young lady." The

¹⁸ See the commissions of October 24, 1780, and April 7, 1781, WCN-LC; Calendar of Virginia State Papers, IV, 546; Thomas Perkins Abernethy, "Wilson Cary Nicholas," Dictionary of American Biography, XIII, 486-87. Carlos E. Godfrey's work on The Commander-In-Chief's Guard makes no mention of Wilson Cary Nicholas.

Briggs had built their modest fortunes as merchants in the Petersburg area, and John Nicholas' marital ties to the family was the precursor of similar ties to other mercantile families by all three branches of the Virginia Nicholases.¹⁹

Nicholas also chose not to expand his political involvement beyond the local level. His 1789 appointment as lieutenant-colonel of the local militia secured his position as one of Dinwiddie's most influential figures. When Virginians began to divide into the two new political camps of the mid-1790's, the Dinwiddie clerk became a leading Federalist in the county despite personal friendships with prominent local Republicans such as General Joseph Jones. His Federalist reputation was widespread enough to earn a bite from the scurrilous newspaperman James Callender. "Sooner than be such an individual as Alexander Hamilton," wrote Callender, "I would rather be a tick upon a sheep's back, or to descend still lower in the scale of animated nature, I would rather be Colonel John Nicholas, clerk of

¹⁹Purdie's Virginia Gazette, April 18, 1777; Robert A Lancaster, Jr. "Wales, Dinwiddie County," VMHB, XLIV (July, 1936), 233. John Nicholas' sister Betsy had married Robert Skipwith, son of Sir William Skipwith, two years earlier. The younger Skipwith had once sought and received Thomas Jefferson's advice on a list of books for a small gentleman's library that would be "improving as well as amusing." This list was later used by Colonial Williamsburg for the display library in the restored Brush-Everard House. Dixon and Hunter's Virginia Gazette, January 7, 1775; Slaughter, A History of Bristol Parish, pp. 227-29; Robert Skipwith to Thomas Jefferson, July 17, 1771, Thomas Jefferson to Robert Skipwith, August 3, 1771, Boyd Papers, I, 74-75, 76-81; Arthur Pierce Middleton, A Virginia Gentleman's Library (Williamsburg, 1959).

Dinwiddie County."²⁰

By adopting the practice of hiring a hard working deputy clerk, Nicholas found leisure for gentlemanly pursuits, such as membership in the Petersburg Jocky Club and the entertainment of friends at Norborne, the plantation he had named after the colonial governor who had befriended his uncle, Robert Carter Nicholas. Yet he never amassed any great amounts of land or personal wealth. Between the years 1782 and 1818, he was never taxed for more than 1300 acres of Dinwiddie land, and his average taxable land ran to 300-400 acres. The personal property tax rolls for the same period show that he was never assessed for more than twenty-three slaves, twelve horses, and one carriage. This was hardly adequate to classify him as wealthy, yet he must have led a comfortable life at Norborne, content with his role as an influential county squire.²¹

Because he had not acquired large landholdings, John Nicholas of Dinwiddie was unable to leave each of his two surviving sons more than 200 acres. However, his eldest son, John Nicholas, Jr., was able to "inherit" the clerk's office with its more than adequate income for as long as he wished to hold the post. John Jr. had already exhibited a

²⁰ Dinwiddie County Order Book, 1789-1791, photostat, VSL; Edward A. Wyatt, IV, "George Keith Taylor, 1769-1815, Virginia Federalist and Humanitarian," WMQ (2nd series), XVI (January, 1936), 13.

²¹ Dinwiddie County Order Book, 1789-1791; "Petersburg Jocky Club Book, 1785," WMQ (2nd series), XVIII (April, 1938), 210-18; Dinwiddie County Land Books, 1782, 1787-1820, VSL; Dinwiddie County Personal Property Books, 1782-1820, VSL.

willingness to become engaged in state politics when he sat in the House of Delegates for Dinwiddie in 1810-1811, and when his father stepped down from the county clerkship sometime around 1813, he was just as willing to accept a permanent post in local leadership. When John Nicholas, Sr., died on February 22, 1818, he could have been satisfied that while he had not advanced his family's fortune to any great degree, he had maintained its good name and position in Dinwiddie.²²

Although his father's wealth and social standing would have naturally propelled George Nicholas toward an early political involvement, his reputation as one of Virginia's first war heroes undoubtedly pushed him to positions of responsibility at a faster than normal pace. After resigning his commission in November 1777, George Nicholas returned to Virginia to study law. No records remain of his course of reading, but he probably could not have found a better lawyer to guide his studies than his father. Less than a year after returning from the army, Nicholas passed the bar examination before his brother-in-law Edmund Randolph (then the Attorney-General of the state) and Henry Tazewell, and on September 17, 1778, the Lt. Governor granted him a license to practice law before the county courts. Only two weeks later, the Council of

²²Richmond Enquirer, February 26, 1818; Dinwiddie County Personal Property Books, 1782-1820, VSL; Earl G. Swem and John W. Williams, A Register of the General Assembly of Virginia, 1776-1918 and of the Constitutional Convention (Richmond, 1918), p. 412.

State accepted the recommendation of the James City County Court and appointed Nicholas a justice of the peace on that local body. During the same busy year, which also included his marriage to Mary Smith of Baltimore, Nicholas even served for a brief period in the House of Delegates.²³

As had been the case with neophyte lawyers of the preceding generation of Nicholases, the first business handled by the new attorney came through the family. In the spring of 1778, George Nicholas helped his father wrap up the loose ends of a legal career begun in 1750. Two years later, he agreed to serve as legal representative for his uncle, George William Fairfax, who had returned to Britain shortly before the outbreak of the revolution, and who wished to preserve his Virginia estates from confiscation. Nicholas apparently resided in Williamsburg until 1779 but then moved to his father's lands in Hanover County to build his law practice in the counties surrounding the new capital at Richmond. Existing records show that he qualified to practice in Caroline and Powhatan Counties, and he undoubtedly practiced in neighboring counties such as Henrico, Hanover, and Goochland. His early practice received aid from Edmund Randolph; by August 1781 he was assisting his brother-in-law in examining the fitness of prospective attorneys. When Randolph was elected to Congress,

²³Journal of the Council of State of Virginia, II 187, 189; Swem and Williams, A Register of the General Assembly, p. 412.

Nicholas was made acting Attorney-General in his stead. These numerous duties kept Nicholas quite busy, and he complained of the "slavish attendance" which his practice demanded of him.²⁴

Despite his busy professional life, Nicholas decided to re-enter the state political scene, and in 1781-1782, he sat in the House of Delegates for Hanover County. Nicholas entered the House without the restraining influence of his father, Robert Carter Nicholas, who had died in September 1780. The former Treasurer had raised his son to be a gentleman and had trained him in a gentleman's business, but he had not been able to instill in his son the calm, deliberate, dispassionate manner which he had prized. During the 1775 gunpowder-removal episode, for example, the elder Nicholas attempted to calm the passions of the aroused Williamsburg mob, while his son indulged in rash actions that provoked the ill-temper of Governor Dunmore. Without the thoughtful influence of his father, exasperating events in 1781 seemed perfectly designed to goad George Nicholas into rash action again. Benedict Arnold had carried out his brief raid on Richmond in

²⁴ Purdie's Virginia Gazette, May 1, 1778; George Nicholas to George William Fairfax, June 25, 1780, microfilm, V.C.R.P.; T.E. Campbell, Colonial Caroline: A History of Caroline County, Virginia (Richmond, 1954), p. 467; Powhatan County Order Book No. 1, microfilm, VSL; Journal of the Council of State of Virginia, II, 371, 402; Benjamin Harrison to George Nicholas, February 6, 1782, Official Letters of the Governor of the State of Virginia, III, 144; George Nicholas to St. George Tucker, April 30, 1780, Tucker-Coleman Papers, W&M. While living in Williamsburg, Nicholas belonged to the Williamsburg Lodge of Freemasons though he had a weak attendance record. Kidd, Early Freemasonry in Williamsburg, p. 82; Williamsburg Lodge of Masons Treasurer's Book, 1773-1784, photostat, CWI, p. 52.

January, and General William Philips had threatened the capital again near the end of April. By May 20 General Cornwallis, having marched his army through North Carolina, joined Arnold near Petersburg. The government of the Old Dominion virtually collapsed. The General Assembly had already voted to hold its meetings in Charlottesville, and on Monday June 4, it was forced to transfer its meeting across the Blue Ridge to Staunton to avoid the swift raids of Colonel Banastre Tarleton.²⁵

To an impetuous young Virginian with a military reputation, the times called for drastic measures, and Nicholas was obviously in the correct frame of mind to suggest same. As the legislators gathered in Staunton, he made no secret of his intention to move that the General Assembly appoint a temporary dictator to save the state from disaster. Despite lack of mention of such a motion in the house journal, Nicholas apparently made it and kicked off a roaring debate. Supporting his motion in a speech, Nicholas suggested that General Washington would make a good choice. Although not necessarily agreeing with Nicholas' selection, Patrick Henry seconded the motion. It was only narrowly defeated. The Assembly did see a necessity for a firmer hand and agreed to increase the powers of the new governor to meet the emergency.²⁶

²⁵Swem and Williams, A Register of the General Assembly, p. 12; Malone, Jefferson the Virginian, pp. 337-55.

²⁶Henry Young to William Davies, June 9, 1781, Boyd Papers, VI, 84-85 and Boyd's editorial note on the same pages; Malone, Jefferson the Virginian, pp. 360-61.

This action did not satisfy Nicholas. Arnold had met too little opposition in his first raid, militia had disbanded because no orders had come from the executive to direct them, and the state had lost arms it could not afford to lose. Someone had to take the blame for these blunders, and Nicholas thought he had the responsible party picked out when on June 12 he moved for an investigation into the conduct of former Governor Thomas Jefferson and the Council of State. Stung by this reflection on his conduct during harried times, Jefferson wrote Nicholas asking for specific instances of executive error. Responding that his resolution had contained no particulars, Nicholas still insisted that the "persons" entrusted with the administration should explain its failings.

You consider me in a wrong point of view when you speak of me as an accuser [wrote Nicholas]. As a freeman and the representative of free Men I considered it as both my right and duty to call upon the executive to account for our numberless miscarriages and losses so far as they were concerned in or might have prevented them. In doing this I had no private pique to gratify, and if (as I hope it may) it shall appear that they have done everything in their power to prevent our misfortunes I will most readily retract any opinion that I may have formed to their prejudice.

His excitement already somewhat cooled, Nicholas added that when the Assembly met again, he would "exhibit no charges but only join in an enquiry."²⁷

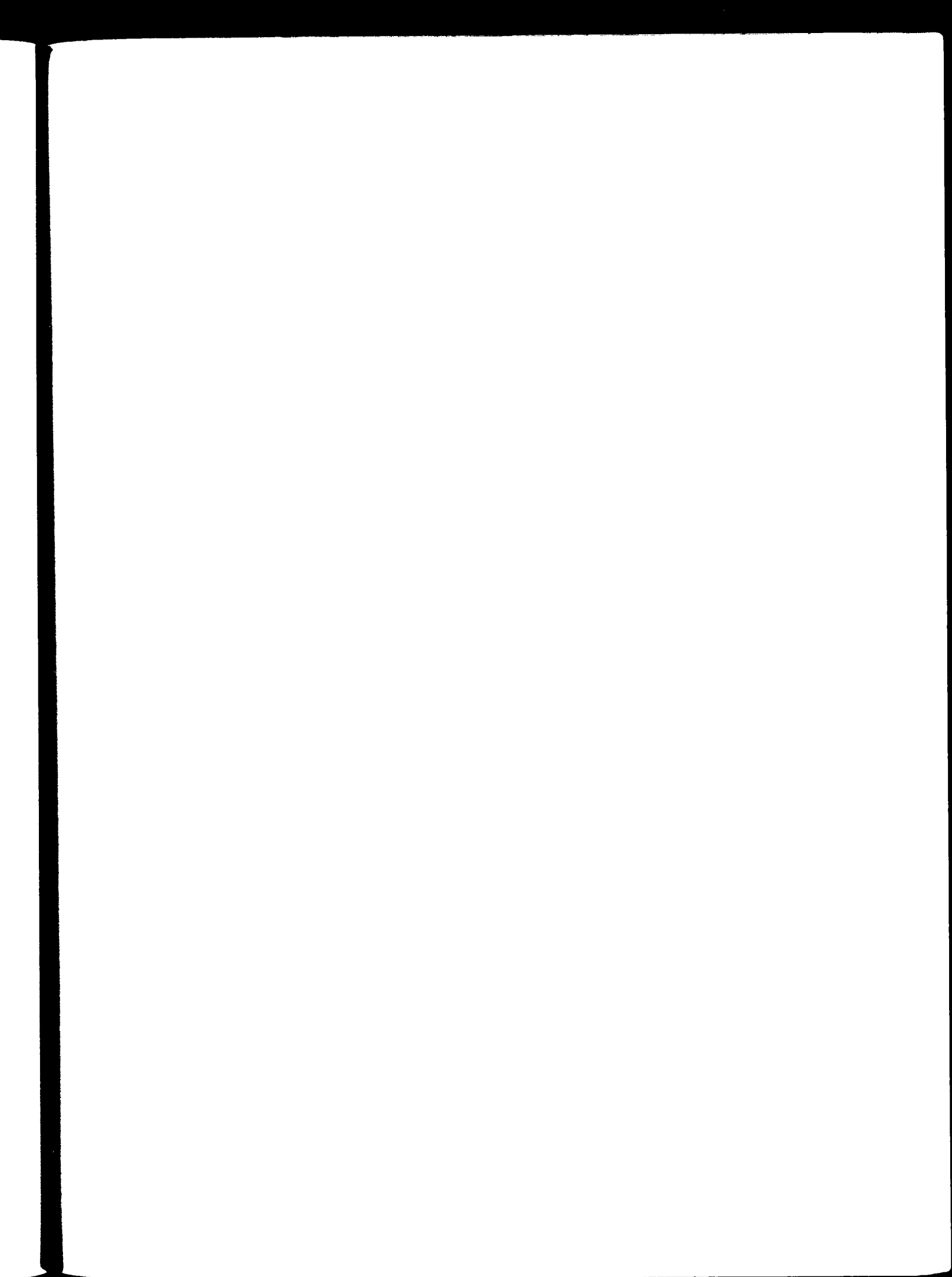
²⁷Malone, Jefferson the Virginian, pp. 361-63; Thomas Jefferson to George Nicholas, July 28, 1781, George Nicholas to Thomas Jefferson, July 31, 1781, Boyd Papers, VI, 104-106.

The Assembly did not get around to appointing a committee to investigate Jefferson's term until the end of November, and the young delegate from Hanover was given his place on the body. However, when the issue was brought before the House of Delegates, Nicholas was not present, and Jefferson received vindication instead of censure. The intervening months had probably given the young delegate time to reconsider his rashness, and the victory at Yorktown had made the entire issue superfluous at any rate. Jefferson, who had held Robert Carter Nicholas in high esteem and who had developed an early fondness for the Treasurer's eldest daughter, was bitter about George Nicholas' role in the controversy. Referring to the Hanover delegate as a "Trifling body...below contempt," he privately charged that Nicholas was simply a tool of Patrick Henry. The charge may have been true. Although Henry had never charmed Robert Carter Nicholas, the fiery orator often exhibited the dash that a young impressionable man could approve. Even Nicholas' brother-in-law, Edmund Randolph, believed that Henry and the war hero had cooperated to censure Jefferson. This was the only time that Nicholas was suspected of being under Henry's influence. In later Virginia battles over religious freedom, the adoption of the federal constitution, and the growth of political parties, Nicholas proved to be one of the major obstacles to Henry's positions and an important lieutenant in the forces led by Madison and Jefferson. Years later, after reconciliation between Jefferson and his young accuser, Jefferson reported that Nicholas had candidly

admitted his error in moving for the investigation. One can only speculate that had the old Treasurer still been around, his dispassionate and deliberate manner might have quieted his impetuous son and prevented the young delegate from engaging in an embarrassing dispute with the man who was to become a good family friend and political chief.²⁸

Boldness may have been an asset to Nicholas' military exploits, but in his early political ventures, it appeared closer to rashness and marked him as a young man with a lot to learn. However, the war had given him a chance to enter Virginia's governing class in a very vigorous manner, and he maintained a strong sense of public service in the new nation that was to emerge.

²⁸Malone, Jefferson the Virginian, pp. 365-66; Thomas Jefferson to Isaac Zane, December 24, 1781, Boyd Papers, VI, 143-44, Randolph, History of Virginia, p. 296; Thomas Jefferson's "Diary of Arnold's Invasion and Notes on Subsequent Events in 1781; The 1796? Version," Boyd Papers, VI, 261-62.



CHAPTER VII

SPOKESMEN FOR ALBEMARLE

Of the three branches of the Nicholas family in Virginia, the most prominent proved to be the descendants of Robert Carter Nicholas. Four of his five sons played an active role in state or national politics, and his daughter Elizabeth married another powerful Virginia politician, Edmund Randolph. Fortunately, these Nicholases were active, sometimes prolific, correspondents, and many of their papers have survived. Because of the absence of existing papers for the two other family branches and the important part taken by this branch of the family in the early national period, the remainder of this study will focus on the descendants of the former Treasurer.

The American Revolution seriously disrupted the lives of the Nicholases. Not only were they affected by the military, political, economic, and social upheavals, as all Virginians were, but they experienced changes in their personal patterns of living. One big change caused primarily by the war was the 1777 shift in residence from the familiar and friendly streets of Williamsburg to the farm in Hanover County, which was called "The Retreat." Robert Carter Nicholas moved his family to Hanover because of the danger of British attack on Williamsburg and the surrounding Tidewater area and because the Hanover farm was

nearer the new capital of Richmond. His eldest son, George, who had just resigned his commission in the army, remained in Williamsburg for at least a year to wind up his father's legal business and perhaps to do additional reading under an old family friend, George Wythe.¹

After the death of Robert Carter Nicholas in September, 1780, the family moved again -- this time to the lands in Albemarle County which Dr. George Nicholas had first acquired in 1728. Exactly when they moved and exactly where they lived once they reached Albemarle is unknown, but George Nicholas was addressing his letters from the western Piedmont county by the summer of 1782, and the following year he represented his new county in the House of Delegates. Albemarle County did not then present the neat pattern of cleared fields and pastures that it features today. A captured British officer reported in 1779 that "the face of the country appears an immense forest, interspersed with various plantations, four or five miles distant from each other," and an account by one of his German comrades gave a remarkably similar description.²

Most of the Nicholas lands in Albemarle were contained in two large tracts, one along the James River above the present-day village of

¹Purdie's Virginia Gazette, May 1, 1778; Hugh Blair Grigsby, The History of the Virginia Federal Convention (2 vols.; Richmond, 1890), I, 75.

²George Nicholas to Battaile Muse, August 31, 1782, Battaile Muse Papers, William R. Perkins Library, Duke University; Swem and Williams, A Register of the General Assembly, p. 412; Thomas Anbury, Travels Through the Interior Parts of America in a Series of Letters by an Officer (2 vols.; London, 1789), II, 287-88; Du Roi, Journal of Du Roi the Elder, p. 155.

Warren and the other near the southern end of Green Mountain. The James River tract was especially valuable not only because of its fertile fields, but also because the river provided quick and convenient access to markets. Portions of the land had been farmed since the mid-1730's, so many of the acres had been cleared by the time of the family's migration in the early 1780's. The existence of cleared and fertile fields allowed the Nicholases to concentrate on crop production without having to expend much energy on the laborious work of hacking new fields from the forests.³

No account remains to explain exactly why the family decided to migrate westward. Some sources hold that during the British incursions of 1781, the Hanover farm had been visited by enemy horsemen, and the move to Albemarle was an effort to prevent an encore. Perhaps the lands in Hanover and Henrico Counties were diminishing in yield, while the Albemarle tracts promised a better source of income. Considerations of health may have played a part too. Upcountry air was considered more "salubrious" and healthful than that of the low-lying counties. But probably the most important inducement for the move was the belief of the older sons -- George, Wilson, and John -- that their futures lay in the western Piedmont. Their father's will had given each of the trio one third of the 7500 Albemarle acres. While George, as the eldest son,

³ Goochland County Order Book No. 3, p. 256, Goochland County Deed Book No. 2, p. 190, microfilm, VSL; Robert Carter Nicholas' Expenses in Albemarle County, 1758-1760, Box 13, N.D. Misc. Accounts File, WCN-UVA.

also received the Hanover plantation, Wilson and John had to rely solely upon their Albemarle inheritances for their livelihood. Whatever the reasons, the move set a new pattern for the sons of the Treasurer. Of the five brothers, only one remained an Albemarle resident for the rest of his life. The others eventually scattered -- two to Richmond, one to Kentucky, and one to western New York.⁴

The entire family did not reside together in Albemarle for very long. By the end of 1783, Mrs. Nicholas had returned to Williamsburg with her spinster daughter Mary and her youngest son, seven-year-old Philip Norborne Nicholas, who had been nicknamed "Pin-Basket" by the family. George and Wilson took the responsibility of looking after their younger brothers John and Lewis, nineteen and seventeen respectively. Three years later, on December 5, 1786, Mrs. Nicholas died in Williamsburg. Thus ended completely the family's connection with the former colonial capital.⁵

Meanwhile, George and Wilson Cary Nicholas directed their atten-

⁴Robert A. Brock, Virginia and Virginians (Richmond, 1888), p. 123; Will of Robert Carter Nicholas, contemporary handwritten copy, Carter-Smith Family Papers, UVA.

⁵Dr. John M. Galt Account Book, 1782-1783, CWI; Edmund Randolph to Robert Carter Nicholas, July 24, 1777, Elizabeth Barbour Ambler Collection, UVA; John Minson Galt and Philip Barraud Apothecary-Surgeon Day Book, 1782-1797, CWI; Richmond Virginia Independent Chronicle, December 6, 1786. Mary Nicholas, nicknamed Molly, resided in James City County until her death around 1795 or 1796. Copies of two different wills of different dates containing widely divergent bequests still exist in WCN-UVA, Box 3 and Wilson Miles Cary Genealogical Material, microfilm, UVA.

tion to the management of the lands which their father had bequeathed to the five brothers. Robert Carter Nicholas had named his two oldest sons as executors of his estate, along with Mrs. Nicholas, his brother John, his brother-in-law Wilson Miles Cary, and his two sons-in-law, Edmund Randolph and John Hatley Norton. The two brothers may have sought the advice of these relatives, but they shouldered the major responsibility for the estate. Besides the lands in Albemarle County, the estate included the Westham plantation in Henrico County and the farm in Hanover County. When it is remembered that all these separate tracts included their own slaves, livestock, buildings, working tools, and supplies, it is obvious that the two young men were facing quite a task in administering the estate. In Albemarle County, for example, 1782 tax records reveal that they had to pay a total of over £230 in taxes for 7500 acres of land, 123 slaves, 65 head of cattle, and 29 horses. Moreover, there were old debts against the estate, which Robert Carter Nicholas had instructed to be paid before the legacies were divided among his heirs. Thus the sons inherited their father's debts and the legal entanglements which they involved. Confronted by pressing creditors, the two executors were forced to pore over their father's records for evidence of debtors who might provide money to ease the strain on the estate. In 1788, for example, John Hatley Norton, the husband of Sally Nicholas, requested payment of a wartime debt owed to his late father's firm amounting to £5600. During the early days of the revolution, the Treasurer had used his good name and friendship to

secure a loan in that amount from John Norton to buy gunpowder for Virginia, and he had never been reimbursed by the state. Fortunately for the Treasurer's sons, the 1788 General Assembly accepted George Nicholas' petition for reimbursement and ordered the debt paid with six per cent annual interest.⁶

The scattered locations of the various tracts also proved to be a burden. Robert Carter Nicholas had willed his part of the Westham plantation to his two youngest sons, Lewis and Philip, but until these sons came of age the executors were charged with its management. Although the distance from Charlottesville to Westham was not great, it was enough to worry George Nicholas, who had his hands full with a law practice and management of the Albemarle lands. Also the plantation had experienced two years of poor crops due to British incursions in 1781 and bad weather in 1782. For all these reasons, George Nicholas decided in August 1783 to abandon his direction of the plantation and turn it over to his cousin, John Nicholas.⁷

Although he felt compelled to restrict his management of his father's estate, he purchased land in Albemarle to add to the 2500 acres he had inherited from his father. Continuing a two-generation family tradition, he bought over 2200 acres throughout the county between 1782

⁶Will of Robert Carter Nicholas; Albemarle County Sheriff's Ledger, 1782-1783, UVA; Grigsby, The History of the Virginia Federal Convention, II, 183; Memorial of George Nicholas to the General Assembly, October 21, 1788, John Norton & Sons, pp. 480-81.

⁷George Nicholas to anonymous, August 25, 1783, WCN-UVA.

and 1789. Some of these lands proved to be an asset when he decided to move to Kentucky in 1784. Although he could not convert all of them into cash, he traded James Monroe his home and lots in Charlottesville and 300 nearby acres on which the University of Virginia now stands for £2500 worth of Kentucky land.⁸

Upon his move to Albemarle, George Nicholas shifted the focus of his law practice from the Richmond area to counties at the foot of the Blue Ridge and in the Shenandoah Valley. His wide-ranging circuit included Shenandoah, Rockingham, Augusta, and Rockbridge Counties in the Valley, and Albemarle, Amherst, and Buckingham Counties east of the Blue Ridge. Just how lucrative his practice was is unknown, but for some reason he faced very little competition. In January 1786 John Breckenridge was advised by a friend to establish his practice in the same general area because the high number of cases and paucity of lawyers would guarantee a large number of clients. About 700 causes were on the docket in Augusta, and George Nicholas competed with only one other lawyer for the business. "The People are in real need of an antagonist for Nicholas," he concluded.⁹

⁸ Albemarle County Deed Books, 1782-1789, microfilm, UVA; James Monroe to James Madison, October 26, 1788, The Writings of James Monroe, ed. by Stanislaus Murray Hamilton (7 vols.; New York, 1898-1903), I, 195.

⁹ A. Stuart to John Breckenridge, January 26, 1786, Breckenridge Family Papers, LC; George Nicholas to Battaile Muse, May 8, 1786, Battaile Muse Papers, Duke University. The Nicholases had a penchant for the law. Besides George, John and Philip followed in their father's footsteps as lawyers, and Wilson allegedly had legal training. Grigsby, The History of the Virginia Federal Convention, I, 75.

The Nicholases immediately assumed active leadership roles in their adopted county. Despite the freshness of their migration, the citizens and gentry of Albemarle exhibited few qualms in choosing the new residents for service on both local and state levels. In fact, some local offices almost became family possessions. When one brother quit a post, another was chosen to fill his place. In May 1785, for example, George Nicholas took his oath as the new County Lieutenant or chief of the Albemarle militia. This important and prestigious post was conferred only upon the county's leading gentlemen, and Nicholas' wartime experiences made him a natural selection. When he decided to emigrate to Kentucky in 1789, the office was awarded to his brother Wilson whose only apparent military experience had been as a lieutenant in the same militia unit.¹⁰

Except for his militia office, George Nicholas served Albemarle County on the state level. Wilson Cary Nicholas, however, saw much duty in local offices as well. In the fall of 1786, for example, he was commissioned a Justice of the Peace and placed on the county court, and he was still sitting on the court eighteen years later. The following year, he was included among the Overseers of the Poor, a body which had inherited the welfare functions of the old parish vestries. Nicholas obviously took the responsibility seriously, for he was present at every meeting of the body until the fall of 1788, when he apparently resigned.

¹⁰ Albemarle County Order Book, 1783-1789, microfilm, VSL; Calendar of Virginia State Papers, IV, 546; Recommendation of Wilson Cary Nicholas as Albemarle County Lieutenant, photostat copy, UVA.

In 1789 he was appointed by the General Assembly as one of the seven local trustees of a new town on the Rivanna River called Milton. The small town flourished as the county's chief commercial center for the next twenty years and boasted a larger population and more active social life than the county seat of Charlottesville.¹¹

But it was on the state level that Albemarle County got full service from her new citizens. From 1783 until 1789, at least one of the county's seats in the House was occupied by a Nicholas, and during one legislative session the family held both places. Both Albemarle seats in the Virginia federal convention of 1788 were filled by the family, and Wilson Nicholas almost "owned" a place in the House of Delegates during the six year period from 1794 to 1800.

The first of the brothers to obtain a House seat was the eldest. Edmund Randolph predicted in March 1783 that his brother-in-law would be a successful candidate because he had "the murmur of the people strongly in his favor." In the following month George Nicholas won a place in the House together with his second cousin, and the grandson of John Carter, Col. Edward Carter of Blenheim. At this date, Nicholas obviously had done little thinking about the problems of the confederation. Randolph reported that when Nicholas first heard of Congress' renewal of the impost issue, he was "vehement against its revival: but

¹¹Statement of John Nicholas, Clerk of Albemarle County Court, to the Governor of Virginia, June 2, 1806, Miscellaneous Albemarle County Documents, UVA; Albemarle County Overseer of the Poor Accounts, 1786-1809, photostat, VSL; Albemarle County Deed Book No. 9, 1784-1789, microfilm, UVA; Hening's Statutes, XIII, 87-89; Woods, Albemarle County, pp. 57-58; Dabney, "Jefferson's Albemarle," pp. 141-44.

he has seen the subject since in a more dispassionate light, and will, I believe adopt fit measures for our salvation." Perhaps because of his actions in 1781 to investigate Thomas Jefferson, Nicholas had achieved a reputation for being a "politician not fam'd for hitting a medium." At least that was the assessment of young John Marshall who believed that Nicholas' liberal citizenship bill to admit "into this country every species of Men except Natives who had borne arms against the state" was rather extreme.¹²

The following year George Nicholas declined to run for the Assembly. Most likely he felt that the increasing demands of his law practice and the large time devoted to his father's estate took precedence over political service. No matter. The seat remained in family hands, for Wilson Cary Nicholas won the election to replace him. According to one source, the younger brother met success in his candidacy by personally visiting the home of every freeholder in the county, but this was not a typical Virginia electioneering practice, and it certainly did not match his later political style.¹³

Wilson's mother was delighted with the election of her twenty-

¹²Edmund Randolph to James Madison, March 29, 1783, The Papers of James Madison, ed. by William T. Hutchison, William M.E. Rachal, et.al. (6 vols. to date; Chicago, 1962-), VI, 416-17; John Marshall to James Monroe, December 12, 1783, in Albert J. Beveridge, The Life of John Marshall (4 vols.; Boston, 1916-1919), I, 208.

¹³Brock, Virginia and Virginians, p. 124. Edward Carter retained his seat as the other Albemarle representative, and John Nicholas, Jr., of the Buckingham branch of the family served his only term as a delegate from Buckingham during the 1784-1785 session.

three-year-old son, and from her home in Williamsburg, she wrote a letter full of advice for the freshman legislator. Her suggestions smacked strongly of the political beliefs and practices of her late husband, but she was obviously troubled that Wilson might not have consistently absorbed those beliefs in his Williamsburg home.

I congratulate you [she wrote] on the honour Your County has done You in choosing you their Representative with so free a Vote, & I hope You are come into the Assembly without those trammels; wch some People submit to wear for a seat in the house, I mean unbounded by promises to perform this or that Job wch the many headed Monster may think proper to chalk out for You, especially that You have not engag'd to lend a last hand to pulling down the Church wch by some impertinent [illegible] in the last paper, I suspect will be attempted; never my dear Wilson, let me hear that, by that sacriligious act, You have furnish'd Yourself with materials to erect a scaffold, by wch You may climb to the summit of popularity, rather remain in the lowest obscurity; tho' I think from long observation I can venture to assert that the man of integrity, who observed one equal tenour in his conduct, who deviates neither to one side or the other, from the proper line, has more of the confidence of the People, than the very Compliant Timeserver, who calls himself the Servant & indeed is, the Slave of the People....¹⁴

Apparently, it did not occur to Mrs. Nicholas that her son could support the disestablishment of the church from principle rather than from a wish to curry popularity.

Continuing her blueprint for her son's legislative conduct, Anne Nicholas also expressed the hope that Wilson would support measures to

¹⁴ Anne Cary Nicholas to Wilson Cary Nicholas, [?] 12, 1784, photostat copy, VHS.

encourage "the progress of the Arts & Sciences" so that Virginia would not fall behind the other states in those areas and "chill, like a frost, the Spring of Learning, & Spirit of enterprise." As far as his personal demeanor in the House was concerned, she relayed the suggestion "from a very good Friend of yours, that Your weight in the house will be much greater if you do not take up the Attention of the Assembly on trifling matters nor too often demand a hearing." Adding a hint of her own, she noted that "temper & decorum is of infinite advantage to a publick speaker & a modest diffidence. To a Young Man just entering the Stage of Life the neglect of the former throws him off his bias, breaks his chain of reasoning & has often produc'd in Engl^d Duels that have terminated fatally, the natural effect of the latter will ever be procuring a favourable & patient hearing & all those advantages, that a prepossession in favour of the Speaker produces."¹⁵ Although Wilson could not accept his mother's advice on the religious controversy, he did follow her advice on personal conduct and later achieved the reputation of a politician who quietly worked behind the scenes instead of vociferously dominating the floor of popular assemblies.

When the House organized its committees for the new session in May, Nicholas was placed on three -- Religion, Courts of Justice, and Propositions and Grievances. These assignments did not indicate any special respect for the young delegate from Albemarle. All delegates

¹⁵Ibid.

received several committee appointments as a matter of course, and the committees turned into "vast, unwieldy bodies" where a new delegate could become lost in the crowd.¹⁶

Nicholas' most important assignment proved to be the Committee on Religion. The fight over religious liberty was one of the most crucial issues facing the General Assembly. During the spring 1784 session, two bills had been introduced to levy a general assessment for the support of the Christian religion and to incorporate the clergy of the Protestant Episcopal Church. Despite the objections of legislative forces grouped around James Madison, the bills were not defeated but were simply tabled for discussion at the following session.¹⁷

When the legislators reassembled in Richmond the following October, these two measures were hotly debated. Patrick Henry, soon to be governor of the state for the fourth time, introduced the bill for assessment with one of his typical pieces of emotional rhetoric, and James Madison quickly opposed the measure in his learned and logical style. Upon Madison's contention that such an assessment would discriminate against all non-Christian religions, the bill's proponents simply amended it to include all religions. Despite Madison's libertarian appeals and the negative votes cast by Wilson Nicholas and his cousin John Nicholas, Jr., of Buckingham, among others, the Committee

¹⁶Elinor Janet Weeder, "Wilson Cary Nicholas, Jefferson's Lieutenant," unpublished M.A. Thesis, UVA, 1946, p. 13; Brant, James Madison, II, 315.

¹⁷Brant, James Madison, II, 322-23.

of the Whole approved Henry's measure by a 47-32 vote and appointed a committee of ten chaired by Henry to write the formal bill. Flushed with success, Henry pushed the measure to allow incorporation of all Christian societies that desired it. Once again the two Nicholas cousins found themselves on the losing side as the resolution passed 62-23. When a bill was brought forward to allow the incorporation of the Episcopal church, Madison dropped his opposition to concentrate on the fight against the greater danger of assessment, but the two Nicholas again cast futile negative votes.¹⁸

In this struggle, Wilson Nicholas could rely on strong support from his more influential and politically experienced older brother. His mother, who closely followed political developments in the state, was undoubtedly aghast at her son's three votes in the Assembly, but the two brothers followed their own consciences on the issue and worked closely with James Madison to arouse popular feelings against the general assessment measure. Wilson Nicholas took time off from his political chores "to form a matrimonial connexion with Miss Margaret Smith of Baltimore" whose older sister had married George Nicholas

¹⁸Brant, James Madison, II, 343-48; Eckenrode, Separation of Church and State in Virginia, pp. 87, 93, 102; Robert Douthat Meade, Patrick Henry, Practical Revolutionary (Philadelphia, 1969), pp. 276-81. John Nicholas, Jr., served only one term in the House of Delegates for Buckingham County but nonetheless managed to earn only a poor legislative reputation. John Marshall reported to his friend James Monroe that he had worked hard to get a mutual friend appointed to the Council of State but had failed by one vote. He attributed the loss to the "carelessness of Col^o Jack Nicholas who walk'd out just as we were about to ballot the last time & did not return till it was too late to admit his ticket." J[ohn] Marshall to James Monroe, December 2, 1784, James Monroe Papers, LC, microfilm, UVA.

seven years earlier, but he was back in Virginia in time for the spring 1785 session of the Assembly and the renewal of the battle.¹⁹

Consulting with Madison on the proper strategy to guide their actions, Wilson Nicholas suggested that the delegate from Orange draft a protest, but Madison favored keeping silent on the issue to allow the people to show their dissatisfaction spontaneously. When Nicholas told his older brother of Madison's decision, George Nicholas decided to repeat the advice in the hope that two Nicholas voices could succeed where one had failed. In his barely legible hand, he urged Madison to use his pen to lead the protest against assessment. Without such a lead, many people might remain silent, he argued, and the silence would be construed as assent. His travels through a large section of the state had convinced him that a majority of the people were so strongly opposed to the measure that any attempt to put it into execution would cause a revolution. One well-written petition with numerous signatures would reveal the unanimity and strength of the people's opposition, he continued, and Madison was just the proper person to draft the document. Offering further assistance should Madison accept the advice, Nicholas promised to get the petition circulated in at least ten counties in the Shenandoah Valley and the Piedmont. If Madison would rally support in the counties north of Orange, the petition would reach the "most populous part of the country" thus heightening the chances of an impressive

¹⁹Ibid.

list of signatures.²⁰

Bowing to the Nicholases persuasive appeals, Madison drafted his famous "Memorial and Remonstrance Against Religious Assessments," and the legislature was soon flooded with a torrent of petitions. George Nicholas had the remonstrance printed as soon as he received it from Madison, and he sent copies to the various counties as he had promised. He reported that in his own county, "one hundred and fifty of our most respectable freeholders signed it in a day." The effect of the petitions was so great upon the Assembly that the assessment bill never reached a final vote, simply dying from legislative neglect. Riding a wave of success, the Madison forces reintroduced Jefferson's 1778 bill for religious liberty. Voting with the majority, Wilson Nicholas was on hand to aid in the passage of the momentous measure and beat back efforts to change his neighbor's original wording. The bill was formally passed and signed in January 1786. A year later, George Nicholas sat on the committee which drafted another successful measure to repeal the incorporation act of 1784.²¹

Anne Nicholas' reaction to the role of her two sons in the controversy cannot be known, but she was undoubtedly as upset as her

²⁰George Nicholas to James Madison, April 22, 1785, James Madison Papers, LC, microfilm, UVA; Brant, James Madison, II, 348.

²¹James Madison to Edmund Randolph, July 26, 1785, The Writings of James Madison, ed. by Gaillard Hunt (9 vols.; New York, 1900-1910), II, 154; George Nicholas to James Madison, July 7 and July 24, 1785, Madison Papers, LC; Eckenrode, Separation of Church and State in Virginia, pp. 106, 128; Malone, Jefferson the Virginian, p. 279; Brant, James Madison, II, 354.

husband would have been had he been alive to witness this death blow to an established church. The entire episode reveals an interesting divergence between the two generations. Although the sons may have absorbed a gentleman's life style and professional training from their father, they did not inherit his patterns of political or religious thought to any great extent. Their case was not an isolated one in Virginia. The changes promised by the outbreak of the revolution were unacceptable to John Randolph, the last attorney-general of the colony, who returned to England while his son Edmund Randolph played a conspicuous role in the struggle for independence and the establishment of the new Virginia and American governments. These differences reinforce the conclusion that family ties were strong and united as long as no major ideological issues arose. But when an issue called upon a man to reflect on his entire scheme of political, religious, and social values, family ties were no more of a bond than economic or sectional associations.

In most of the other issues considered by the House of Delegates during this period, Wilson Cary Nicholas usually voted for Madison's proposals and thus exhibited a strong nationalist stance which he was to follow consistently for the remainder of his political career. For example, he joined in Madison's unsuccessful call for a convention to revise the state constitution and remedy the inability of the state to collect taxes for state or national use, and he added his vote to the successful motion for a meeting of Virginia and Maryland delegates to adjust the two states' differences over use and control

of the Potomac River. When Madison followed this move with a call for the convention at Annapolis early in 1786, Nicholas again gave his support. Madison also led the fight to repeal laws that hampered the collection of British debts in the state. Such laws were a direct violation of the treaty of peace with Britain. Madison correctly felt that Virginia's evasions made a mockery of the central government under the Articles of Confederation. Once again voting with a losing cause, Nicholas supported Madison's resolution to allow payment of the debts in installments. Henry was able to convince the Assembly to continue to prevent collection of the debts until Britain observed her end of the treaty by obeying the clause to return all confiscated slaves to the states. Nicholas' advocacy of the payment of British debts may have been influenced as much by the huge amounts owed to the firm in which his brother-in-law John Hatley Norton was a partner as by his nationalist tendencies. Perhaps a bit hazy in their attitudes toward a strong national government in 1783, the Nicholases by 1785 had apparently decided that the government under the Articles of Confederation needed reinforcing.²²

With another Assembly election approaching, Wilson Cary Nicholas decided to give up his seat "to pay attention to his wife and the culture of Tobacco &c. &c. of a Domestick nature." His decision did not mean that Albemarle would lose the services of the family, for another

²²Brant, James Madison, II, pp. 318-23; Weeder, "Wilson Cary Nicholas," pp. 18-19.

brother decided that it was time to enter politics. James Monroe reported that "Wilson Nicholas intends to remain at home a few years, to erect some buildings, improve his estate, & give his seat in the legislature to his brother Jack." Continuing in a somewhat disapproving tone, Monroe added that John Nicholas "harangues very freely & in the most respectable companies, upon commerce, religion, war &c."²³

This John Nicholas, the third son of the old Treasurer, had also been trained as a lawyer. Too young to participate in the events of the Revolution, he had migrated with the family to Albemarle County near the war's end. Like his two older brothers, he had inherited one third of his father's lands and slaves. Only twenty-two years of age during his first term in a legislature, he may have been judged a bit too harshly by Monroe for his aggressive language. The interesting point about his election is that he assumed what was almost considered a family seat in the House of Delegates for Albemarle County. Although the freeholders of the county made the final decision on whom they wished to represent them, the Nicholases were confident enough of retaining the position that one brother could talk of handing it to another.²⁴

The new delegate did not have to face his unfamiliar legislative duties alone because his brother George Nicholas decided to return

²³James Currie to Thomas Jefferson, July 9, 1786, Boyd Papers, X, 109; James Monroe to [William Short], January 23, 1786, William Short Papers, LC.

²⁴Will of Robert Carter Nicholas; Nicholas Family Bible Records, 1752-1863, photostat, VSL; Manning J. Dauer, "The Two John Nicholases," American Historical Review, XLV (January, 1940), 340-41.

to the house at the same time. Whether one attributes the command that the family held over Albemarle representation to general popularity or to effective political control, their continual presence in the house was quite impressive.²⁵ But if John Nicholas tried to pattern his votes after those of his eldest brother, he must have been perplexed indeed, for George Nicholas maintained his reputation for legislative vacillation. A good example was his conduct in the still pressing issue of British debts. Agreeing initially with his brother Wilson that the debts should be paid and that Virginia laws hampering payment should be repealed, he gained attention as one of the primary backers of a new plan to allow payments of the debts on an installment plan. "Our installment bill for paying Debts engrosses much time and attention," wrote one legislative observer. "This a favourite Child of your Friend Colo. George Nicholas." Nicholas and another advocate of payment, George Mason, accepted a proposal that any act repealing the anti-debt laws would be suspended until the other states took similar action. A bill was prepared to this effect, and then suddenly Nicholas changed his tune and acceded to Patrick Henry's amendment that the law could not take effect until the British evacuated the Western posts which they held contrary to the 1783 treaty. Henry's amendment effectively emasculated the decision to begin debt payments. Nicholas averred that he had been convinced "by the arguments that had been us'd" by the orator, and Monroe concluded that Nicholas had

²⁵James Madison to Thomas Jefferson, May 12, 1786, Boyd Papers, IX, 518.

"abandon'd the prospect of instalments wh. he brought forward early in the session." Yet only two months later, he was again listed as a strong advocate of payment of the debts.²⁶

Meanwhile, a small group of men in Philadelphia had been debating a daring plan to reshape the national government. When they finally agreed upon the proposed federal Constitution in September 1787, the battle for ratification shifted from Philadelphia to the various state capitals. Debate on calling a convention to consider the document began almost immediately in the fall session of the Virginia Assembly. On October 25 Francis Corbin proposed that a convention be called to accept or reject the constitution, but Patrick Henry objected that Corbin's resolution would prevent the discussion of amendments as a condition for Virginia's ratification, and he suggested the resolution be changed to permit such additions. George Nicholas instantly responded that such a change would create the false impression that Virginia opposed the Constitution when actually there was "a decided majority in its favor." Seeking to prevent a possible impasse, John Marshall offered a compromise resolution: "that a Convention should be called and that the new Constitution should be laid before them for their free and ample discussion." Marshall's proposal, nicely calculated to please both sides by saying nothing definite about the

²⁶Alexander Donald to Thomas Jefferson, November 12, 1787, Boyd Papers, XII, 346; James Monroe to James Madison, December 6, 1787, The Writings of James Monroe, ed. by Stanislaus Murray Hamilton (7 vols.; New York, 1898-1903), I, 178-79; Richard Clairborne to Thomas Jefferson, February 17, 1788, Boyd Papers, XII, 602; Beveridge, The Life of John Marshall, I, 228-31; Brant, James Madison, II, 359; Ammon, James Monroe, pp. 67-68.

Constitution, was accepted, and Virginians got about the business of selecting delegates to the convention.²⁷

Each county was allowed two delegates. The Nicholas family gained both of Albemarle's seats in the convention when George and Wilson won the spring elections. Just how much opposition the Nicholases faced in the election is unknown, but the citizens of Albemarle could not have been misled as to the positions taken toward the federal document by the two brothers because their nationalist gestures in the House of Delegates were a matter of public record. Virginia's political leaders also had no illusions about the Nicholases' stance. Edmund Randolph indicated that Wilson Nicholas was a "warm friend of the Constitution without the alteration of a letter," and George Washington listed the elder brother among "many of our...first characters" and "very able men" who advocated adoption.²⁸

As soon as he realized he would be attending the convention in Richmond, George Nicholas opened a correspondence with Madison over the prospects of ratification. Nicholas believed that the adoption of the constitution by other states would add great weight to the federal cause in Virginia, so he advised Madison to write to friends in those states in the process of considering adoption urging them not to allow adjournment or postponement to see what action the Old Dominion would

²⁷Meade, Patrick Henry, pp. 334-35; Beveridge, The Life of John Marshall, I, 244-48.

²⁸Weeder, "Wilson Cary Nicholas," p. 22; George Washington to Marquis de Lafayette, April 28, 1788, and to Jonathan Trumbull, June 8, 1788, The Writings of George Washington, ed. by John C. Fitzpatrick (39 vols.; Washington, D.C. 1931-44), XXIX, 475-80, 511-12.

take. Henry was the chief enemy of the constitution, he continued, but the orator veiled his total hostility toward a strong national government by dwelling on the amendments issue. Nicholas hoped to have enough information on Henry's real motives by the opening of the convention so that the orator would lose the support of the delegates who would accept the constitution as long as amendments could be added after ratification.²⁹

Nicholas still believed that close to nine tenths of the state's population desired a stronger union and held only minor objections to the federal plan. Yet he knew that backers of the constitution had only a slight majority in the convention (if that), and the situation obviously reminded him of a similar imbalance of popular feeling and delegate strength during the controversy over religious freedom. Therefore, he suggested that Madison again pen an address which citizens could sign as a petition. Since many delegates would attend the convention without any information on the constitution, such a display of constituent unanimity would put pressure on them for a favorable decision. Also, a distribution of the Federalist would help sway some delegates. Nicholas could personally distribute thirty or forty copies if Madison could send them along. Nicholas expressed concern about the delegates from Kentucky who were afraid that a national government might surrender navigation rights on the Mississippi. Because he

²⁹George Nicholas to James Madison, April 5, 1788, James Madison Papers, LC, microfilm, UVA.

intended to move to Kentucky in a few months, he also asked if Congress had come to a decision about making Kentucky a separate state.³⁰

Quickly responding to his ally, Madison agreed to follow most of Nicholas' suggestions, especially the ones dealing with correspondence to friends in faltering states. He suggested that Nicholas should write to Kentucky leaders because Nicholas' intention to settle there would secure him "an attention that no other could expect." Madison also enclosed a few copies of the latest numbers of the Federalist with the promise to send copies of the complete work as soon as the volumes arrived from the printer. According to Madison's biographer, Irving Brant, the delegate from Orange partially accepted Nicholas' suggestion for a written public appeal by submitting two letters to the Independent Chronicle under the appropriate signature "An American."³¹ This tactic could not possibly create the same effect as had the petitions three years earlier, but perhaps Madison felt that that effect could not be duplicated among the experienced delegates of the convention, and at

³⁰Ibid.

³¹James Madison to George Nicholas, April 8, 1788, George Nicholas Papers, R.T. Durrett Manuscript Collection, University of Chicago Library. (A copy of this letter can also be found in the Madison Papers, LC.) Brant, James Madison, III, 189-90. In a letter to Washington, Madison admitted he could not be sure whether the state would ratify the constitution but added that Nicholas, "who is among the best judges, thinks on the whole, that a majority in the Convention will be on the list of federalists." James Madison to George Washington, April 10, 1788, The Writings of James Madison, V, 114-16.

any rate, time was too short for such an effort to be successful.

After the convention opened in Richmond in the first days of June, it soon became clear that George Nicholas would play a major role among the delegates favoring adoption. He delivered the first major speech of the meeting dealing with a defense of the first two sections of Article 1. In this and other speeches, his debt to Madison was obvious. Not only did he benefit from a close reading of the Federalist, he also made good use of letters containing Madison's arguments to soothe the fears of the Kentucky delegates. Had he relied solely on Madison's mind, however, he would not have had the strong effect on the convention which accounts have granted him. No spell-binder such as Henry, Nicholas relied upon his shrewd knowledge of Virginia political temperaments, allusions to classical and historical precedents, and "a robust logic in debate which few cared to encounter."

Henry would neutralize the speeches of Madison by the thunders of his oratory, and he could throw Randolph from his balance by a covert sarcasm discernible only by the person who felt its sting; but neither oratory nor sarcasm availed in a contest with Nicholas, who was as potent in the war of wit as he was irresistible by the force of his logic.

Such was the impact of Nicholas' manner that Albert J. Beveridge judged him to be "the only man in the Convention whom Henry feared."³²

³²Jonathan Elliot, ed., The Debates in the Several State Conventions on the Adoption of the Federal Constitution.... (5 vols., Philadelphia, 1836-59), III, 7-21, 236-47; Brant, James Madison, III, 192-93; James Madison to George Nicholas, May 17, 1788, George Nicholas

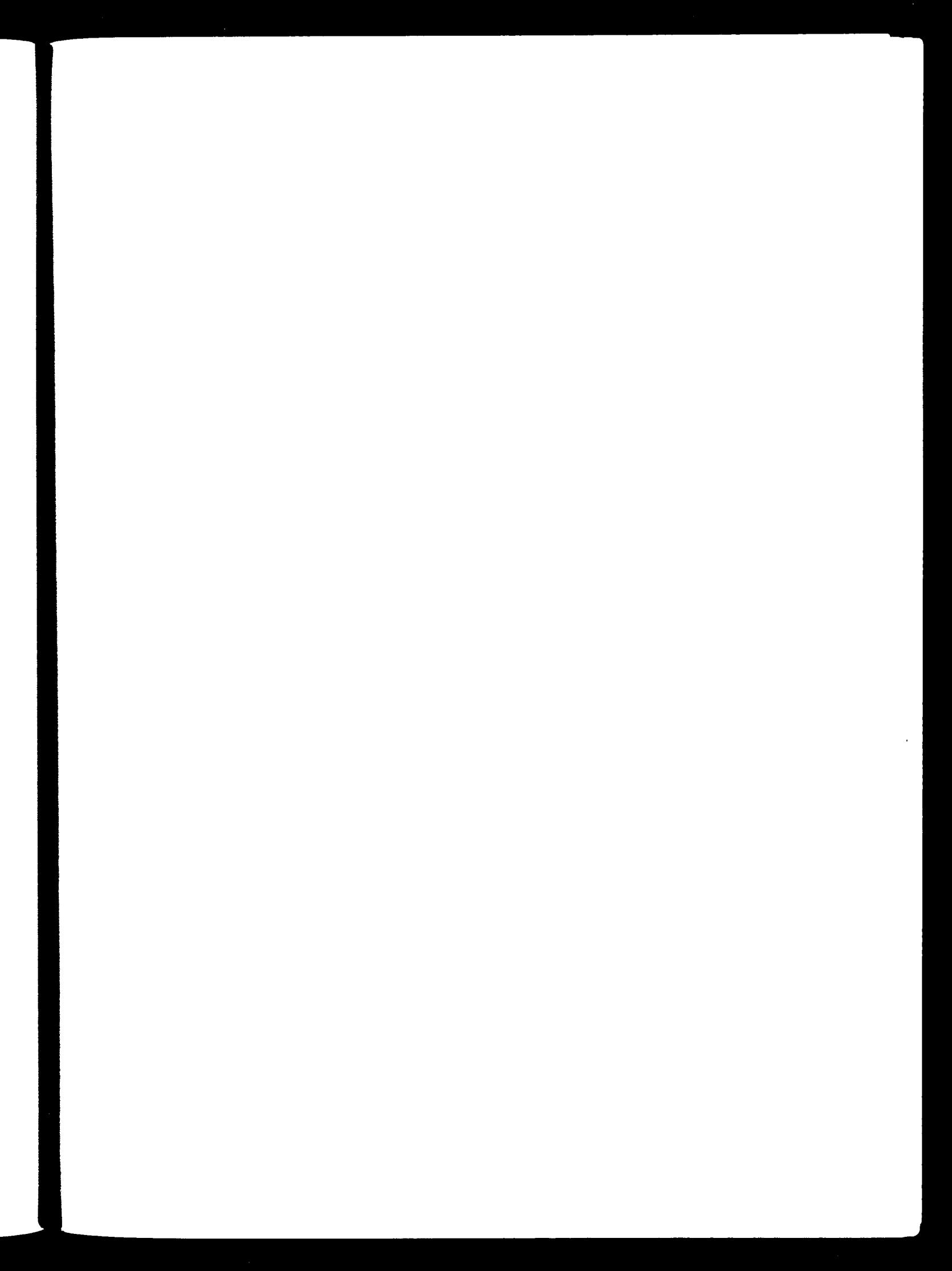
Wilson Cary Nicholas definitely played second fiddle to his elder brother in the Convention. As his mother had advised when he first joined the state legislature, he participated in the debates only occasionally. However, the two brothers were in complete accord about the necessity of the federal constitution, and in every vote, the Nicholases stood together, as had been expected. What was unexpected and shocked the delegates was the move by Governor Edmund Randolph to the federalist side. Randolph had attended the Philadelphia Convention as a Virginia representative but had refused to sign the completed document. In the Virginia convention, he was expected to be a leader of the anti-Federalists demanding prior amendments. Advocates of the constitution openly and vigorously courted his favor, however, and the strategy paid handsome dividends. What role, if any, the Nicholas brothers played in the conversion of their brother-in-law is unknown.³³

The nationalistically inclined Nicholases must have been very satisfied by Virginia's ratification of the Constitution on June 25

Papers, R.T. Durrett Collection, University of Chicago; Grigsby, The Virginia Federal Convention of 1788, I, 79, 140; Beveridge, The Life of John Marshall, I, 374. The best description and analysis of Nicholas' role in the ratification convention can be found in Richard H. Caldemeyer's, "The Career of George Nicholas," unpublished Ph.D. dissertation, Indiana University, 1951, pp. 13-28. For accounts of his speeches in the convention, see volume III of Elliot's Debates cited above. Other useful discussion of his role in the convention can be found in Brant, James Madison, III, 195-228; Meade, Patrick Henry, pp. 342-92; and Grigsby, The Virginia Federal Convention of 1788.

³³Grigsby, The Virginia Federal Convention of 1788, II 321; Elliot, The Debates...on the Adoption of the Federal Constitution, III, 653-62; Mays, Edmund Pendleton, II, 232-33; Brant, James Madison, III, 191-92.

after a hard fight. But they must have exhaled a sigh of relief that the draining battle was over. With the new government well on its way to becoming a reality, the brothers could turn to more personal affairs. Wilson Nicholas still had a year's term to serve in the House of Delegates, but George Nicholas could now devote full time to his long-planned move to Kentucky. The fight over the Constitution proved to be the last occasion for the Nicholas brothers to work together for Albemarle County. After George moved to Kentucky, John Nicholas removed first to Stafford County and then to New York. Philip Norborne Nicholas never became attached to the Piedmont but made his home in Richmond instead. The youngest brother, Lewis, opted for the life of a farmer in the county but never assumed any leadership role. When the brothers did cooperate again on political issues, their focus had shifted from the Virginia scene to national affairs and the new Republican Party.



CHAPTER VIII

GEORGE NICHOLAS AND THE LURE OF KENTUCKY

During the mid-1780's, Virginia lost its hold on the descendants of Robert Carter Nicholas as his sons turned their eyes toward what seemed to be more promising vistas. Once again the eldest son took the lead, and he counseled his brothers to follow his example. It may seem strange that George Nicholas decided to migrate to Kentucky just when he had reached the zenith of his influence in the Old Dominion. His vital role in Virginia's adoption of the constitution assured him of high political honors and responsibilities in the future; he was an established, successful lawyer of great reputation; and his landholdings in Albemarle marked him as a man of means.

Yet Virginia had lost its appeal for George Nicholas. As he explained to James Madison early in 1789, political life no longer seemed attractive, and when he moved to Kentucky, he would "go there with a determined resolution never to engage in public business of any kind." Burying himself in backward Kentucky would be "sufficient sacrifice...without giving up [his] happiness and content by engaging in a new state of warfare with knaves and fools." Exactly why Nicholas spoke so bitterly of politics is unknown. He certainly had met no strong barriers to his political career in Virginia. It was common for Virginia leaders to decry political service while simultaneously accep-

ting offices, and perhaps Nicholas was simply adopting that familiar posture. Yet Nicholas expressed similar feelings the following year when he applauded his brother Wilson's decision to retire from the House of Delegates.

I think you perfectly right to quit the assembly. You would spend your time and money to no purpose, in serving people who think they confer a favor on you by permitting you to do so. After the novelty is over there can be no object to a man unless he has private views to gratify. With the best intentions we are all liable to mistake the true interests of the country and it does not always happen that most honest men have the credit even of intending well.

Nicholas found it impossible to follow his own advice. Although he never again held an elective public office, he accepted political appointments in Kentucky and played a key role as a delegate to the 1792 Kentucky constitutional convention.¹

Nicholas' Virginia lands were also letting him down. Not only were they still encumbered with his father's debts, but the value of the lands and the income they could produce were steadily shrinking. Kentucky, with its vast spaces and fertile fields, promised better. According to a 1779 Virginia law, Nicholas was entitled to at least 5,000 acres of Kentucky land for his services as a colonel in the Revolution. Nicholas also obtained military warrants from veterans such as James Monroe who had little use for Kentucky land, and he probably

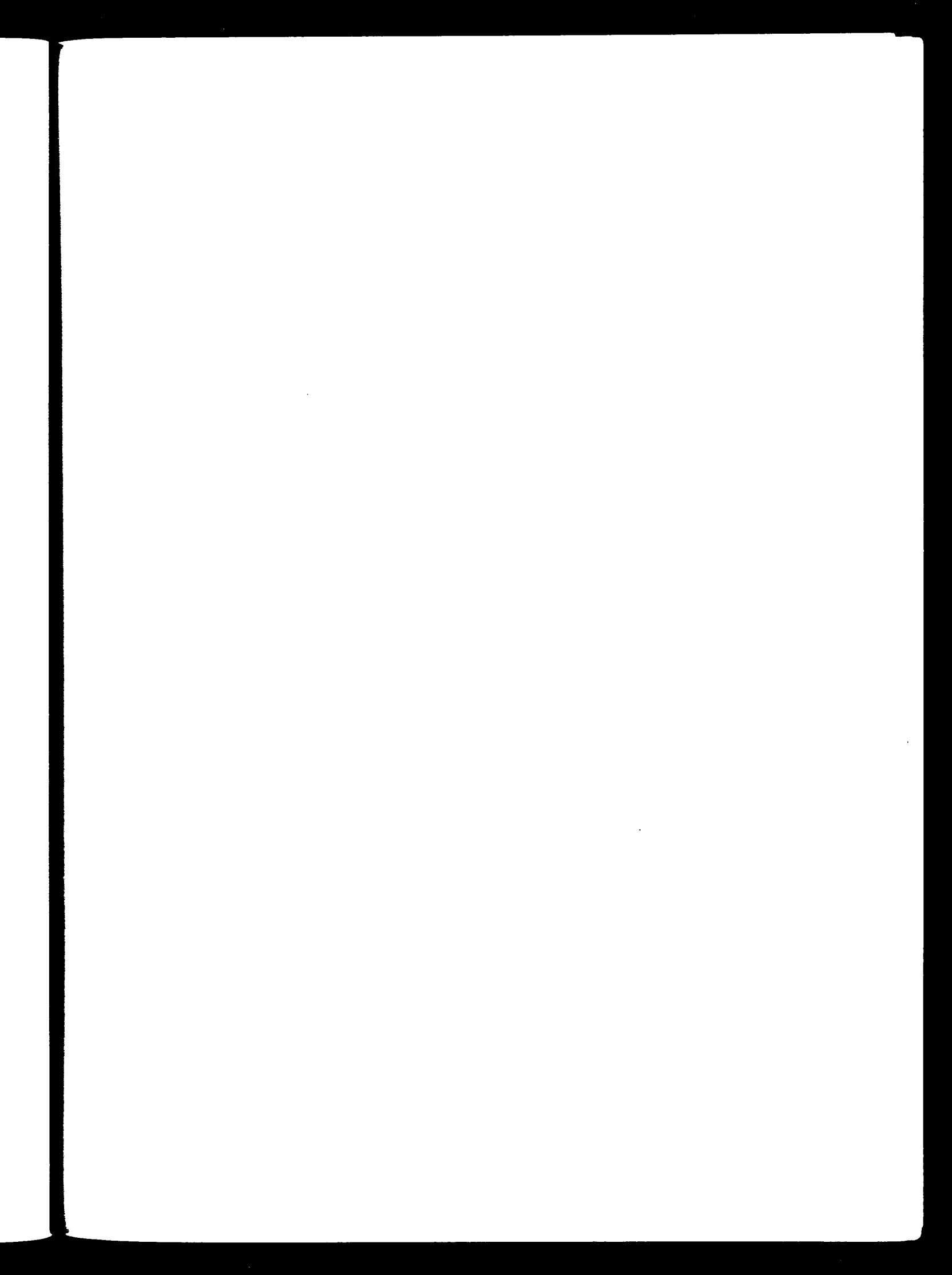
¹George Nicholas to James Madison, January 2, 1789, Madison Papers; George Nicholas to Wilson Cary Nicholas, May 1, 1790, Carter-Smith Papers, UVA.

purchased lands on credit from the Virginia land office at £40 in depreciated Virginia currency per hundred acres. By 1785 he held title to at least 20,000 acres, and by the time of his removal to Kentucky in 1789, he had added another 10,000 acres. Such lands would prove valuable, he hoped, not only for farming and inheritances for his sons, but also for speculation and quick profit.²

The one unsettling feature of a migration to Kentucky were the conflicting reports on the prospects for lawyers. On the one hand, fantastic confusion surrounding land claims, grants, and legislation resulted in almost perpetual litigation, thus creating a paradise for young, aggressive lawyers. The lure was almost too appealing. Some Kentuckians reported that the land was being flooded by attorneys. A few of the early arrivals were experiencing success, but most were scrambling for clients and tightening their belts. James Brown, who considered his practice better than most, told his Virginia friend James Breckenridge that unless he hastened to Kentucky, there would be no more room for lawyers.

You wish to know how I like this Country?
[Brown wrote]. When I consider it as unconnected
with my Interest as a professionalist, I admire
it -- I look upon it....as a second Paradise. But
when I consider it as the Country in which I am to

²Willard Rouse Jillson, The Kentucky Land Grants (Louisville, 1925), p. 100; Ammon, James Monroe, pp. 74, 164; Benjamin Horace Hibbard, A History of the Public Land Policies (New York, 1939), p. 118; Patricia Watlington, The Partisan Spirit: Kentucky Politics, 1779-1792 (New York, 1972), pp. 12-13, 18-19.



Support myself by the practice of law, I execrate, I abhor, I detest it. Why my friend would you believe it? There are not less than twenty Attornies in the District at present! By Heavens they must hunt Buffallo or starve.³

But Nicholas was willing to take the chance. He had great confidence in his legal abilities and felt little worry about establishing a new practice. After a few years in Kentucky, he wrote to his brother Wilson of the success that his friend John Breckenridge was enjoying in a new legal practice. However, he assured Wilson that Breckenridge's success was not cutting into his own practice and added, "I fear nobody as a lawyer."⁴

Throughout 1788 Nicholas attempted to raise the money necessary for his proposed removal. Typically, Virginians relied upon their lands to secure debts or raise cash, but in the post-war period, drooping land values and scarcity of money severely hampered this practice. Also, Nicholas was ambivalent toward sale of his Virginia lands. At the same time that he was selling tracts in Albemarle and lots in Baltimore, he was purchasing additional Albemarle land along Ivy and Stockton's Creeks. Thus when he left for Kentucky, he still held title to over 3,000 acres

³James Brown to James Breckenridge, September 30, 1788, James Breckenridge Correspondence, UVA. Breckenridge was so discouraged by Brown's reports that he never left for Kentucky but decided to carve his fortune from Botetourt County, Virginia, near Fincastle. His brother John, however, left for Kentucky a few years later and achieved quite a reputation in his new home.

⁴George Nicholas to [Wilson Cary Nicholas], June 24, 1793, Randolph-Nicholas Letters, microfilm, UVA.

in Albemarle County, most of which he retained until his death in 1799.⁵

Nicholas decided that he would journey to Kentucky without his family in order to establish a proper home before they joined him. In the meantime, he sent them to his wife's home in Baltimore. By this time he already had at least six children, and he was faced with the necessity of procuring funds for their Baltimore sojourn and eventual trip westward. He hoped to raise at least a thousand dollars from the sale of a Baltimore lot which he thought should answer that need and buy his wife "what nice fancies she will want" as well.⁶

If he followed his announced intentions, Nicholas left for Kentucky on January 25, 1789. Why he chose the middle of winter for his trip is uncertain. Perhaps there was less danger of a brush with Indians during cold weather. When Nicholas arrived safely in Kentucky, he decided to establish his home near Danville, a small town in the bluegrass region almost in the center of the district. Chosen as the seat of the district court in 1783, Danville remained the leading town in Kentucky until the early 1790's, when it was eclipsed by Lexington. Enthralled with his new habitat, Nicholas wrote James Madison: "You

⁵Albemarle County Deeds Books Nos. 8-10, 1782-1793, microfilm, UVA; Indenture of Sale of Baltimore Lot, Carter-Smith Papers, UVA. Nicholas had also advertised his intention to leave for Kentucky in the newspapers during the summer of 1788 so that all accounts could be settled with debtors and creditors. Thomas Jefferson to William Short, February 28, 1789, WMQ (2nd series), XII (April, 1932), 150.

⁶George Nicholas to Samuel Smith, January 24, 1789, Carter-Smith Papers.

may perceive that I am much attached to this Country indeed I think it the most eligible situation in our world for a man who has a numerous family to provide for and who can bring himself to sacrifice some of the gratifications of the palate to their welfare." The soil was excellent, he added, and with a little aid from the government and great industry from the people, manufacturing could be easily established. Expressing satisfaction with the people he found there, Nicholas averred that Kentucky contained more independent men than any place he had seen, but they would gladly submit to a government which dealt justly with them.⁷

Departure from Virginia did not solve all of Nicholas' problems, however. Money was just as scarce in his new domain as in the Old Dominion, and he had to borrow £100 from Battaille Muse to cover additional expenses of getting his family to Kentucky. He had planned for his wife and children to leave Baltimore on August 15 and take the Ohio River route to their new home. The overland routes were too inconvenient and rough especially for his youngest daughter, Georgia, who was a "Puny & weak" one-and-a-half-year old. Taking this route did entail an overland journey through western Maryland and Pennsylvania, but once the family reached the vicinity of Pittsburg, the rest of the trip could be made by boat, floating down the Ohio and then working up

⁷ George Nicholas to James Madison, January 24 and May 8, 1789, Madison Papers; George Nicholas to Samuel Smith, January 24, 1789, Carter-Smith Papers; Watlington, The Partisan Spirit, p. 55.

the Kentucky River close to Nicholas' residence. The only great hazard in taking the trip in the late summer was the chance of low waters. Mrs. Nicholas' father, John Smith, expressed fears that "the Waters will be too Low to Proceed down the Ohio." Indians were still a threat, but as George Nicholas later explained, "Eight armed men, who are prudent and do not give the Indians an advantage over them by going on shore would be as safe in coming down the Ohio as they would be in going down James river." Apparently, low waters slowed the family a bit because the trip down the Ohio took a tedious twenty-five days. But Nicholas could happily report to his friends and relatives in October that his wife and children had arrived safely and in good health.⁸

Following any path that could increase his prospects for financial success, Nicholas reported in November 1789 that he was already pursuing the vocations of a farmer, a lawyer, and a manufacturer. He located his farm six miles outside of Danville and began planning its development on a large scale. Besides the usual crops and livestock, he announced very early his intentions to construct a wheat mill and a distillery both for his own use and consumption and for supplementary

⁸George Nicholas to Battaile Muse, June 29, 1789, Battaile Muse Papers; John Smith to Wilson Cary Nicholas, September 7, 1789, Carter-Smith Papers; George Nicholas to [Wilson Cary Nicholas], October 1, 1790, E-R Additional Papers, UVA; George Nicholas to James Madison, November 2, 1789, Madison Papers; George Nicholas to Samuel Smith, October 25, 1789, Carter-Smith Papers. Nicholas remarked in this last letter that the migration to Kentucky had cost him a total of "a thousand pounds Virg^a money."

income. Nicholas frequently raved about the fertility of the soil and followed the example of other new Kentuckians in experimenting with cash crops such as hemp. So successful was his farm that by 1796 it was judged one of the finest and largest in the state. Visitors remarked approvingly about his stone dairy barn with its fine herd and his mill with its "waterwheel of twenty feet in diameter [sic] which carries two pr of mill stones."⁹

Soon after his arrival, Nicholas also took an active role in the newly organized "Kentucky Manufacturing Society." One of the original stockholders of this company which intended to make cotton cloth and stockings, the new resident was drafted to serve as the secretary for the first few meetings of the company. Why Nicholas was chosen to keep minutes of the meeting is a mystery because he undoubtedly had the worst handwriting of any resident of Kentucky. Once problems of procuring proper machinery and workmen had been solved, the factory successfully produced cotton and woolen goods, but no evidence remains to indicate if Nicholas reaped any financial benefits from the project.¹⁰

Nicholas relied upon his legal skills to provide the bulk of his income. Only nine months after leaving Virginia, he boasted of having "the best business in this country." Still, his practice did not

⁹George Nicholas to James Madison, November 2, 1789, Madison Papers; George Nicholas to Samuel Smith, March 3, 1789, July 9, 1790, Carter-Smith Papers; David Meade to Ann Meade Randolph, September 1, 1796, in Bayrd Still, "The Westward Migration of a Planter Pioneer in 1796," WMQ (2nd series), XII (October, 1971), 336-37.

¹⁰Caldemyer, "The Career of George Nicholas," pp. 31-33. Other members of the group included Harry Innes, James Wilkinson, and John Brown. Watlington, The Partisan Spirit, p. 193.

provide a fully adequate income, and although he claimed to fear no man as a lawyer, he candidly admitted that Kentucky could not support many more attorneys. Fortunately, his services in the adoption of the new federal constitution and his strong family links in Virginia resulted in official appointments which could supplement his legal fees. In October 1789, he was appointed the first federal attorney for the district of Kentucky while his friend Harry Innes was favored with a commission as the federal judge of the district. However, Nicholas had already been approached by Virginia's Governor Beverly Randolph about a more lucrative state appointment as Attorney-General for Kentucky, and he decided not to accept the federal post. The five thousand dollar annual salary of the state post was too attractive to turn down. As he explained to his brother Wilson, "I am not fond of going into any office and if I was out of debt would not, but in my present situation do not think I could justify it either to my family or creditors to refuse such an addition to my income in the line of my profession." The General Assembly confirmed Nicholas' appointment in November, 1790, and when Kentucky became a separate state in 1792, Nicholas continued in a similar capacity for the new state until the end of that year.¹¹

¹¹George Nicholas to Samuel Smith, October 25, 1789, and July 9, 1790, Carter-Smith Papers; Virginia Herald and Fredericksburg Advertiser, October 8, 1789. (Both Nicholas and Innes' brother James had been important advocates for the adoption of the Constitution in Virginia.) George Nicholas to Beverly Randolph, January 30, 1789, Calendar of Virginia State Papers, V, 106. (Randolph was the cousin of Nicholas')

While these various pursuits may have provided Nicholas' family with adequate support, they did almost nothing to reduce his staggering debts. His largest debt, reaching at one time to almost £6000, was the result of money he had borrowed from the estate of his late uncle, George William Fairfax. Fairfax had left Virginia shortly before the outbreak of the Revolution and had requested his friend George Washington to look after his Virginia lands. Burdened with the direction of the American army, Washington could find no time to meet his friend's request, and Fairfax turned to his brother-in-law Robert Carter Nicholas for aid. Because of failing health and his new judicial appointment, the old Treasurer could not accept the task, but his son George, who was busily establishing his law practice, was happy to assume it. The young lawyer was instrumental in saving the Fairfax estate from confiscation by Virginia as loyalist property, but he was not very diligent in keeping a close eye on its management. He continually found excuses not to visit the lands, and he left collection of rents and direction of crops in the hands of professional managers such as Battaile Muse. Charged with the responsibility of handling all funds and keeping proper

brother-in-law, Edmund Randolph). George Nicholas to Wilson Cary Nicholas, May 1, 1790, Carter-Smith Papers; Calendar of Virginia State Papers, V, 223-24; Caldemyer, "The Career of George Nicholas," p. 30. Following a common practice of lawyers including his father, Nicholas also took in law students to attend to numerous writing chores and supplement his income. Among these were Robert Wickliffe, Joseph Hamilton Daviess, and Felix Grundy. Nicholas had the reputation for training more future Kentucky lawyers in his office than any other attorney of his day. Orval W. Baylor, "The Career of Felix Grundy, 1777-1840," Filson Club Historical Quarterly, XVI (April, 1942), 91.

accounts, Nicholas succumbed to the temptation of borrowing from the estate's revenues, and by 1789 he had managed to run up a debt of £4192.17.9.¹²

Apparently unaware of Nicholas' debt, Fairfax named him one of three executors of his will of 1787, the others being George Washington and Fairfax's brother-in-law, Wilson Miles Cary. But Nicholas had had enough of the estate, and he refused to accept the new task. When Washington also declined due to his own complicated affairs, Cary angrily brought an unsuccessful suit against them before George Wythe of the High Court of Chancery. Cary's anger over Nicholas' refusal to serve as executor may explain why Cary later exhibited such an adamant attitude in pressing his nephew for payment of the debt to the estate.¹³

Fairfax's widow and Nicholas' maternal aunt, Sally Cary Fairfax, was extremely upset when she learned of the excessive debt. "Good God," she exclaimed, "how could the Son of such Parents fall thus short of

¹²George Washington to Robert Carter Nicholas, November 2, 1779, and November 7, 1780, Writings of George Washington, XVII, 58-59, XX, 318-19; George Nicholas to George William Fairfax, June 25, 1780, August 5, 1781, and December 10, 1783, May 4, 1784, Fairfax of Cameron Manuscripts, microfilm, VCRP; Account of George Nicholas with Estate of George William Fairfax, Ibid. There is also a great deal of correspondence relating to Nicholas' management of the estate in the Battaile Muse Papers, Duke University.

¹³Abstract of Will of George William Fairfax, microfilm, VCRP; George Washington to Warner Washington, November 9, 1787 and to Wilson Miles Cary and George Nicholas, November 15, 1787, Writings of George Washington, XXIX, 306, 314-15; Copy of Wilson Miles Cary vs. George Washington and George Nicholas, Virginia High Court of Chancery, in Samuel W. and Francis Lackland Papers, Duke University.

their rectitude." When Mrs. Fairfax's brother, Wilson Miles Cary, pressed Nicholas to secure the debt, Nicholas agreed in January 1792 to execute a deed of trust for 20,000 acres of land on Eagle Creek in Woodford County, Kentucky, as well as his 800 acre farm, 44 slaves, and his household furniture. News of this transaction did not placate Mrs. Fairfax, who termed it a farce. "Will that Mort^e pay Legacies," she fumed. She was convinced that the debt would never be paid and avowed that she would "as soon rob on the highway as receive another Person's property, and apply it to my own use."¹⁴

Acting upon advice from his brother-in-law Samuel Smith, Nicholas had been using his Kentucky lands to secure or cancel his debts since his first year in Kentucky. Yet there never seemed to be enough land to cover the debts, and some creditors would not accept land as payment. Worry about his financial affairs never ceased as creditors hounded him, and he never seemed to be able to build the large unencumbered estate that Virginians always dreamt of leaving their sons. Do not follow my example, he cautioned his younger brother Wilson. "Contract your matters as much as possible, make no more bargains of any kind until you are out of debt and then only buy what you can pay for." Continuing in a dejected vein, he added "the state of a debtor

¹⁴ Sally Cary Fairfax to Thomas Fairfax, December 28, 1791, and December 27, 1792, Fairfax of Cameron Manuscripts, VCRP; Deed of Trust dated January 12, 1792, Breckenridge Family Papers, LC.

is a hell on earth which nothing can compensate for."¹⁵

Still, Nicholas sounded an optimistic note about his new home. He was determined to pay his debts, and Kentucky seemed to offer the best prospects of achieving this goal. The people were independent spirits, the soil was fertile, and land was cheap and abundant. Opportunity beckoned, and Nicholas was so sure of his chances for financial success that he advised his brother Wilson to also abandon Virginia and join him in Kentucky. "It must clearly be the interest of your family that you should go westward," he wrote, and he advanced arguments to convince Wilson's wife that the journey was safe. "Tell her that thousands of children as pretty, as sweet and dear in the eyes of their parents as her's are in her sight have got safe to this country. The dangers of the passage are much magnified." Nicholas' only note of caution was the advice that Wilson should sell his Virginia property and settle all his Virginia financial affairs before undertaking the move.¹⁶

Nicholas' early optimism proved to be unfounded. By 1795, he was ready to explore other avenues such as land speculation and the manufacture of iron to enhance his financial prospects. These ventures were risky at best, and Nicholas needed to raise money quickly to enter them. During the critical period at the formation of these undertakings,

¹⁵George Nicholas to Samuel Smith, October 25, 1789, Carter-Smith Papers; Charles Irving to George Nicholas, March 30, 1792, Breckenridge Family Papers; George Nicholas to Wilson Cary Nicholas, April 21, 1791, Randolph-Nicholas Letters.

¹⁶Ibid.; George Nicholas to Wilson Cary Nicholas, May 1, 1790, Carter-Smith Papers and October 1, 1790, E-R Additional Papers.

he could not afford to be hounded by his Virginia creditors, and he turned to his brother Wilson for assistance. Wilson had already offered to take responsibility for the Fairfax debt to aid his harried brother, but George Nicholas believed he could delay payment of that debt a while longer by assigning new security. Instead, he asked Wilson to assume responsibility for the remainder of his Virginia debts totalling over thirty thousand dollars so that Wilson would be his sole Virginia creditor. Wilson agreed. To secure this large amount, Nicholas offered to give his brother mortgages (or deeds of trust) on the lands he had already consigned to the Fairfax estate as well as the lands on which the iron furnace rested. This highly questionable arrangement worked to no one's benefit in the long run. When George Nicholas died in 1799, he was still heavily in debt, the executors of the Fairfax estate still pressed unsuccessfully for their claim, and Wilson Nicholas was saddled with a debt which he never fully satisfied.¹⁷

Nicholas' move into iron manufacturing was just as questionable as his debt arrangement with his brother Wilson. Instead of actually establishing a new iron furnace, he and his partners took advantage of confusing and conflicting land claims in Kentucky to muscle their way into an existing company. In March 1791, Jacob Myers had erected a furnace on Slate Creek a few miles from Olympian Springs. Two months later, Myers sold his Bourbon Iron Works Company to a five-man group

¹⁷George Nicholas to [Wilson Cary Nicholas], February 13, 1795, WCN-UVA; A. Dibrell, Jr., to John Breckenridge, December 25, 1795, Breckenridge Family Papers; Wilson Cary Nicholas to Samuel Smith, August 14, 1799, E-R Additional Papers.

headed by John Cockey Owings of Baltimore. A very successful initial blast, reputed to have cleared £12,000, attracted attention and imitators. Nicholas discovered that the company had only a shaky claim to the land on which the furnace stood, and he immediately joined forces with John Breckenridge and George Thompson to secure a stronger title to the furnace tract and surrounding land. Armed with the stronger title and the threats of protracted court battles and a competing furnace, the three were convinced that "the old Company will find themselves in such a Situation that they must request us to join them." The prediction was accurate. On March 6, 1795, the Bourbon Furnace Company was formed by a merger of the "old Company" and the new aggressive trio of partners.¹⁸

Nicholas had great hopes that the iron works would provide financial salvation. Predicting that the next blast would clear between £15,000 and £20,000, he optimistically told his brother Wilson that the venture would afford him "the most certain prospect of discharging all my debts in a few years & keeping a greater fortune than I ever calculated on." But once again, his optimism was racing far ahead of reality. Even his personal direction of the enterprise did not overcome all the difficulties which faced the company. Accidents, theft, bad weather, shortage of supplies, altercations among the more

¹⁸George Nicholas to [Wilson Cary Nicholas], February 13, 1795, WCN-UVA; J. Winston Coleman, Jr., "Old Kentucky Iron Furnaces," Filson Club Historical Quarterly, XXXI (July, 1957), 227-42; Lowell H. Harrison, "John Breckenridge of Kentucky: Planter, Speculator, and Businessman," Ibid., XXXIV (July, 1960), 218-19, 226.

skilled employees, and lack of sufficient labor continually caused headaches for Nicholas. The partners never seemed to be able to purchase an adequate force of slaves for hard manual labor associated with the various phases of iron making, and white workers usually refused such employment. Merchants hesitated to place orders until they could examine the quality of the products. A constant worry to Nicholas was the possibility that someone else would contest the land rights of the company, and he advised Breckenridge that the first and most important job of the partners was to secure their title. "It will be a great disgrace for us if we suffer ourselves to be surprised like the old company by new claims," he wrote, remembering only too well the path of his entry into the iron manufacturing business.¹⁹

By early 1797 the company was advertising and selling a wide variety of ironware including pots, kettles, Franklin stoves, tools, and equipment for whiskey stills. Production sometimes reached three tons a day, but the iron had a reputation for lacking strength despite its hardness. Although the company was finally turning out saleable products, Breckenridge sensed that it would never be the lucrative venture Nicholas had forecast. In March of 1798, Breckenridge traded his interest in the company for 1600 acres of land. Nicholas remained

¹⁹George Nicholas to [Wilson Cary Nicholas], February 13, 1795, WCN-UVA; Harrison, "John Breckenridge of Kentucky," pp. 219-21; Calde-
myer, "The Career of George Nicholas," pp. 33-36; George Nicholas to
John Breckenridge, February 2, 1796, Breckenridge Family Papers. The
Breckenridge Papers contain numerous letters from Nicholas detailing his
problems and frustrations with the venture.

in the company until his death the following year, but the ironworks never provided the answer to his heavy debts. Costs of the enterprise were most likely barely repaid by 1799, and the predicted generous profits never materialized. The question of control of his share of the business after his death caused bitter squabbling and litigation for both his family and his brother Wilson. The ironmaking business had proven to be no more of a financial salvation for him than it had for his grandfather, Dr. George Nicholas of Williamsburg.²⁰

At the same time that he began to look into the iron business, Nicholas also turned to land speculation as an answer to his debts. As early as 1789, he had unsuccessfully attempted to interest his merchant brother-in-law, Samuel Smith of Baltimore, in investing in western lands. "If you monied men did not think land beneath your attention," he wrote, "there never was so fine a field open for making fortunes for posterity as here." Although he asserted that by the time Smith's children inherited the land it would be worth twenty times as much as the purchase price, Smith cautiously did not jump at the chance. He obviously was well acquainted with Nicholas' overly sanguine nature. The following

²⁰George Nicholas to John Breckenridge, April 26, 1797, Breckenridge Family Papers; Harrison, "John Breckenridge of Kentucky," pp. 220-21. Thomas Dye Owings, the son of John Cockey Owings, joined the company in 1796 and immediately became a catalyst of controversy. By January 1800 he had acquired a three-eighths interest in the business, and his moves to grab a larger share brought him into direct conflict with the Kentucky Nicholases and Wilson Cary Nicholas in Virginia. Despite vociferous objections from Mrs. Nicholas and family friends, he married George

year, in a less optimistic tone about land investments in Kentucky, Nicholas advised his brother Wilson that great profits could be made in western lands but that chances were better with the Yazoo lands in Georgia than with lands farther north.²¹

Probably because of his inability to attract partners in any large scale schemes, most of Nicholas' land purchases before 1795 were of smaller tracts consisting of a few thousand acres each. He never lost his faith that western lands would soon leap in value. When his brother Wilson assumed responsibility for his Virginia debts early in 1795, Nicholas assured Wilson that he would soon be relieved of this burden by profits from land sales. After all, Nicholas added, Kentucky land values had doubled in the past year. Armed with characteristic optimism, Nicholas entered into three land companies aiming for control of vast acreages in 1795. All three came to naught. The most ambitious

Nicholas' eldest daughter Maria in 1804. By 1817 he controlled the Bourbon Iron Works together with its Slate and Maria Forges and the Red River Iron Works. He sold the ironware he produced in his Lexington store until the businesses failed in 1822. When the Bourbon works were sold by court order, they were purchased by Robert Wickliffe, student and biographer of George Nicholas, who leased them to Owings' son-in-law, Major John C. Mason, who ran them until shut down in 1838. Coleman, "Old Kentucky Iron Furnaces," pp. 227-42; Francis Fairleigh, "County Court Houses - Grass Roots of History." Filson Club Historical Quarterly, XXX (April, 1956), pp. 141-58; James Morrison to Wilson Cary Nicholas, March [?] and March 18, 1804, WCN-UVA.

²¹George Nicholas to Samuel Smith, October 25, 1784, and to Wilson Cary Nicholas, May 1, 1790, Carter-Smith Papers.

of the schemes involved an attempt by eastern and western teams combining forces to obtain six million acres along the Green River for a price of twelve to fifteen cents an acre. The venture, Hall & Company, attracted Wade Hampton, Gideon Denison, John Hall, Elisha J. Hall, and Wilson Cary Nicholas from the east and John Brown, James Brown, Harry Innes, John Breckenridge, and George Nicholas as the western partners. When the Kentucky legislature refused to grant the lands to the company, the Nicholases and Breckenridge abandoned their involvement with the group.²²

Nicholas also expressed interest in the lands of the Ohio territory. He and Breckenridge joined forces with Simon Kenton and William Ward to find a salt lick in Ohio, settle families around it, and hold the land by squatters' claims until help could be attained in the east to legalize the acquisition. The most likely eastern politician with influence was Wilson Cary Nicholas, and the two men had decided to seek his aid in 1796 to help the scheme reach fruition, but Congress

²²George Nicholas to Wilson Cary Nicholas, February 13, 1795, WCN-UVA; Harrison, "John Breckenridge of Kentucky," pp. 217-18; Willard Rouse Jillson, The Kentucky Land Grants (Louisville, 1925), p. 100, and Old Kentucky Entries and Deeds (Louisville, 1926), pp. 437, 518. A simple recitation of the political offices held by the various partners indicates why they were optimistic of success. Wade Hampton, a wealthy planter from South Carolina who occupied a seat in the federal House of Representatives, was already involved with a company attempting to purchase the controversial Yazoo lands from Georgia. John Brown, the first lawyer to move to Kentucky after the Revolution and one of the state's most prominent politicians, was a federal Senator. His younger brother James had been Kentucky's secretary of state since 1792. Innes had served as the U.S. district judge for Kentucky since 1789. All were Republicans. C. Peter Magrath, Yazoo: Law and Politics in the New

foiled the effort by opening the lands to public sale.²³

Nicholas also involved his relatives in a third scheme in 1795. He had finally convinced his brothers-in-law Samuel and Robert Smith of the wisdom of purchasing western lands, and the two brothers authorized him to be their buyer. Nicholas talked John Breckenridge into joining the enterprise, and the two Kentucky lawyers immediately began looking for land bargains. According to the plan, Nicholas and Breckenridge would use the Smith's money to buy land and then defend the titles against other claimants. The Smiths were to sell the lands in the east, and the four would then split the profits. Once again the project failed. Nicholas and Breckenridge managed to forward title to 150,000 acres, but the land was soon reclaimed and sold by the state because Nicholas had failed to keep up the tax payments.²⁴

Republic (New York, 1967), p. 6; J. Harold Easterby, "Wade Hampton," Dictionary of American Biography, VIII, 212-13; Watlington, The Partisan Spirit, pp. 80-81; E. Merton Coulter, "John Brown," Dictionary of American Biography, III, 130-31; Melvin Johnson White, "James Brown," Ibid., III, 126; Edward Wiest, "Harry Innes," Ibid., IX, 485-86.

²³George Nicholas to John Breckenridge, March 3, 1796, Breckenridge Family Papers; Harrison, "John Breckenridge of Kentucky," pp. 217-18.

²⁴George Nicholas to John Breckenridge, December 31, 1795, Breckenridge Family Papers; Extract of Samuel Smith to Wilson Cary Nicholas, September 5, 1799, Samuel Smith Papers, LC, microfilm, UVA; Harrison, "John Breckenridge of Kentucky," pp. 217-18; Frank A. Cassell, Merchant Congressman in the Young Republic: Samuel Smith of Maryland, 1752-1839 (Madison, Wisconsin, 1971), p. 90.

Nicholas' expectations for his land purchases were just as high as for his iron works -- and just as unrealistic, for they also brought him no financial relief.

In constant and restless pursuit of financial success, Nicholas moved his family around Kentucky several times. When the iron works needed his personal direction in 1795, Nicholas moved from the comfortable and prosperous farm near Danville to a home closer to the works on Slate Creek. Nearby Lexington, a small but bustling town, offered more advantages for his family and profession, however, and after less than a year near the site of the iron works, he moved his family into a large brick house which he had just built in the growing "Athens of the West." The new home was required to be large because of Nicholas' large family. He already had eleven children by the time of this last move, and one more child would be born in the "handsome" brick house.²⁵

One of the reasons Nicholas had moved to Kentucky was the opportunity to create an adequate estate "as a sacred deposit for [his] family." His Virginia lands were already threatened by heavy debts, and the abundance of land in Kentucky offered a chance to obtain enough acreage to satisfy creditors and still leave an adequate residue for his children. But, as usual, his plans never materialized, and upon his

²⁵Robert Wickliffe, "Sketch of the Life of George Nicholas," typescript copy, Carter-Smith Papers; Still, "The Westward Migration of a Planter Pioneer in 1796," pp. 334-35. Nicholas may have taken up the temporary residence near the works until construction of his home in Lexington could be completed.

death, his children were left with only small inheritances. Facing heavy pressure from the executors of the Fairfax estate, he even sold his farm near Danville to his brother Wilson late in 1797 for \$5000 and used half of the sum to satisfy part of the debt. Other creditors claimed the remainder of his assets when he died, and it was only through diligent efforts of friends and relatives that his family was able to keep its Lexington home for a few more years.²⁶

Considering Nicholas' wide ranging interest in law, business, and manufacturing, it would be natural to assume that he would plan for his sons to follow him in those paths. Yet he adopted an ambivalent attitude toward their future occupations which is rather puzzling. After Nicholas joined the Kentucky Manufacturing Society in 1789, his two oldest sons briefly worked in the factory as laborers at a very tender age. But it was apparent that Nicholas believed that land was the key to his sons' futures. In 1790 Samuel Smith offered to train the two oldest boys for a merchant's career, but Nicholas hesitated to accept the offer. If either of his sons chose such a life, Nicholas would not stand in the way, but he made it clear that he believed "the farmer's is the happiest life." As long as his sons had no illusions about what to expect from agricultural pursuits, Nicholas felt they would learn to

²⁶George Nicholas to Samuel Smith, October 25, 1789, Carter-Smith Papers; George Nicholas to Wilson Cary Nicholas, August 29 and November 9, 1797, Randolph-Nicholas Letters; Wilson Cary Nicholas to Samuel Smith, August 14, 1799, E-R Additional Papers. Wilson Nicholas exchanged the farm for some property on the Ohio River owned by Joshua Fry which he incorrectly assumed would sell faster.

"relish...this kind of happiness." Perhaps because he died before his sons matured and because he could leave them no sizable tracts of land, none of them later turned to a farmer's life. Two found careers in the army, one died while a midshipman in the navy, another became the editor of a Kentucky newspaper, one died while training to be a merchant, and the sixth son gave up a merchant's career to become a prominent lawyer and judge. Of Nicholas' six daughters, five married merchants, manufacturers, or businessmen-planters while the last married a lawyer. Thus the old Virginia tradition of attachment to the soil was not transmitted by Nicholas to his children.²⁷

Despite Nicholas' stated intentions "never to engage in public business of any kind," he found it impossible to remain aloof from Kentucky politics.²⁸ Kentucky leaders undoubtedly pressed Nicholas to put his political experience to good use in his adopted home. He also realized that the success of his ventures in farming and manufacturing would depend to a large extent upon Kentucky's future political status. If he wished to aid his enterprises, he would have to forget his renunciation of political life and work for the adoption of governmental policies that would promote commerce and manufacturing as well as agriculture.

²⁷Caldemyer, "The Career of George Nicholas," p. 33; George Nicholas to Samuel Smith, July 9, 1790, Carter-Smith Papers.

²⁸George Nicholas to James Madison, January 2, 1789, Madison Papers.

Nicholas' choice of the area near Danville as the new home for his family was a fateful one, for the small town was the political nerve center of Kentucky during these early years. The site of the district court and the home of several important political leaders such as Harry Innes and John Brown, Danville also hosted the long series of conventions that met between 1784 and 1792 to discuss separation from Virginia.

By the time of Nicholas' arrival early in 1789, Kentuckians had split into three factions on the issue of Kentucky's future relationships with the Old Dominion and the new federal union. One group opted for continued connection with Virginia, a second desired separation from Virginia only upon a congressional guarantee of statehood, and the third considered the possibility of independence from both Virginia and the union and even flirted with foreign alliances. It was among the members of this last faction, often termed the "court party" by opponents, that Nicholas formed his early political connections in Kentucky.²⁹

Although Nicholas never openly advocated Kentucky's connection with a foreign power, he indicated in letters to Virginia friends that he would support complete Kentucky independence if that was the only path by which her success could be guaranteed. In 1789 he told Madison that the national government could win the firm allegiance of Kentucky

²⁹This tripartite split is the central thesis of Watlington's The Partisan Spirit. On Nicholas' attachment to the court party, see pp. 200-201.

only if it could procure unrestricted access to the Mississippi, provide adequate protection from hostile Indians, and establish an inferior federal court in the district. Spain and Britain were trying to lure Kentucky from the union with promises to meet these problems, he added, but so far most Kentuckians had resisted these advances and still desired to remain in the union after separation from Virginia. However, this desire would wilt unless the United States extended protection to the citizens and commerce of Kentucky. Although Nicholas assured Madison that he was strongly interested in the success of the federal government, if that government would not meet these necessities, he would be "ready to join in any other mode for obtaining our rights."³⁰

Nicholas' strong sentiments that Kentucky might have to seek her future outside the union led James Wilkinson to believe that Nicholas could be lured into accepting Spanish hegemony over Kentucky. His name was included on a list of Kentucky "notables" which Wilkinson had prepared for General Esteban Miro, Governor of the Spanish provinces of Louisiana and West Florida. Wilkinson was engaged in a scheme to separate Kentucky and other western lands from the United States and bring them under Spanish authority. Believing Kentucky to be the easiest and most profitable target, Wilkinson advised Miro to bribe the men on his list of "notables" with annual pensions ranging from five hundred to two thousand dollars. The typical figure of one thousand dollars was suggested by

³⁰George Nicholas to James Madison, May 8, 1789, Madison Papers.

Wilkinson for his friends who he claimed already supported the scheme. Harry Innes, Benjamin Sebastian, John Brown, Caleb Wallace, and John Fowler were named as willing advocates. Only Nicholas was to receive the highest bribe of all -- two thousand dollars per year. Why should Nicholas receive the greatest pension? Wilkinson mistakenly asserted that the new resident was "one of the wealthiest gentlemen in the country" and implied that only a larger sum could appeal to such a monied man. Wilkinson depicted Nicholas as a man of "great ability," and added, "it will be a great point to win him over to our political views."

Although Wilkinson listed Nicholas as one of his friends, there is no evidence that he openly revealed his scheme to Nicholas. In his correspondence with Madison, Nicholas clearly described Spanish attempts to both lure and force Kentucky into her arms by offering land and money to new American settlers in the Spanish territory and simultaneously restricting depositing of Western produce in New Orleans. If Nicholas had been involved in Wilkinson's scheme, it is highly unlikely that he would have described Spanish intentions to Madison.³¹

Wilkinson's scheme had little chance of success. He could not depend on the support of all the men on his list of "notables," much less attract an adequate force of Kentucky citizens necessary to carry

³¹ A copy of Wilkinson's letter to Miro dated September 18, 1789, can be found in Caldemeyer, "The Career of George Nicholas," pp. 96-98. Also see Elizabeth Warren, "Benjamin Sebastian and the Spanish Conspiracy in Kentucky," Filson Club Historical Quarterly, XX (January, 1946), 112-13; The Diaries of George Washington, IV, 74-77.

the plan into effect. For all practical purposes, the decision of the ninth Kentucky convention of July 1790 to accept Virginia's terms of separation effectively stifled the scheme. Kentucky had made her decision -- she would become a new state in the union, not the province of a foreign power. All that remained was the construction of a constitution acceptable to Congress.³²

Nicholas had not served as a delegate to any of the Kentucky conventions which had grappled with the thorny issue of separation, but he played a key role in the convention which met in Danville in April 1792 to frame Kentucky's first constitution. Nicholas prepared thoroughly for the convention by studying thinkers ranging from Blackstone to Montesquieu to Thomas Paine. However, the chief influences on his suggestions for Kentucky's constitution were arguments in the Federalist and the framework of the Federal Constitution which he had defended so ably in Richmond in 1788.³³

Elected as a delegate for Mercer County, Nicholas successfully offered twenty-one resolutions as the working model for the new constitution. Included among his suggestions were a popularly elected governor and bicameral legislature, suffrage for all adult white males with no

³²Watlington, The Partisan Spirit, pp. 196-98.

³³Caldemyer, "The Career of George Nicholas," pp. 46-47, 94.

property qualifications, a bill of rights, guarantees for the institution of slavery, and a strong, independent judiciary. Among the most controversial of his proposals was a court of appeals which would have original and final jurisdiction over all land disputes. Although this proposal eliminated appeal for the suitor, Nicholas asserted that only in this fashion could the numerous cases gain speedy decisions, and the convention agreed. The issue which produced the longest and most violent debate was the question of slavery. Here, too, Nicholas triumphed when the convention accepted his proposals to protect the peculiar institution. After only sixteen days of deliberation, the delegates adopted most of Nicholas' suggestions, the chief difference being the selection of the governor by the same slate of popularly-chosen electors who were to select the members of the state Senate.³⁴

Despite his prominent role in the convention, Nicholas was still making statements about not serving in the legislature. Though such sentiments worried some Kentuckians who feared that the new state would be deprived of valuable leadership, Nicholas had not ruled out the possibility of serving in an appointive post which complemented his legal training. Probably well aware of Nicholas' availability, Isaac Shelby,

³⁴Ellis, The Jeffersonian Crisis, pp. 127-30; Hubbard Taylor to James Madison, April 16, 1792, "Letters of Hubbard Taylor to President James Madison," ed. by James A. Padgett, Register of the Kentucky State Historical Society, XXXVI (April, 1938 and July, 1938), 100. The fullest discussion of Nicholas' contributions to the Kentucky constitution can be found in Chapters III and IV of Caldemeyer's "The Career of George Nicholas." Also see Huntley Dupre, "The Political Ideas of George Nicholas," Register of the Kentucky State Historical Society, XXXIX (July, 1941), 201-23; Watlington, The Partisan Spirit, pp. 211-22.

the first governor of the new state, appointed Nicholas as the state's attorney general. One of his first acts was to draft a bill establishing a system of lower courts patterned after the familiar Virginia example. The bill was passed by the legislature and approved by Shelby after a few minor changes. But Nicholas must not have found the office to his liking either in terms of salary or duties because he resigned the position after less than two years of service.³⁵

During his term as Kentucky's Attorney-General, Nicholas was approached by the federal administration about the possibility of his serving as the federal district attorney for Kentucky, but Nicholas balked because of his objections against having to prosecute fellow Kentuckians who refused to pay the federal excise tax on whiskey. He had opposed the tax since its birth in the spring of 1791. In letters to Madison he had called it unconstitutional and unfair since it had a disproportional incidence on the west. Kentucky distillers looked to Nicholas to lead their protests, and he drafted a petition to Congress to have the tax repealed. In assuming this role, Nicholas had personal as well as political motivations. He felt that the profits from his own distillery on his Danville farm would be hurt. Secretary of State Thomas Jefferson tried to convince Nicholas to accept the federal position, and upon President Washington's suggestion, he sent Nicholas a copy of a letter from Tench Coxe to Thomas Marshall advising tax agents to go

³⁵Hubbard Taylor to James Madison, May 8, 1792, "Letters of Hubbard Taylor to President James Madison"; Ellis, The Jeffersonian Crisis, pp. 131-32.

easy on taxes due during the first year or so of the excise because many people may not have been aware of the tax, and no collector had been in Kentucky during that time. Coxe also reminded Marshall that it was more important to get Kentuckians to accept the law generally than to risk ruining that acceptance by pursuing dubious applications of the strict letter of the law. Jefferson suggested that such a policy would greatly lessen "the number of disagreeable cases which would present themselves in the exercise of the office" proposed to Nicholas and added his hope that Nicholas would find his objections to the post satisfied. But Nicholas was not to be persuaded, and he never became an office holder of the national government he had convinced Virginia to accept in 1788.³⁶

Kentucky's entrance into the union did not solve the problem of free usage of the Mississippi River. As long as Louisiana was controlled by Spain, the privilege of depositing goods at New Orleans or some other landing place near the mouth of the Mississippi was always in doubt. In the spring of 1789, for example, Spanish officials opened the river to American use, but during the following winter, they announced that no tobacco could be landed except that grown by Spanish subjects. This policy of unpredictable shift, which continued almost to the last days of Spanish control of Louisians, was designed to prod western

³⁶Thomas Jefferson to George Nicholas, July 15, 1793, Thomas Jefferson Papers, LC, microfilm, UVA; Hubbard Taylor to James Madison, May 17, 1792, "Letters of Hubbard Taylor to President James Madison;" Caldemeyer, "The Career of George Nicholas," pp. 130-31.

Americans into accepting Spanish political rule. The policy backfired. Many westerners, reacting from irritation rather than acquiescence, began to entertain ideas of using force to wrest the territory from Spanish control.³⁷

Nicholas, too, had entertained ideas of seizing Louisiana. Like many of the westerners who actually engaged in plots to assault the Spaniards, he considered using foreign assistance. In 1793 when Edmund Genet was named the new French ambassador to the American republic, he was instructed to negotiate a treaty with the United States and to direct French agents who were enlisting western aid for an attack on New Orleans. One of these agents, the botanist André Michaux, was dispatched to Kentucky in the fall of 1793. Among the Kentucky leaders he visited was George Nicholas. Nicholas seized upon the opportunity to suggest a plan that would place New Orleans in friendlier hands and guarantee American access to the Mississippi without overtly committing

³⁷ Watlington, The Partisan Spirit, p. 196; The Diaries of George Washington, IV, 75. William Blount, senator from Tennessee, joined an abortive 1796 scheme to secure British aid for a filibustering attack against Louisiana and the Floridas. In 1792 Dr. James O'Fallon and George Rogers Clark contemplated securing French assistance for an expedition against Louisiana, but the plan died when the Jacobin ascendancy in June 1793 ended temporarily French expansionist schemes in the western hemisphere. John C. Miller, The Federalist Era (New York, 1960), pp. 189-92; Frederick Jackson Turner, "The Origins of Genet's Projected Attack on Louisiana and the Floridas," American Historical Review, III (July, 1898), 650-71.

American aid. He suggested to the botanist that a French fleet should simply seize the mouth of the Mississippi, declare possession of the entire Louisiana territory, and invite Americans to "take advantage of the freedom of Navigation." Should the Spanish still upriver attempt to halt the flow of American vessels, the Americans would have a right to defend themselves without trespassing Spanish rights since France would then rightfully claim the entire area. Needless to say the plan got no further than the suggestion.³⁸

Although important Kentucky leaders were aware that Thomas Pinckney had been sent to Spain in the summer of 1794 to negotiate a treaty which would settle the Mississippi issue, their pessimistic outlook on success from such a mission allowed them to respond to further overtures from Baron Carondelet, the new governor of Louisiana. In a letter to Benjamin Sebastian, Carondelet indicated that his emissary, Colonel Manuel de Lemos Gayoso, would meet with Kentucky representatives to discuss the possibility of opening the Mississippi to westerners. Complying with a request of Carondelet, Sebastian met with Nicholas, Harry Innes, and William Murray to discuss the feasibility of the meeting with Gayoso, and the four decided to send someone to hear what Carondelet was willing to offer. Only Sebastian made the trip to see Gayoso at New Madrid where he found that Carondelet was prepared to offer an extremely generous commercial settlement to the westerners. Travelling

³⁸ André Michaux, Journals of Travels into Kentucky in Early Western Travels 1748-1846, ed. by Reuben Gold Thwaites (32 vols.; Cleveland, 1904-1907), III, 44.

to New Orleans to win a few additional points, Sebastian had to drop the negotiations upon the news of Pinckney's success with the Treaty of San Lorenzo of September 1795.³⁹

Soon after the signing of the treaty, however, the Spanish decided to rescind the right of deposit at New Orleans which had been guaranteed by the treaty. Once again the Spanish plotted to sever Kentucky from the United States. In the summer of 1797, Carondolet attempted to enlist the aid of Sebastian, Innes, Murray, and Nicholas to bring Kentucky under Spanish control. A bribe of \$100,000 was to be granted the four men should they accept the proposal while a similar sum would be set aside for troops to capture the federal post at Fort Massac. Although Sebastian was willing to join the scheme and Innes wavered a bit, Nicholas was adamant in his refusal to commit treason against the United States. In a letter to Carondolet which Innes also signed, Nicholas declared "unequivocally" that he would never join "directly or indirectly in any attempt that may be made to separate the Western Country from the United States."⁴⁰

Despite this quick rejection, Nicholas' connection with Sebastian and Carondolet was later to haunt his family. When the episodes of

³⁹Caldemyer, "The Career of George Nicholas," pp. 104-111; Warren, "Benjamin Sebastian and the Spanish Conspiracy," pp. 117-18.

⁴⁰Miller, The Federalist Era, pp. 189-92; George Nicholas and Harry Innes to [Baron Carondolet], N.D., Harry Innes Papers, LC. Chapter V of Caldemyer's work, "The Career of George Nicholas," has the most thorough analysis of Nicholas' role in the various separatist schemes in Kentucky.

the so-called "Spanish Conspiracy" were revealed after 1806, Nicholas was severely criticized by the Federalist press, and his sons exerted much trouble in an attempt to clear his name. Enemies were especially critical of Nicholas' neglect to inform the federal government of the Spanish overtures, but his defenders pointed out his fears that the Adams administration would use the news as an excuse to saddle Kentucky with an unnecessarily large army and intimidate any opponents of Federalist policy. Although the family may have been satisfied after much testimony that his name had been vindicated of any treason, there was still much room for criticism of his involvement in the schemes in the first place.⁴¹

When disputes over the nature of foreign policy led to the rise of national parties in the mid-1790's, Nicholas naturally became known as a leading moderate Republican spokesman in Kentucky. Although he forsook a formal public role after 1793 to turn to his law practice and business concerns, he kept in close touch with local and national politics through his politically active friends, such as John Breckenridge, and through correspondence with such men as James Madison and his brother Wilson Cary Nicholas in Virginia. Issues that angered Republicans everywhere irritated Nicholas as well, and he was just as willing to rail against Jay's Treaty and Adams' anti-French policies as other

⁴¹Ibid.; James Morrison to Robert Smith, December 11, 1806, WCN-UVA; Edmund Randolph to Cary Nicholas, October 19, 1807, Harry Innes Papers, LC; Daniel Clark to Harry Innes, March 15, 1808, Ibid.; Wilson Cary Nicholas to Harry Innes, May 5, 1807, Ibid.

Republicans throughout the country. His retirement from active politics had only slightly diminished his influence and reputation, and maturing Republicans were often swayed simply by learning of his positions on issues. Robert McAfee later recollected that he had thought little of politics until the age of fourteen when he joined a political debating society at a Latin school run by a staunch Federalist. But, he added, when he heard that Breckenridge and Nicholas were firm Republicans, "this at once decided my mind & I became a staunch Jeffersonian in Politics."⁴²

The passage of the Alien and Sedition Acts in July 1798 outraged Nicholas. He immediately took to the stump and the printing press to rally western opinion against acts which he considered not only loathsome and dangerous but unconstitutional as well. At a large open air meeting held in a field just outside Lexington, Nicholas and young Henry Clay addressed over a thousand angry Kentuckians from the bed of a wagon used as a makeshift platform. Stirring up citizens who already agreed with them, the two speakers so impressed the assemblage that they were carried about on the shoulders of their admirers to a carriage which was pulled through the streets of Lexington by the cheering throng. Nicholas also penned angry denunciations printed in local newspapers and wrote a pamphlet that was also later circulated in Virginia. Although

⁴²George Nicholas to James Madison, November 6, 1795, Madison Papers; Caldemeyer, "The Career of George Nicholas," pp. 136-48; "The Life and Times of Robert B. McAfee and His Family and Connections," Register of the Kentucky Historical Society, XXV (January-September, 1927), 217-19.

Nicholas wanted the Kentucky legislature to brand the acts as unconstitutional and therefore void, he was quick to advise fellow Kentuckians to reject violence as a tool of protest.⁴³

Nicholas communicated news of Kentucky's response to the Alien and Sedition Acts to his brother Wilson, who approved heartily. "It gives me great pleasure," wrote Wilson, "to find that you and your countrymen have so just a sense of the designs of John Adams & Co. I think it is a very doubtful thing whether we shall be able to preserve our liberties in the Eastern States, the Western may (if they are united) bid defiance to the whole world." Remarking that Virginia was preparing a strong remonstrance to Congress and using every constitutional means to preserve the powers of the state governments and the rights of citizens, Wilson added that only firm action by the states would produce results. "Town or county meetings will never produce the effect," he continued, "the disease has gained too much strength to be destroyed by anything they can do." Wilson concluded the letter with the news that their younger brother, Philip Norborne Nicholas, had "distinguished himself as a patriot" by joining the opposition to the acts in Richmond.⁴⁴

⁴³Wickliffe, "Sketch of the Life of George Nicholas;" Bernard Mayo, Henry Clay: Spokesman of the New West (Cambridge, 1937), pp. 73-74; Caldemyer, "The Career of George Nicholas," pp. 164-65; Thomas Jefferson to Archibald Stuart, February 13, 1799, The Writings of Thomas Jefferson, ed. by Paul Leicester Ford (10 vols.; New York, 1892-1899), VII, 354.

⁴⁴Wilson Cary Nicholas to George Nicholas, September 21, 1798, WCN-UVA. Wilson also included the information that their first cousin, John Nicholas of Buckingham, had become a firm Federalist. "It is a mortification to me," he wrote, "that a man of our name shou'd take part against

George Nicholas' correspondence with his brother on the scope of western resentment against the acts played a key role in having Jefferson's declarations against them become known as the Kentucky Resolutions rather than the North Carolina Resolutions. When Jefferson finished drafting his series of objections to the Alien and Sedition Acts, he sent them to Wilson Cary Nicholas who was to submit them to the legislature of North Carolina without revealing Jefferson's authorship. But Nicholas had different ideas. He was convinced that republican salvation lay in the west, and he decided to take advantage of a visit which John Breckenridge was then making to Virginia. Breckenridge was allied with George Nicholas not only politically but also by personal friendship and business ties, and Wilson Nicholas felt he could be completely trusted to present the resolutions to the Kentucky legislature without betraying Jefferson's desire for secrecy. Jefferson concurred completely in Nicholas' decision. Breckenridge returned to Kentucky where, with a few important modifications, the legislature passed the famous protest against the federal government's threat to American liberties.⁴³

the liberty of his countrymen, I have frequently pressed John to let me get an act of Assembly to change his name, next to the reputation of being honest men, I am most anxious that our family shou'd be distinguished for their love of country, and the rights of Man."

⁴³Wilson Cary Nicholas to Thomas Jefferson, October 4, 1798, Thomas Jefferson Papers, LC; Thomas Jefferson to Wilson Cary Nicholas, October 5, 1798, Ford, ed., The Writings of Thomas Jefferson, VII, 281-82; Wilson Cary Nicholas to John Breckenridge, October 10, 1798, Breckenridge Family

Although George Nicholas undoubtedly conferred with John Breckenridge on the strategy to follow in presenting Jefferson's resolutions to the Kentucky legislature, he played no formal role in their adoption because he had never sought or accepted a seat in that body. But his prestige as a leading Republican leader and the first Professor of Law at Transylvania University helped to rally opinion to push the resolutions successfully through the assembly. He continued his newspaper attacks on the inimical acts and so irritated Federalists that one blasted him as "a little, indolent, drunken lawyer, of some talents, but no principle."⁴⁴

Nicholas also helped to solidify Republican sentiment against the acts in his native Virginia. Answering Federalist charges that the Kentucky Resolutions aimed at destruction of the constitution and the union, Nicholas penned a long pamphlet which he entitled "A Letter

Papers, LC. Wilson played a similar intermediary role in the story of the Virginia Resolutions as well, and the following year, when he journeyed to Kentucky to aid his brother's widow, he carried other messages from Jefferson to Kentucky Republicans on the propriety of passing another set of resolutions to buttress the first endeavor. Wilson Cary Nicholas to Thomas Jefferson, August 20, 1799, Nicholas Trist Papers, LC; Thomas Jefferson to Wilson Cary Nicholas, August 26 and September 5, 1799, Lipscomb and Bergh, eds., The Writings of Thomas Jefferson, VII, 389-92; Adrienne Koch and Harry Ammon, "The Virginia and Kentucky Resolutions: An Episode in Jefferson's and Madison's Defense of Civil Liberties," WMQ (3rd series), V (April, 1948), 159-60, 165-68.

⁴⁴Caldemyer, "The Career of George Nicholas," pp. 172-73; Clement Eaton, "A Law Student at Transylvania University in 1810-1812," Filson Club Historical Quarterly, XXXI (July, 1957), 267-73.

From George Nicholas of Kentucky to His Friend in Virginia." Virginia Republicans were very impressed with the work. "Colo. Geo. Nicholas' pamphlets are very much approved of here," wrote one Republican. "Much better heads than mine suppose them extreamly well wrote." One of these better heads, Thomas Jefferson, supposed them so well written that he procured copies to distribute "not to sound men who have no occasion for them, but to such as have been misled, are candid and will be open to the conviction of truth, and are of influence among their neighbors. It is the rich who need medicine," he added, "not the well." In effect, Nicholas' pamphlet was used by Jefferson not only to strengthen opposition to the Alien and Sedition Acts but also to gain support for the campaign that led to the Republican victory of 1800.⁴⁵

Unfortunately, Nicholas did not live to see the Republican triumph of 1800. After an illness of ten or twelve days, he died of "a disentry" on July 25, 1799.⁴⁶ It is rather interesting that one of his last political efforts was his successful attempt to marshall Republican opposition to the Alien and Sedition Acts because the episode revealed a peculiar pattern of reversals in Nicholas' life. As a

⁴⁵Thomas Bell to John Breckenridge, January 13, 1799, Breckenridge Family Papers; Thomas Jefferson to Archibald Stuart, February 13, 1799, Ford, ed., Writings of Thomas Jefferson, VII, 354; Noble E. Cunningham, Jr., The Jeffersonian Republicans: The Formation of Party Organization, 1784-1801 (Chapel Hill, 1957), pp. 130-31.

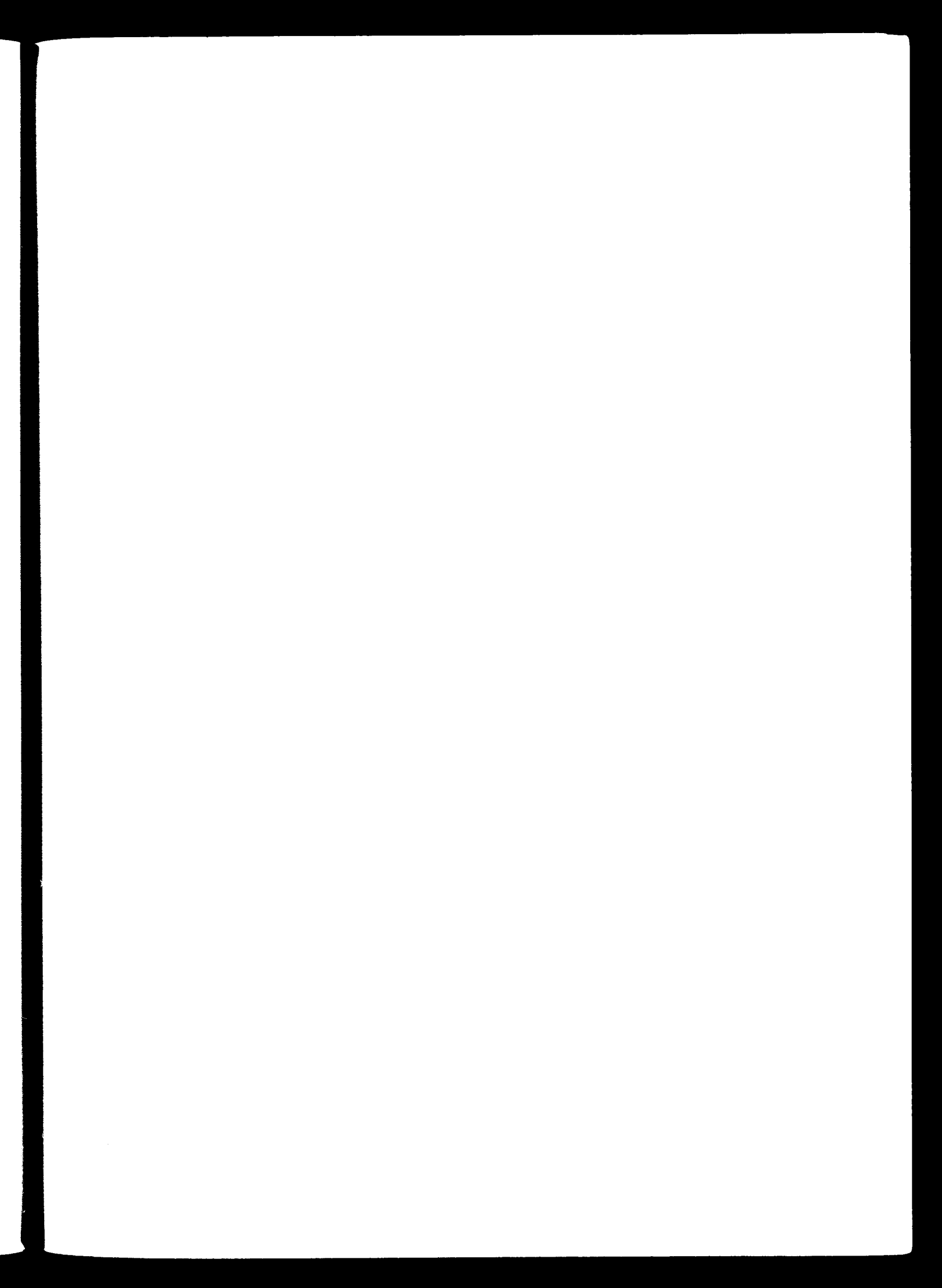
⁴⁶Wilson Cary Nicholas to Samuel Smith, August 21, 1799, E-R Additional Papers, UVA.

young impetuous legislator, Nicholas had boldly advocated a military dictatorship to save Virginia, during British invasion, and he had led the move to investigate Jefferson's conduct as a war governor; as an elder statesman in Kentucky he allied with Jefferson's political forces to fight a Federalist move to quash opposition during the quasi-war with France. In the Virginia federal convention of 1788, he helped lead the fight for a stronger national government, yet in Kentucky he was willing to entertain ideas of western independence from that union if protection of western interests could come no other way.

Nicholas' migration to Kentucky resulted in the same pattern of reversal. Kentucky was to be his economic salvation, but he died so heavily in debt that his sons were left with no inheritances and his friends and relatives were saddled with the burden of trying to settle his tangled financial affairs for years. Intent upon solution of his financial problems in 1789, he vowed to abstain from political chores, but the lure of politics was so strong that he emerged as the chief architect of Kentucky's first constitution.

In both personality and pursuits, he more closely resembled his grandfather, Dr. George Nicholas, than his father. Remarkably paralleling the physician's quest for wealth and prominence, he created a successful professional career, speculated in land, and envisioned iron manufacturing as his last great hope for success. And, just as the good doctor, he died miserably in debt. Both grandfather and

grandson pursued politics past the local level but with one major difference. Dr. Nicholas saw political offices as means to economic and social ends while his grandson consciously adopted a set of political principles which marked him as more than a mere office seeker. It was this difference that allowed the latter to achieve fame as a man of great distinction while the former is remembered only as an interesting figure in colonial Virginia society.



CHAPTER IX

WILSON CARY NICHOLAS, RURAL ENTREPRENEUR

Although Wilson Cary Nicholas often contemplated leaving his native state, he never followed his elder brother's example. At various times, he toyed with ideas of moving to such diverse places as Georgia, Kentucky, and western New York, but he never made the break from Virginia. Echoing the usual plights of heavy debts, declining land values, and exhausted soil, he agreed with his brothers George and John that financial salvation lay in virgin territory, but he died in Virginia in 1820 crushed by debts more awesome than those of his brother in Kentucky.

Nicholas did follow his brother's lead in choosing a wife from the Smith family of Baltimore. On January 29, 1785, he married Margaret Smith, younger sister of Mary Smith Nicholas, at the First Presbyterian Church in the Maryland city. It was to prove a momentous match because it connected the young Albemarle resident with a powerful mercantile family and future political allies. The move to the James River Plantation must have been quite a change for the new bride. Albemarle County could not match the small but bustling port city of Baltimore, and although Margaret Nicholas grew to love the quiet life at Warren, she never lost her taste for city life and later remarked that she did

not wish to see her daughters waste away in the Virginia countryside. Neither did she lose her more sophisticated sense of fashions. Years after the Nicholases had finally departed from Albemarle, a former Virginian remembered that during her childhood, when the Nicholases were frequent visitors in her parents' home, Mrs. Nicholas' "fashionable style of dress made a great impression on us."¹

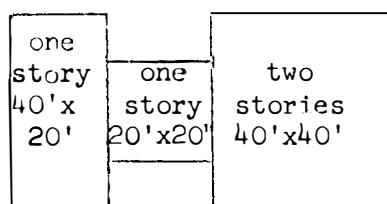
Wilson Nicholas brought his new bride to the Albemarle plantation which he had named Mt. Warren but which was usually referred to simply as Warren. The house and most likely the other buildings of the farm rested on a low ridge overlooking the flood plain of the James near the mouth of Ballenger Creek. Exactly when the house was constructed is not clear, but a rough sketch of the outside dimensions drawn for an 1805 fire insurance policy indicates that the house grew as the family increased. Constructed of wood, the original section appears to have been a forty-foot square, two story house divided into either six or eight rooms. As the number of Nicholas children increased, a detached one-story wing, 40' x 20', was added behind the main house. The two sections were connected by a twenty-foot square entry so that the house assumed the rough appearance of the letter H (see sketch in the footnote below). Nicholas valued the house at \$5000 when he insured it in 1805.

¹Wilfrid Bayne to John Melville Jennings, August 21, 1970, xerox copy, VHS, citing information from Records of the First Presbyterian Church of Baltimore and Baltimore Marriage Licenses, 1777-1798; Jane Blair Cary, "The Carys of Virginia," manuscript copy by Wilson Miles Cary, Wilson Miles Cary Collection, UVA, p. 39; Statement of Conversation of Mrs. A.C. Bankhead, June 21, [1814?], Carr Family Papers, UVA.

If it was like many Virginia plantation homes, it was not kept in the best state of repair. Warren may have imitated the appearance of nearby Carysbrook which "like all wooden houses in this region...had never been painted, & wore a sober grey tint, less to be deprecated as unsightly than because the boards were exposed, by want of paint, to premature decay." After 1815 the Nicholases spent a great deal of their time in Richmond, and Mrs. Nicholas indicated the neglect the house suffered when she referred to it as "old Warren" and "poor dear Warren."²

Despite a long family tradition and his own legal studies, Wilson Cary Nicholas decided to turn his attention to farming instead of a professional career. Although three of his four brothers established

²Mutual Assurance Society Policies, Vol. 31, Policy No. 18, July 16, 1805, microfilm, UVA. Copies of the policy can also be found in WCN-UVA. Sketches reveal the following plan of the house.



Cary, "The Carys of Virginia," p. 34; Margaret Smith Nicholas to Jane Randolph Nicholas, July 25, 1816, and March 12, 1818, E-R Papers, UVA. Nicholas also constructed another frame house with outside dimensions of 58' x 50' and containing ten rooms in 1796 on lands he had just purchased from Thomas Harris. At least some portions of the house (if not all) were designed by Thomas Jefferson. Because of very skimpy information, I have been unable to locate the site of the house or discover for whom it was intended. Thomas Jefferson to Wilson Cary Nicholas, August 19, 1796, Memorandum of Agreement Between Wilson Cary Nicholas and William Bates, October 1, 1796, WCN-UVA.

reputations as good farmers, Wilson Nicholas devoted more thought, time, and energy to farming than any of them with the possible exception of the youngest brother Lewis. Initially, his major crop was tobacco. Because of his river frontage and his tobacco warehouses near Richmond on the Westham lands, Nicholas faced less trouble in getting his crop quickly and cheaply to market than the typical Piedmont tobacco planter. Also, the Virginia Assembly authorized him to construct a tobacco inspection warehouse on his lands at the mouth of Ballenger Creek in 1789. Although he could not expect preferential treatment from the inspectors, few tobacco planters in Virginia could boast a situation with greater advantages.³

But Nicholas soon turned away from tobacco. The "stinking weed" inevitably drained fertility from the soil, and some of the Nicholas Albemarle lands had been cultivated since at least 1732. Suspecting that his lands had been depleted by the ravages of tobacco, Nicholas became one of the first Albemarle farmers to search for new crops as a substitute and to experiment with crop rotation to restore vitality to the soil. Wheat replaced tobacco as his major crop, but he also raised hemp and corn, and he used some of his fields as pasture for stock.⁴

³Hening's Statutes, XIII, 41-43; Dabney, "Jefferson's Albemarle," pp. 82-87. On January 18, 1790, Nicholas signed a contract for the construction of two warehouses measuring 54' x 24' and a 24' square lumberhouse. These were most likely the tobacco warehouses which the Assembly had authorized him to construct in December. Contract with Benjamin Clarke in WCN-UVA.

⁴Dabney, "Jefferson's Albemarle," pp. 84-87, 100. A typical crop rotation scheme can be found scribbled on the backside of Jacob Kinney to Wilson Cary Nicholas, April 17, 1794, WCN-UVA.

Following a pattern typical of many large Virginia plantations, the Warren tract contained a grain mill which had been constructed by Robert Carter Nicholas as early as 1759. The mill, or its replacement, was still operating thirty years later when Wilson Nicholas ground 3,294 pounds of "Indian Meal" for the James River Company. Even before his decision to turn to wheat as his major crop, Wilson Nicholas had recognized the value of fully utilizing the mill and had asked the Smiths in Baltimore to locate an experienced miller to operate the Warren mill on a fulltime basis. When a miller was secured, Nicholas was able to supplement his regular farming income by milling flour for his neighbors.⁵

Although Nicholas also sought the advice of the Smiths on current prices of wheat and flour intended for the European market, he usually consigned his crops to Richmond merchants such as Robert Pollard and Robert Gamble. Initially, the volume of flour which he shipped down the James River was small. For example, the September 1791 shipment to Pollard was only sixty-three barrels. Soon, however, Gamble proposed a scheme which gradually changed Nicholas from a simple farmer to a rural entrepreneur. Instead of relying upon international shippers to purchase flour consigned to him, Gamble decided to charter a ship to transport the flour to Bordeaux. Offering Nicholas a chance to participate in the venture, Gamble requested that the Albemarle planter send

⁵Expenses of Robert Carter Nicholas' Albemarle Lands, 1758-1760, Receipt of Benjamin Harris on Behalf of the James River Company, July 3, 1789, WCN-UVA; John Smith to Wilson Cary Nicholas, September 7, 1789, Carter-Smith Papers; Warren Mills Account Books, 1791-1793, WCN-UVA.

not only his own flour, but all the wheat he could buy and mill from farmers in neighboring counties. Furthermore, if Nicholas accepted the proposal, Gamble would instruct his agents in the southern Shenandoah Valley to convince Valley farmers to channel their wheat and flour through Nicholas' landing instead of other river landings such as Warminster.⁶

Speedily accepting Gamble's proposal, Nicholas immediately began to pack flour in strong, clean, lined barrels as Gamble had requested. Exactly how much flour Nicholas managed to ship is uncertain, but Jacob Kinney, one of Gamble's agents, procured at least 400 barrels from the Valley for the venture, and Valley residents such as William McDowell of Staunton sent smaller quantities whenever they could hire wagons for the trip over the Blue Ridge Mountains.⁷

Although Nicholas' papers contain no further references to Gamble's venture, the plan must have returned a handsome profit because Nicholas decided to focus upon "the milling business and make my other business so convenient that I can devote most of my time to the mill." Success elicited the lure of expansion, and during the spring and summer of 1793, Nicholas planned to erect two new mills, one at the mouth of Ballenger

⁶Samuel Smith to Wilson Cary Nicholas, July 20, 1790, Carter-Smith Papers; Robert Pollard to Wilson Cary Nicholas, September 20 and September 29, 1791, Robert Gamble to Wilson Cary Nicholas, January 14, 1792, WCN-LC.

⁷Robert Gamble to Wilson Cary Nicholas, January 30, 1792, Jacob Kinney to Wilson Cary Nicholas, May 3, 1793, William McDowell to Wilson Cary Nicholas, April 18, May 11, and May 14, 1792, WCN-LC.

Creek near his tobacco warehouse and the other near the mouth of Totier Creek several miles down the James. The Albemarle County Court (of which Nicholas was a leading member) ordered a jury of twelve to investigate the sites to determine if the proposed mills would cause damage or inconvenience to other county residents. When the surveys revealed no such inconveniences, Nicholas was granted permission to construct the mills. His brother George wrote from Kentucky that he was delighted to hear of Wilson's plans, but he added a note of caution. "Take care not to go too fast," he advised. "Independence is to be preferred to great wealth with great charges and large debts: Too many mills and too large a stakes at a town w^h time has not established may be dangerous."⁸

The mill that Nicholas constructed below his Warren farm was an impressive structure. Measuring sixty feet by forty feet and standing three stories high, the mill boasted three water wheels with accompanying pairs of burr stones. The walls of the first story were stone while those of the upper two levels were brick. Although Nicholas probably chose masonry construction to diminish threats from fire, he took out fire insurance on the building in 1802, valueing the structure at \$10,000.⁹

⁸Copy of Wilson Cary Nicholas to John Nicholas, [?] 1792, WCN-LC; Albemarle County Order Book, 1791-1793, p. 457, and Albemarle County Deed Book No. 11, 1793-1795, microfilm, VSL; George Nicholas to Wilson Cary Nicholas, June 24, 1793, Randolph-Nicholas Letters.

⁹Mutual Assurance Society Policies, Vol. 14, Policy 566, December 31, 1801, microfilm, UVA; Philip Norborne Nicholas to Wilson Cary Nicholas, January 6, 1802; Philip Norborne Nicholas to John Staples, January 21, 1802, WCN-UVA. An abandoned brick three-story mill still stands in the

Using his new mills to expand his production of flour, Nicholas maintained constant contact with Richmond merchants on current prices, supply, and availability of markets. Since most of his flour was designed for the foreign market, Nicholas was especially attentive to international affairs that might offer new sales. For example, in the early months of 1794, both Gamble and Pollard advised Nicholas to dispatch as much flour to them as he possibly could. The French fleet was in Norfolk, they explained, and Nicholas' flour could be sold at a high price as soon as it was shipped down the canal. Gamble also mentioned that flour was still in demand in the British West Indies. Since the British had curtailed American entry to those islands, the chances are that some of the Warren flour entered smuggling channels.¹⁰

Nicholas felt that the French demand for American wheat presented a golden opportunity to Virginia farmers if the French could be persuaded to purchase their wheat in Virginia instead of the northern states. Sometime in 1794, he wrote to the French minister, Joseph Fauchet, and listed the reasons why the French would find more favorable wheat prices

moribund village of Warren, and although I have not been able to determine conclusively that it is the one Nicholas constructed, its location and features are similar to the structure described in the life insurance policy and lead to that conclusion. Local residents say the mill functioned throughout the 1940's when it was finally closed down. A map of the county published in 1907 also shows that the mill on Totter Creek was still standing then, although it is marked simply "Old Mill." Frank A. Massie, A New and Historical Map of Albemarle County Virginia (Richmond, 1907). A copy of this map can be found in the Barringer Collection, UVA.

¹⁰Robert Gamble to Wilson Cary Nicholas, February 24, 1794, Robert Pollard to Wilson Cary Nicholas, March 2, 1794, WCN-UVA.

in the Old Dominion. Virginia was predominantly an agricultural state, Nicholas explained, containing very few merchants, few ships, and little liquid capital. These conditions meant that there were fewer competitors bidding for Virginia wheat, which resulted in lower prices. If the French bought from Northern merchants, Nicholas continued, they would necessarily pay higher prices. The greatest proportion of Virginia wheat was purchased by these same Northern merchants and shippers. When the French secured their grain from the North, he argued, they probably were purchasing Virginia produce anyway. The obvious message was that the French could save these middleman charges by purchasing directly from the Virginia agricultural market.¹¹

As his brother George had done in Kentucky and as his brother John would later do in western New York, Nicholas decided to diversify

¹¹Wilson Cary Nicholas to [Joseph] Fauchet, [?] 1794, WCN-UVA. At that time, Nicholas' brother-in-law Edmund Randolph was serving as Secretary of State in Washington's second administration. Worried that British agents might attempt to turn the western Pennsylvania Whiskey Rebellion into a civil war, Randolph approached Fauchet about the possibility of procuring loans from the French for three or four influential Americans who would use their prominence to counteract British influence. Fauchet had already been negotiating wheat purchases for the French armies from these men, and a prepayment for the wheat would allow them to escape from their British creditors and freely combat the British scheme. The exposure of correspondence relating to this episode by Hamiltonians in the cabinet forced Randolph's resignation and ruined his political career. Although the four men were not identified, and the locus of the disturbance indicates that they were probably Pennsylvanians, Nicholas may have been involved. He later assumed all of Randolph's debts and spent much of the rest of his life attempting to settle them. Could it be that he was attempting to atone for an incident which ruined his brother-in-law and for which he may have been partially responsible? For the most extensive work on this affair, see Irving Brant, "Edmund Randolph, Not Guilty!" WMQ (3rd series), (April, 1950), 178-98.

his production by adding a distillery. Existing account books indicate that the distillery at Warren was turning out whiskey as early as 1796, although it may have been constructed earlier. Constantly experimenting to increase the amount of whiskey he could produce per bushel, he once asked his brother John about a rumor that some New York distillers were able to distill as much as four or five gallons of whiskey per bushel of grain. John assured him that the average yield was much closer to two-and-a-half gallons and that the one example of higher yield with which he was familiar was considered a fluke. Although some Virginians complained that Nicholas' whiskey was not fit to drink, his 7,000 gallon production in 1814 indicated that many thought it was "very good" to "excellent."¹²

After his return to active politics in 1794, Nicholas experienced difficulty in maintaining personal direction of his mills and distillery. His initial solution was to entrust direction of these enterprises to professional millers and distillers and pay them an annual salary for their services. This allowed Nicholas to keep personal control without having to be in constant touch with the operations. He also made agreements with Richmond merchants to solve his perpetual lack of working capital. For example, he contracted with Thomas Rutherford in 1796 to operate the Warren Mills and distillery on a joint-risk basis. Nicholas

¹²Thomas Rutherford to Wilson Cary Nicholas, March 7, 1804, WCN-UVA; John Nicholas to Wilson Cary Nicholas, September 6, 1804, WCN-LC; H. Thompkins to Wilson Cary Nicholas, April 17, 1806, WCN-UVA; Dabney, "Jefferson's Albemarle," pp. 185-87.

agreed to supply the mills, distillery, tools, and firewood necessary for the operation while Rutherford advanced £3000 to buy wheat, corn, and rye. Rutherford would handle the sale of the flour and either could sell the whiskey. During the annual term, the partners would equally share all expenses and losses, and at the end of the year, Rutherford could reclaim his £3000 plus half of the profits.¹³

When even this limited direction of the mills became too demanding, Nicholas began leasing the buildings on a yearly basis. Typical was the agreement he signed with John Staples, John Thompkins, and Isaac Webster in August 1799 when the trio agreed to rent the mills and distillery for a year beginning on October 10 for \$1,000. Nicholas was obligated to provide adequate firewood for the distillery, while the three partners agreed to grind wheat for Nicholas and his brother John without charge and before they ground the crops of other farmers. For this service, the millers were to receive one eleventh of the net profits gained from the sale of Nicholas' flour.¹⁴

Another reason why Nicholas decided to devote less time to his mills was his interest in new and more daring ventures. The small settlement at the mouth of Ballenger's Creek just below Nicholas' Warren farm already contained an impressive list of buildings, and Nicholas

¹³Agreement of Thomas Rutherford and Wilson Cary Nicholas, April 30, 1796, WCN-UVA.

¹⁴Agreement of Wilson Cary Nicholas with John Staples, John Thompkins, and Isaac Webster, August 24, 1799, WCN-UVA.

began to envision the creation of a small river port town on the order of Milton. Besides the mills and distillery, the little settlement known as Nicholas' Landing boasted a tobacco inspection house, a blacksmith shop, a tavern, and a public ferry which connected the village to the Southside counties across the James. Judging that there was no good reason why the town should not continue to grow and prosper, Nicholas decided to lay off the surrounding acres into town lots and seek legal incorporation from the General Assembly.¹⁵

Although Nicholas was ultimately successful in his quest for incorporation, he had to fight a stiff battle with the Scott family who wanted the General Assembly to grant incorporation to a town located downstream below the mouth of Totier Creek. The Scotts claimed that rapids above the creek's entrance into the James made commercial navigation unfeasible. Nicholas, on the other hand, asserted that the river was navigable to the mouth of Ballenger's Creek. Due to his political connections and influence in the General Assembly, Nicholas triumphed in 1795, and the town of Warren was born.¹⁶

¹⁵Hening's Statutes, XIII, 48-49; H.J. Eckenrode, ed., A Calendar of Legislative Petitions Arranged by Counties, Accomac-Bedford (Richmond, 1908), p. 26; Eudora Ramsay Richardson and John Sherwood Widdicombe, Jefferson's Albemarle: A Guide to Albemarle County and the City of Charlottesville, Virginia (Charlottesville, 1941), pp. 84-85.

¹⁶Dabney, "Jefferson's Albemarle," pp. 146-47; Virginia Moore, Scottsville on the James: An Informal History (Charlottesville, 1969), pp. 32, 43-45. Scottsville had to wait for incorporation until 1818, after the Scott family won a battle to have the eastern terminus of the turnpike to Rockfish Gap located at Scott's Landing. Although the Scotts

Warren never provided the financial boon Nicholas had optimistically expected. Although the town was a busy little commercial center for the surrounding countryside, it never rivalled Milton in population or activity, and after 1818, it was eclipsed by both Scottsville and Charlottesville. According to the county deed books, Nicholas was able to sell only about a dozen half-acre lots to various county residents who were hopeful about the town's future. Eight years after its incorporation, Nicholas abandoned the town he had created and named. Mounting debts, pressure from his creditors, and the failure of the town to become a bonanza combined to convince Nicholas that he should sell his holdings in Warren. In August 1803 he sold his mills, distillery, and seventy-seven acres of land adjacent to Warren to William Walker, John Staples, and Samuel Shelton for £7335. The following year he sold the tavern to his business associate and political ally, Jacob Kinney of Staunton. Although the town gamely competed with other county centers and could still boast fifty inhabitants in 1835, Nicholas' detachment cost the town the privileged position rising from his political influence, and its demise was assured. A few buildings including the mill and the former tavern still stand in Warren, but the sole reason for its existence today is the free ferry which continues

had to fight the Howard family which wanted the terminus located upriver at the mouth of the Rockfish River and a Warren faction which wanted Warren to maintain its favored position, Nicholas no longer had an interest in the question, and the Scotts won easily. Dabney, "Jefferson's Albemarle," pp. 147-48.

to operate across the James.¹⁷

Although Nicholas did not make any money from his Warren venture, he did not lose any either. The same cannot be said of his disastrous excursions into land speculation which occurred at the same time as his Warren project. Nicholas already owned substantial acreage in Albemarle County, but most of these lands were devoted to crops, pasture for live-stock, or timber necessary for construction, fencing, and the voracious distillery. True profits, Nicholas believed, lay in western lands in southwestern Virginia and what is now West Virginia, which Nicholas hoped to purchase for a song and sell immediately for a fortune.¹⁸

According to Nicholas, his involvement with land speculation grew from overtures by Henry Lee of Westmoreland County in 1788. Lee, governor of Virginia from 1791 to 1794, claimed to have contacts with a certain Mr. C _____, Philadelphia agent of various Dutch firms seeking

¹⁷ Albemarle County Deed Books Nos. 11, 12, 13, and 14, microfilm, VSL; Richardson and Widdiecombe, Jefferson's Albemarle, pp. 84-85; Philip Norborne Nicholas to Wilson Cary Nicholas, July 7, 1809, WCN-LC.

¹⁸ Nicholas' inheritance from his father totalled about 2500 acres of Albemarle land. By the late 1790's, Nicholas had increased his county holdings to almost 8000 acres, but steady selling in an attempt to lower his debts had reduced the amount to about 3000 acres at the time of his death in 1820. Albemarle County Land Books, 1782-1821, VSL; Will of Robert Carter Nicholas. Jackson Turner Main, in his article "The One Hundred," WMQ (3rd series), XI (July, 1954), 354-84, incorrectly lists Nicholas among the hundred wealthiest planters in Virginia in 1787-1788 according to the amount of land and number of slaves owned. The greater part of the 7100 acres which Main attributes to Nicholas was actually his father's estate of which Nicholas was an executor along with his brother George. Only one third of this 7100 acres actually belonged to Wilson Cary Nicholas at that time.

to invest in American enterprises such as glass manufacturing, iron works, and wheat mills. Wishing to form partnerships with enterprising Americans who could superintend these investments for a share of the profits, the Philadelphian approached Lee who in turn approached Nicholas. Although Nicholas found several Virginians interested in joining the venture, a deal was never concluded. Instead, Lee told Nicholas that there were gigantic tracts of western Virginian lands which had never been granted and that the mysterious Mr. C_____ would be willing to use part of his capital to procure such lands if Lee, Nicholas, and their partners would agree to survey the lands and use their influence to obtain the grants.¹⁹

So immersed did Nicholas become in western land speculation that well over one million acres in Wythe, Russell, Washington, Montgomery, Kanawha, and Greenbrier Counties passed through his hands. Speculation on such a vast scale required three conditions for success: the necessary political influence to obtain land office treasury warrants for huge sums of land, some knowledge of the western counties, and contacts with northern or foreign capitalists willing to purchase huge land parcels.

When the various partners were assembled, they met all the above requirements. Lee and Nicholas certainly had the political influence to obtain land grants ahead of other speculators. James

¹⁹This account in Nicholas' handwriting appears in a memorandum entitled "Lee vs. Nicholas" found among several Nicholas letters catalogued for some unknown reason with the L. Quinton Washington Papers, LC.

Breckenridge, the popular Federalist from Botetourt County and younger brother of John Breckenridge of Kentucky, and Jacob Kinney, clerk of the Augusta County Court, added their knowledge of western territory and their local influence as well. Nicholas and Lee clearly expected the Philadelphia investor to buy most of their share of the land, and Nicholas probably expected to rely upon connections of the Baltimore Smiths with capitalists at home and abroad.²⁰

The hallmark of the schemes from beginning to end was monumental confusion. Initially, there were three different contracts which involved the Virginia partners as well as a purchase of western lands by Lee from Nicholas' younger brother John. Kinney, Nicholas, and Lee agreed to secure grants for 320,000 acres in Wythe and Russell Counties while Breckenridge replaced Kinney in two other agreements for 120,000 acres and 300,000 acres. Lee also arranged to buy some 18,000 acres of Henry

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Abundant source material on Nicholas' various land schemes can be found in the Edgehill-Randolph and Wilson Cary Nicholas collections at the University of Virginia and the Wilson Cary Nicholas Papers at the Library of Congress. Much of the material is in the form of undated and unsigned notes, depositions, and agreements drawn up for court battles. Although most of the items are in the unmistakable scrawl of Nicholas, a few of them are written by other unknown hands. More specifically, see H[enry] Lee to Wilson Cary Nicholas, March 2, 1793, and Deposition of Jacob Kinney, n.d., E-R Papers. Kinney has already been mentioned in connection with Nicholas' milling business. While serving as sheriff of Augusta County during 1791, Kinney was charged with being £400 short in his tax collection accounts. Nicholas agreed to help Kinney meet the payment, and there is some evidence that he used his influence to help Kinney receive the clerkship of the Augusta County Court in 1793. Kinney and members of his family held the post until 1858. Jacob Kinney to Wilson Cary Nicholas, October 15, 1792, Edmund Pendleton to Wilson Cary Nicholas, November 3, 1792, WCN-LC; Johnston, Memorials of Old Virginia Clerks, pp. 40-47.

County land from John Nicholas for £2,000. Nicholas contracted with General John Preston to oversee surveying of the various tracts, but Preston simply hired a local surveyor to complete the task.²¹

Although the official grants were not forwarded to the quartet until February through April of 1794, the partners were so certain of securing the land that they held a meeting early in January to determine how the land was to be sold. After informing the rest of the group that Mr. C _____ would not contract for the lands after all, Lee offered to serve as the selling agent to locate other buyers. Their enthusiasm for land speculation suddenly dampened, the other partners agreed to sell their entire interests to Lee outright for £20,500. Upon further reflection, however, Nicholas and Breckenridge decided that they had been too hasty, and they convinced Lee to accept a new contract in which he agreed to return 420,000 acres and pay only £8,000 for the portion to which he claimed sole title.²²

²¹Deposition of Jacob Kinney. John Nicholas had acquired his Henry County tract as early as 1791. Late in 1792, he had to call upon his brother Wilson to help prevent the lands from being confiscated for non-payment of taxes. Never intending to develop the lands himself, Nicholas told his brother in 1793 that he would be willing to part with the tract for as little as £1500. John Dabney to John Nicholas, November 22, 1792, Charles Irvine to Wilson Cary Nicholas, December 8, 1792, and John Nicholas to Wilson Cary Nicholas, [?], 1793, WCN-LC.

²²Land Office Treasury Warrant, February 8, 1794, WCN-UVA; Memo of Land Office Treasury Warrants received March 28 and April 1, 1794, n.d., Box 5, E-R Papers; Memo of Agreement Between Henry Lee and Wilson Cary Nicholas, n.d., Box 8, E-R Papers.

Perhaps the reconsideration was caused by fresh news of available buyers in the North. Nicholas journeyed to Philadelphia in the spring of 1794 and there made a bargain to convey one million acres of western Virginia lands to Robert Morris, the Philadelphia financier and speculator. Nicholas and Breckenridge promised to furnish 480,000 acres, with Nicholas joining another Virginian, Hudson Martin, to provide an additional 200,000 acres. The remaining 320,000 acres would come from the lands which Kinney and Nicholas had earlier sold to Henry Lee. All land warrants were to be conveyed to Morris within nine months for the total sum of £43,333.6.8.²³

Nicholas also had a very personal reason for wishing to conclude a deal with Morris. In December 1790, he had borrowed £1200 sterling and £1537.10 Virginia currency from James Brown, the Richmond agent for the London mercantile firm of Alexander Donald & Robert Burton, and had secured the loan with a deed of trust on eight hundred acres of his Warren plantation and thirty-two slaves. A few years later, the company itself became heavily indebted to Robert Morris, and when the firm's

²³Wilson Cary Nicholas to James Brown, May 25, 1794, Robert Morris to John Richard, Junior, May 28, 1794, WCN-UVA; Memo of Agreement Between Wilson Cary Nicholas and Robert Morris May 21, 1794, WCN-LC. The land owned by Nicholas and Martin sold for a shilling per acre while the remainder sold for ten pence per acre. Ibid. Other Virginia speculators, including a group led by the Federalist merchant Robert Pollard, pressed Nicholas to sell their land claims for them during his trip to Philadelphia for any price he could get. Nicholas had also served as a land purchasing agent for still other Virginians, but fear of war with Great Britain caused some such as Robert Rives to cancel their plans. Robert Pollard to Wilson Cary Nicholas, May 9, 1794, Robert Rives to Wilson Cary Nicholas, April 1, 1794, James Brown and Robert Burton to Wilson Cary Nicholas, March 29, 1794, WCN-UVA.

assets were transferred to Morris, the Philadelphia financier became the new owner of Nicholas' deed of trust. Nicholas wanted Morris to pay for the Virginia lands by assigning his claims against Donald & Burton to Nicholas. In this fashion, Nicholas' debt to the firm would be cancelled, and his farm would be secure once again.²⁴

But trouble appeared almost immediately. Because of the loose construction of the land sale contracts, Morris and Nicholas had different ideas of when payment was to be made. The complicated procedure of securing title to lands purchased from the Virginia land office was partially responsible for the misunderstanding. Treasury warrants to land could be obtained on credit from the land office, but these warrants only gave the purchaser a right to claim a specified amount of land in the western portion of the state. It was up to the purchaser to locate exactly which tracts he wished to title. Only after the land had been located and surveyed and the surveyor's plats had been delivered to the land office could the patents to the land be secured. Nicholas assumed that Morris would pay for the property as soon as it was located and surveyed, but Morris made it very clear that he did not intend to settle until Nicholas also delivered the patents. Until the patents were secured, title to the land was not entirely certain.

²⁴ Deed of Trust of Wilson Cary Nicholas to Donald & Burton, December 18, 1790, E-R Additional Papers. Both Nicholas and Brown, the firm's Richmond agent, hoped that Nicholas could convey adequate land to Morris to purchase the whole of Morris' claim against the company, but Nicholas felt it was too risky to contract for more land at that moment since the 480,000 acres had not been fully and legally patented as yet. Wilson Cary Nicholas to James Brown, May 25, 1794, WCN-UVA.

Although Nicholas impatiently demanded payment as soon as the conveyances were delivered, Morris calmly instructed his Richmond attorney, John Marshall, not to assign any of the assets of Donald & Burton to Nicholas until the patents to the land were safely in Philadelphia.²⁵

Also, Morris added a new condition that he had forgotten to include in the contracts -- that no mountain lands were to be included in the various tracts. To insure against such an inclusion, Morris informed Nicholas that he was dispatching his own personal surveyor to Virginia to inspect the lands, and he expected Nicholas to instruct his own agents "not to include in their surveys any Lands that he objects to." Morris obviously knew very little about Virginia geography. Any man acquainted with the counties of southwestern Virginia would have known that finding a million acres of level land in that mountainous region was next to impossible. Yet Morris' ignorance is understandable. Even many Virginians were uninformed about the western portions of the state. When Governor Henry Lee first discussed the proposed land schemes with Nicholas, he directed that the land should be level, arable, and convenient to avenues of communication and transportation. Settlers in the area would have hooted in derision. Despite his objections, Morris eventually had to accept some very rugged mountain terrain in the land parcels.²⁶

²⁵Robert Morris to John Richard, Jr., May 28, 1794, Wilson Cary Nicholas to Robert Morris, June 9, 1794, WCN-UVA; Watlington, The Partisan Spirit, pp. 13-14, 18-19.

²⁶Robert Morris to Wilson Cary Nicholas, July 11, 1794, WCN-UVA; H[enry] Lee to Wilson Cary Nicholas, March 2, 1793, E-R Papers.

Although Nicholas and Breckenridge entertained the notion of taking Morris to court to force an early payment, patents for the land began arriving as early as September 1794 and continued to arrive through June 1795, when Morris presumably assigned over £43,000 worth of assets of Donald & Burton to the Virginia speculators. Just how much of this sum the partners were able to collect is unknown. Most of the assets of the firm undoubtedly consisted of claims against Virginia planters who were probably in no better position to raise cash or meet their debts than was Nicholas.²⁷

Nonetheless, encouraged by this success, Nicholas and Breckenridge decided to embark upon a venture with John Preston to acquire an additional 500,000 acres which they also hoped to sell to Morris. According to the terms of the contract, Preston simply had to survey the tract while Nicholas and Breckenridge were responsible for securing the warrants, selling the land, and paying all expenses, including \$2000 for Preston's surveying services. Preston completed his surveys by early November 1794, but the other two partners encountered difficulties in their attempt to sell the tract. So many speculators were trying to sell land in Philadelphia that prices were dropping sharply. Whether he was miffed over having to accept mountain lands in his initial contract with the Virginia partners or just shopping around for a better bargain, Morris declined to buy the half million acres. To help promote

²⁷James Breckenridge to Wilson Cary Nicholas, September 4, 1794, and June 26, 1795, WCN-UVA; Receipt on Behalf of Robert Morris and John Richard for 480,000 acres in Wythe County, September 19, 1794, WCN-UVA.

the sale of the land, the Virginians acquired another partner, Joseph Higbee, a merchant of Philadelphia, but he was no more successful than they had been. One drawback to a quick sale was the unrealistic expectation of the Virginians to get as good a price per acre as their original sale to Morris. After a year passed without the disposal of the lands, Breckenridge journeyed to Philadelphia and managed to sell the 500,000 acres to Morris for \$30,000. Although this meant that the land sold for only six cents an acre, Breckenridge thought it "a tolerable good sale" and the best deal he could make in Philadelphia. Once again, however, just how much each partner benefitted from the sale is questionable. After deduction of recording fees, survey costs, and other expenses, the money had to be split four ways. Existing records do not reveal exactly how the purchase price was to be paid, but it is highly unlikely that Morris paid cash. He may have assigned the partners claims against his debtors, or he may have given his own bonds, deeds of trust, or other securities to transmit cash at a later date. If the latter path were taken, the four partners most likely never received a penny for their efforts, for Morris was in deep financial trouble by the end of the year. His speculative empire completely collapsed in June 1797, and Morris was tossed into a debtors' prison where he languished for three years. Nicholas later estimated that he himself lost more than \$20,000 in his various deals with Morris.²⁸

²⁸ Jacob Kinney to Wilson Cary Nicholas, November 26, 1794, James Breckenridge to Wilson Cary Nicholas, August 2, September 4, November 3,

Nicholas' arrangement with Henry Lee caused even more trouble. Amidst all the confusion of the various contracts, Lee had acquired shares held by Nicholas and Breckenridge to 300,000 acres of land in the hope that he would be able to find northern buyers for the land before his payments became due. Disappointed in this quest, Lee was forced to give deeds of trust on lands he owned in Westmoreland and Berkeley Counties as a security for the £8000 owed to the pair and for the £2000 he still owed to John Nicholas for the 18,000 acres of Henry County land. Because he never got all the money that Lee owed him and because he was unable to extract cash from the deeds of trust which were snarled in court procedures, Nicholas claimed that he lost over £3200 in this one venture.²⁹

Failure to realize a fortune was only one consequence of the transaction. Because contradictory Virginia land policies resulted in some lands being granted several times, all speculators realized the danger of facing prior claims. To protect Lee from paying for land claimed by others, Nicholas and Breckenridge had agreed to rebate to Lee

1794, and June 26, 1795, Memo of An Agreement of Partnership of John Breckenridge, John Preston, and Wilson Cary Nicholas, November 24, 1794, Wilson Cary Nicholas to James Breckenridge, [?], 1794, Joseph Higbee to Wilson Cary Nicholas, December 9, 1794 and January 16, 1796, WCN-UVA; James Breckenridge to Wilson Cary Nicholas, January 14, 1796, WCN-LC; Beveridge, The Life of John Marshall, II, 204-205; John C. Miller, The Federalist Era, 1789-1801 (New York, 1960), p. 252.

²⁹James Breckenridge to Wilson Cary Nicholas, August 2, 1794, WCN-UVA; Wilson Cary Nicholas to Samuel Smith, August 14, 1799, E-R Additional Papers; Various Memoranda of Wilson Cary Nicholas Pertaining to Land Speculation, n.d., Box 5, E-R Papers.

one shilling two pence for every disputed acre with the total of such disputed land not to exceed 50,000 acres. Armed with this protection, Lee sold the 300,000 acres in 1795 to John Blake and John Peck of Boston. When someone actually bothered to take a look at the land six years later, it was discovered that the tract was short by almost 150,000 acres. Blake and Peck immediately brought suit against Henry Lee in a New York court for damages amounting to \$70,000, and Lee desperately called on his former Virginia partners for help. Reacting initially in disbelief, Nicholas termed the shortage a "supposed deficiency" and wrote Lee that he was sure the missing acres would turn up!³⁰

When Lee began to press Nicholas to become a co-defendent in the case, the shock wave of the deficiency began to catch all the former partners in its ever widening circles. Nicholas refused to take legal responsibility for the missing land, but fear that he would be hauled into court sooner or later caused him to correspond with Breckenridge and Preston in hopes that each would accept a share of responsibility in such an eventuality. Instead of admitting any such responsibility, Breckenridge simply advised Nicholas to buy up other lands for which taxes had not been paid to cover any legal claims that might be brought against him. If such an answer was little consolation to Nicholas, Preston provided none at all, disdaining even to answer Nicholas'

³⁰Ibid., G. Taylor to Wilson Cary Nicholas, November 2, 1801, WCN-LC; Wilson Cary Nicholas to Henry Lee, February 4, 1802, Henry Lee to Wilson Cary Nicholas, March 19, 1802, E-R Papers.

missives. This silence from Preston gave Nicholas another shudder. If there actually was a huge deficiency in the tract under question, could there not just as well be shortages in other lands that Preston had surveyed for the partners?³¹

Preston finally responded to Nicholas' queries late in 1803, but by that date legal proceedings were under way that would involve Nicholas in court battles through 1812. With both Nicholas and Breckenridge disclaiming any responsibility in the matter, Lee brought suit against Nicholas to force him to serve as a co-defendent in the case commenced by Blake and Peck. Knowing full well the impossibility of recovering all their losses from Lee, the two Bostonians allied with Lee as interested parties to hold Nicholas partially responsible for the land deficiencies. Relying upon the legal ability of his brother Philip and his brother-in-law Edmund Randolph, both practicing attorneys in Richmond, Nicholas managed to enmesh the suit in entanglements until 1810, when the New Englanders mounted a new offensive to force settlement of the issue.³²

Believing that his only hope lay in proving the shortage to be a myth, Nicholas hired Hezekiah Harmon, surveyor for Tazewell County, to resurvey the tract. Harmon's examination showed that instead of a

³¹Ibid.; Wilson Cary Nicholas to Henry Lee, March 14, 1802, James Breckenridge to Wilson Cary Nicholas, March 17, 1802, E-R Papers; James Breckenridge to James Brown, February 8, 1802, Wilson Cary Nicholas to James Breckenridge, May 21, 1802, WCN-UVA.

³²James Preston to Wilson Cary Nicholas, December 9, 1803, WCN-UVA; Wilson Cary Nicholas to [Henry Lee], March 1, 1804, and [?], 1804, L. Quinton Washington Papers, LC; Philip Norborne Nicholas to Wilson Cary Nicholas, March 3, 1810, WCN-UVA.

shortage, there was a 3,500 acre surplus! Nicholas' momentary elation was soon disturbed, however, when he received news that Henry Newman, agent for Blake and Peck, was not satisfied with the new survey and intended to have yet another surveyor, this time appointed by the court, take a look. This new survey most likely confirmed a deficiency but not to the amount originally charged because Newman informed Nicholas that his employers would be willing to effect a compromise out of court. Nicholas was in no mood to compromise, however. The Bostonians claimed that he owed them £15,000 plus interest, and the Virginian simply did not have adequate resources to meet even a percentage of that sum. Because of missing court records, it is impossible to know just how much money, if any, Nicholas finally had to pay to the New England speculators, but chances are very good that the settlement accounted for part of the staggering debts that drove Nicholas to ruin in 1820.³³

Bitterly tasting the failures of his assays into land speculation, Nicholas easily resisted tempting offers to try his luck again. The only western land acquisition which Nicholas attempted to turn to

³³Resurvey Certificate, October 30, 1810, John Preston to Wilson Cary Nicholas, November 13, 1810, E-R Papers; Henry Newman, Jr., to Wilson Cary Nicholas, February 17, 1811, WCN-UVA. Nicholas' only other major land speculation in Virginia was one which netted him the Peaks of Otter. He entered an agreement with Lauchlan McLean to obtain 100,000 acres in Amherst and Bedford Counties, but by the time the patents were secured, the acreage had dwindled to slightly under one-tenth of that amount. Keeping the lands until near his death, Nicholas

productive use was a modest 4,500 acre tract known as Green Bottom on the east bank of the Ohio River in what is now Cabell County, West Virginia. Originally granted in 1772 to Nicholas' Albemarle neighbor, John Fry, the land was located near the mouth of the Little Guyandot River and contained at least 2,500 acres of rich bottomland. Nicholas obtained the land around 1795 or 1796 from Fry's son Joshua in exchange for George Nicholas' former Danville, Kentucky, farm which Wilson Nicholas had recently purchased for \$5,000. The motive for the exchange was Nicholas' hope that the Ohio lands would produce a faster sale than the Danville farm.³⁴

Unable to find any buyers, Nicholas belatedly decided to put Green Bottom to productive use by installing tenant farmers on a sharecrop basis. By 1807 at least ten families lived on the tract, and Nicholas happily reported that the sharecropping arrangement had saved him the expense of wages. Other expenses were considerable,

lost them in his financial collapse in 1820 after having used them to secure an 1819 loan from the Richmond branch of the U.S. Bank. Since most of the land was unproductive for farming or speculation, Nicholas was probably unimpressed with the reputation the Peaks of Otter enjoyed for their splendid views. Agreement of Lauchlan McLean and Wilson Cary Nicholas, November 28, 1794, Lauchlan McLean to Wilson Cary Nicholas, July 9, 1795, WCN-UVA; William M.E. Rachal, "The Peaks of Otter: Grandstand of the Blue Ridge," Virginia Cavalcade, I (Autumn, 1951), 23-28.

³⁴ J.H. Daviess to Wilson Cary Nicholas, March 19, 1802, Samuel Murrel to Wilson Cary Nicholas, October 7, 1797, Survey of Green Bottom Lands, April 8, 1814, WCN-UVA; Wilson Cary Nicholas to Samuel Smith, August 14, 1799, E-R Additional Papers.

however. Besides necessary tools and stock, Nicholas staffed a few of the farms with field hands, and he was willing to bear the costs of improvements such as primitive horse mills to grind corn. Fortunately, taxes on the enterprise were light. In 1810 the total tax bill for the land, twelve horses, and twelve slaves amounted to slightly over thirty-two dollars.³⁵

The major crops of the western farm were hemp, hogs, and corn. The Ohio River and the many creeks coursing through the land provided the fresh flow of water necessary to process the hemp while the heavily wooded acres of the higher lands produced a heavy mast which lessened the cost of feeding the hogs. Corn was raised to supplement the hogs' diet and to fatten them before they were driven to eastern markets. Initial success with all three crops buoyed Nicholas' hopes. In the last month of 1810, for example, he reported that ninety-nine hogs had been driven to eastern Virginia. About four hundred hogs remained on the Ohio lands to increase the droves of future years.³⁶

Nicholas held great expectations for his hemp crops. Interfering with neither corn crops nor grazing, the plant grew well in land that was not completely cleared; hence it was a natural crop for a wilderness farm. Demand for strong rope fibers was high from the navies of battling European powers and from a growing American merchant

³⁵ James Thomas to Wilson Cary Nicholas, August 19, 1807, Wilson Cary Nicholas to Jesse White, August 2, 1810, Wilson Cary Nicholas to [?] Henderson, December 9, 1810, WCN-LC.

³⁶ Ibid.; Jesse White to Wilson Cary Nicholas, May 19, 1810, WCN-UVA.

marine, especially after fighting cut down the flow of rope fibers from Baltic sources. Originally Nicholas arranged to have his hemp shipped by the inexpensive water route to New Orleans, but his Kentucky friend James Morrison soon convinced him that the shorter up-river route to Pittsburg would prove more economical in the long run because the danger of water damage was greatly reduced. From Pittsburg, the hemp was carried by wagons to the Baltimore mercantile house of his nephew, George Stevenson. Transportation costs ate heavily into the gross receipts from the crops. For example, in 1812 Stevenson managed to sell the hemp for \$140 per ton, but the wagon transportation from Pittsburg cost \$50 per ton, and the freight charge to Pittsburg probably equalled that sum. When further deductions, such as Stevenson's charge, tools, seed, and shares for the tenant farmers were taken into account, Nicholas was probably fortunate to clear \$300 for a ten-ton crop. This could not be considered very profitable in view of his initial investment. With the coming of peace in 1815, any special position held by American hemp faded, and more discouraged than ever, Nicholas replaced his hemp with that old destroyer of Virginia soil, tobacco.³⁷

Nicholas' hope of reaping large profits from hogs fared little better, but he grimly persisted in his efforts until his death. After

³⁷Wilson Cary Nicholas to [?] Henderson, December 9, 1810, WCN-LC; James Morrison to Wilson Cary Nicholas, January 12, 1811, George P. Stevenson to Wilson Cary Nicholas, June 8, 1812, and November 5, 1813, William Gough, Jr., to Wilson Cary Nicholas, June 15, 1816, WCN-UVA.

his initial drive of hogs to eastern Virginia in 1810, Nicholas was so sure of future success that he signed a seven-year contract to deliver hogs over the mountains every fall. Almost immediately troubles set in. His chief tenant farmer, Jesse White, reported that it would be impossible to organize a drive for the fall of 1811 unless Nicholas wished to purchase hogs from other western farmers. The herd had been decimated in the unfenced forests by disease, predators, and thieves. Angrily, Nicholas accused White of "dreadful mismanagement" and added, "If you had sold my land you cou'd not have astonished me more." But anger did not increase the herd, and the next year Nicholas was forced to ask Kentucky friends, such as James Morrison, to serve as his purchasing agents so that he could meet his contracts. Every fall, after the hogs had been purchased in Kentucky and western Virginia, the herds, numbering between two and three thousand animals, were driven over the mountains to Nicholas' Warren farm where they were fattened upon corn before being driven to eastern towns such as Richmond, Norfolk, Alexandria, and Fredericksburg.³⁸

When the War of 1812 broke out, Nicholas began to supply pork to the navy through contracts with Norfolk merchants such as Theodore Armistead, but none of these ventures returned a profit. On an 1813 contract for 600 barrels of pork, for example, Nicholas lost just under \$2000, and he wrote in exasperation that he wanted to quickly

³⁸Jesse White to Wilson Cary Nicholas, July 26 and September 14, 1811, Wilson Cary Nicholas to Jesse White, October 12, 1811, Sworn Statement of Samuel McWilliams, February 5, 1816, WCN-LC; James Morrison to Wilson Cary Nicholas, April 12, 1812, WCN-UVA.

close the transaction "which has been so onerous to me." But Nicholas was caught in a deadly circle. To make up for his past losses, he believed that he had to continue driving hogs from the west even though the practice carried a high risk factor. Perpetually short of cash, he borrowed large sums of money from Baltimore relatives to purchase the western hogs. He must have experienced great discomfiture when letters stating their willingness to lend him the money were accompanied by gloomy predictions that they did not expect him to recover even as much as the purchase price from the ventures. Even when their predictions proved to be accurate, he was forced to assume an optimistic note about the operation in order not to scare away other creditors upon whom he still relied for large loans. This attitude of optimism in the face of depressing reality -- of an illusory hope for a financial miracle -- seemed to typify the third generation of Virginia Nicholases and probably helps to explain why the fathers were able to maintain their social and economic status until their deaths without being able to transmit this status to their sons. Like all his other lands, Green Bottom never benefitted Nicholas' sons because it was used to secure debts which he could never erase. When Nicholas died in 1820, Green Bottom passed to William H. Cabell to cover a large debt Nicholas owed to his fellow Virginian.³⁹

³⁹Theodore Armistead to Wilson Cary Nicholas, August 10, 1812, Wilson Cary Nicholas to John Farun, April 20, 1813, and June 30, 1814, John Hollins to Wilson Cary Nicholas, November 22, 1814, Wilson Cary Nicholas to anonymous, July 5, 1815, WCN-UVA. Cabell sold the tract to William

As with most Virginia planters of his class, Nicholas relied upon slave labor to work his farms. He left behind no recorded pangs of conscience about the "peculiar institution," as did his neighbor Thomas Jefferson, but on the whole he seems to have been a thoughtful if not always consistent master. When he first began managing his Albemarle farm in 1783, he paid taxes on fifty slaves, but some of these undoubtedly belonged to his father's estate, and Nicholas was simply holding them in trust until his younger brothers came of age. At the height of his Albemarle farming activity between 1797 and 1800, he paid taxes on over ninety slaves, but the average number was closer to sixty-five, and when he died in 1820, the Warren estate claimed only forty-two. These figures, of course, do not take into account work forces at his other Virginia tracts including Green Bottom, but because of their small workable acreages, it is highly unlikely that Nicholas ever owned much over one hundred slaves.⁴⁰

Although Nicholas emancipated a few house servants as a reward for their loyalty, he did not turn to that practice often for the simple fact that he could not afford it. At various times he was forced to sell large blocs of his slaves to raise cash for his many debts, but he seems to have made concerted efforts not to divide families. Slaves

Jenkins who advertised it for sale in 1844 by which time it could boast 1300 acres in cultivation, a three story brick house, a stone spring house, fruit orchards, three barns, a water mill, a warehouse, stables, 300 head of cattle and 2000 hogs. Richmond Enquirer, October 22, 1844.

⁴⁰Albemarle County Personal Property Books, 1783-1820, VSL.

who were considered troublemakers, thieves, or perennial runaways were not tolerated. However, instead of severely punishing such hands, Nicholas adopted the simple expedient of selling them to buyers who lived a good distance from Albemarle County. Medical care was provided by a local physician, and when slaves grew too old to work, Nicholas paid local caretakers to maintain them much in the fashion of a primitive nursing home.⁴¹

Nicholas' reputation as a moderate master sometimes caused him trouble. Jesse White, the chief tenant farmer at Green Bottom, reported in 1810 that the hands Nicholas had dispatched to that tract were not obeying "as I have ben a Custom To." Among the reasons White assigned for this behavior was the fact that other slaves in the area "Fare nearely as their masters," and this rough sense of equality of station gave slaves the notion that they had to do nothing which the master himself would not tackle. When White lightly punished them for their recalcitrance, five ran away, causing White the annoyance of rounding them up. Continuing his report to Nicholas, the barely literate farmer finally revealed his chief grievance in the whole problem. "It is a neighborhood report," he wrote, "that you will not have your negroes whipt I suppose the negroes hear This report and if is to bee the Case

⁴¹Memorandum of Wilson Cary Nicholas Regarding Emancipation of Sukey Prior, n.d., Account of Sale of Thirty-one Warren Slaves, December 20, 1793, Philip Norborne Nicholas to Wilson Cary Nicholas, January 6, 1802, Wilson Cary Nicholas to James Ming, August 20, 1805, Wilson Cary Nicholas to W. Brown, May 10, 1806, John Buster to Wilson Cary Nicholas, October 10, 1806, R. Burton, Jr., to Wilson Cary Nicholas, December 24, 1813, WCN-UVA.

I am in bad Business." In his letters to White, Nicholas refused to be talked into abandoning his system for treatment of slaves. He ordered White to be "prudent, just, & moderate," and to punish the slaves only when necessary. Although he did not rule out an occasional whipping, Nicholas made it clear that he expected moderate punishment. Suggesting that White not let the hands have any contact with neighbors who offered bad examples, he added that any slaves who ran away should be pursued immediately to discourage the notion that running would ever bring relief. Nicholas' slaves eventually suffered just as much from his indebtedness as did his friends and family. When he died with a heavily encumbered estate, slaves were controlled by creditors who had less regard for their well-being and little of Nicholas' desire to avoid breaking up families or selling the slaves out of state.⁴²

If one were to isolate the most consistent theme in Wilson Cary Nicholas' life, that theme would have to be the curse of debt. Burdened with debts he inherited from his father, Nicholas added to the load by accepting responsibility for the Virginia debts of his brother George and all the liabilities of his brother-in-law Edmund Randolph. Disasters in land speculation, disappointments in ventures such as stock raising, and declining land values so increased his already staggering

⁴²Jesse White to Wilson Cary Nicholas, February 12, 1810, Abstracts of Letters of Wilson Cary Nicholas to J. White, March 5, March 12, and May 19, 1810, WCN-LC.

debts that when the economic crash of 1819 confirmed his ruin, he dragged down friends and relatives who had loaned him money or had co-signed his notes.

Although all five brothers were legally responsible for the debts left unsettled by Robert Carter Nicholas, sole responsibility eventually devolved upon Wilson. The normal pattern would have seen the eldest son, George, assume major responsibility, but he abdicated his role in 1795 when he allowed Wilson to assume his Virginia liabilities. Sometime later, the third son John deeded some Virginia lands to Wilson in exchange for the latter assuming all claims against their father's estate. For some reason, the two youngest brothers, Philip and Lewis, seem never to have been involved with the problem. Probably Wilson made arrangements with them similar to his agreement with John. Exactly how much the former Treasurer owed at his death is unknown, but the total sum must have been large. One London merchant claimed in 1797 that he was due close to £2000 sterling from the estate.⁴³ By far the most troublesome debt was a result of Robert Carter Nicholas' 1765 partnership with Edward Ambler in the Westham plantation. When Ambler died in 1768, he appointed the Treasurer one of the executors of his will. Nicholas' duties were complicated by the terms of the partnership, the meddling of Ambler's widow, Mary Cary Ambler, the early death of Ambler's eldest son, and the confused state

⁴³Wilson Cary Nicholas to Samuel Smith, August 14, 1799, E-R Additional Papers; Agreement of John Nicholas and Wilson Cary Nicholas, n.d., L. Quinton Washington Papers, LC; John Laird to Wilson Cary Nicholas, December 13, 1797, WCN-UVA.

of financial affairs in the Old Dominion during the Revolution. The estate had not been completely settled by the time of the Treasurer's death in 1780. Affairs drifted until the close of the war when William Hartwell Macon, administrator for the will of Mary Ambler and husband of Ambler's daughter Sarah, brought suit against the executors of the estate of Robert Carter Nicholas on grounds that the deceased Treasurer had left unpaid a debt of over £4000 to the estate of Edward Ambler. The case reached the courts as early as 1787, but the legal skills of Edmund Randolph and John Nicholas kept it alive for years despite initial rulings in Macon's favor. All three older brothers served as co-defendants at the outset of the case, but by the summer of 1802, Wilson Cary Nicholas alone was still combatting the issue. After realizing that the courts were convinced of the legitimacy of Macon's claim, Nicholas appealed the sum awarded the plaintiff and managed to keep the case ensnarled until 1807, when he finally began making arrangements with Macon to settle the debt. Although the exact amount Nicholas was ultimately forced to pay is unknown, any additional debt at that time was an unwelcome burden.⁴⁴

After Edmund Randolph married Nicholas' elder sister Elizabeth in 1776, a deep personal friendship developed between the two men. It

⁴⁴ File Labelled Macon vs. Ambler, WCN-UVA; George Nicholas to Wilson Cary Nicholas, May 27, 1791, Randolph-Nicholas Letters; Ferdinando Fairfax to Wilson Cary Nicholas, March 3, 1802, John Nicholas to Wilson Cary Nicholas, March 23 1802, Philip Norborne Nicholas to Wilson Cary Nicholas, October 7 and October 21, 1806, WCN-UVA; Wilson Cary Nicholas to W.H. Macon, June 1, 1807, WCN-LC.

was only natural, then, that when Randolph became heavily indebted, his younger brother-in-law would step in to help. As with so many of Virginia's planter-politicians, Randolph spent a life plagued by numerous and unrelenting creditors. Nicholas' involvement with Randolph's debts probably began in 1789 when the latter purchased from Joshua Fry a 2500 acre Albemarle farm known as Viewmont. Unable to pay for the farm, which lay only a few miles from Nicholas' Warren estate, Randolph soon sold it to William Champe Carter. Because the farm's transfers involved only small down-payments of cash, this sale to Carter did little to reduce Randolph's debt to Fry. Busy with his chores as the first Attorney General of the United States, Randolph asked Nicholas' aid in selling other lands to meet Fry's demands. Not until 1802 was Nicholas able to make the last payment to cancel the debt.⁴⁵

Randolph's greatest financial difficulties began after his brief term as Washington's Secretary of State ended in disgrace in August 1795. In an attempt to nullify Randolph's opposition to the Jay Treaty, the British minister transmitted to the anglophilic cabinet officers Oliver Wolcott and Timothy Pickering some intercepted dispatches of the French minister Fauchet. They indicated that Randolph may have betrayed state secrets to the French and had sought large sums of money for himself and friends. Convinced of Randolph's duplicity,

⁴⁵Edmund Randolph to Wilson Cary Nicholas, September 7, 1790, E-R Papers; Ibid. to Ibid., December 12, 1794, Joshua Fry to Col. John Nicholas, Jr., January 20, 1802, WCN-UVA.

Washington forced his fellow Virginian's resignation. But Randolph's enemies in the cabinet were not content with disgrace alone. After checking Randolph's departmental accounts, Wolcott and Pickering claimed that Randolph owed the federal government almost \$50,000 because of shortages in diplomatic and consular funds. Stunned by the enormity of the claim, Randolph fought it in the courts until 1801 when he offered to accept any sum decided upon by an impartial auditor chosen by the new Secretary of the Treasury, Albert Gallatin. If Randolph expected a more sympathetic hearing from the new Republican administration, he was sadly deluded because the auditor simply assessed him with the original sum plus interest.⁴⁶

Realizing that his brother-in-law was facing complete financial ruin, Nicholas offered to assume Randolph's debt to the government if Randolph would assign his estate to Nicholas. In an arrangement approved by the Treasury Department, Nicholas gave his personal bonds to accept the responsibility of the entire claim. He also agreed to settle the remainder of his brother-in-law's debts at the same time. Why did he accept such an additional burden? Only out of personal regard for Randolph, Nicholas answered to wondering friends. He certainly reaped no financial gain from the undertaking, and he expended quite a bit of energy and time on it. Through the sale of Randolph's lands and slaves, Nicholas believed that he had the debt to the government settled by the last days of 1805, but as late as 1810, he was still

⁴⁶Brant, "Edmund Randolph, Not Guilty!", 179-98.

being plagued by treasury officials who were unable to convert to cash some of the bonds that various purchasers had given for the property. Although Nicholas appears to have escaped any personal liability for the claim during his lifetime, the government asserted soon after his death that around \$6300 of the original debt was still due. A few years later, an employee in the comptroller's office decided that Randolph should be charged for compound interest during the time the debt was being discharged. A new claim was entered against the heirs of Randolph and Nicholas for over \$60,000, but fortunately a court lowered the sum to a more reasonable figure.⁴⁷

The assumption of his brother George's Virginia debts in 1795 proved just as troublesome for Nicholas. To secure the sum totalling almost \$30,000, Nicholas accepted mortgages on his brother's farm, slaves, furniture, shares in the iron works, and 20,000 acres of Kentucky land. But when he began to pay the debts, Nicholas faced the same problem which had confronted his brother. The lands designated to cover the debts were not easily converted into cash, and when sales were effected years later, payment was often made in bonds and similar promises instead of money. This heavy drain on his financial resources was never fully recovered, and he was plagued by his brother's creditors

⁴⁷Ibid.; Gabriel Duval to Wilson Cary Nicholas, February 7, 1805, Edmund Randolph to John Fisher, September 1, 1805, WCN-UVA; Wilson Cary Nicholas to the U.S. Comptroller, January 18, 1810, WCN-IC; Wilson Cary Nicholas to Thomas Jefferson, December 24, 1805, Thomas Jefferson Papers, LC, microfilm, UVA; Stephen Pleasanton to Robert Stanard, August 21, 1824, Carter-Smith Papers, UVA.

quite literally to his dying day.⁴⁸

Although the debts of his family were undoubtedly a large burden, Nicholas' own debts were adequate in themselves to eventually drive him to ruin. The accumulation of these liabilities may be assigned to a number of causes, such as drooping agricultural prices and declining productivity of Virginia soil. As with other Virginia farmers, Nicholas was also caught in the snare of consigning future crops to merchants while spending more than the crops could possibly bring. But a large portion of his financial failures were of his own making. Optimism based upon illusion rather than reality caused him to enter speculative fields with a notable lack of caution, often resulting in such heavy losses that he felt compelled to repeat the effort in faint hope of reversing the course of fortune. According to his Baltimore in-laws, he also was guilty of a "rapid Mode of doing Business" and would indulge in such unbusinesslike practices as drawing against his friends' financial resources without first notifying them.⁴⁹

Through great exertion and the tactic of seeking new creditors to pay off old ones, Nicholas was able to hold his debts to a manageable size until 1800. Borrowing money was not always easy because many

⁴⁸Wilson Cary Nicholas to Samuel Smith, August 14, 1799, E-R Additional Papers; Wilson Cary Nicholas to Ferdinando Fairfax, September 18, 1803, L. Quinton Washington Papers, LC; James Morrison to Wilson Cary Nicholas, February 29, 1820, WCN-UVA.

⁴⁹Samuel Smith and John Smith to Wilson Cary Nicholas, September 28, 1786, Samuel Smith to Wilson Cary Nicholas, July 29, 1786, Samuel Smith Nicholas to Wilson Cary Nicholas, April 21, 1819, Carter-Smith Papers; Joseph Higbee to Wilson Cary Nicholas, April 5, 1802, WCN-UVA.

merchants and capitalists were very shy about accepting "Bills on great men," but Nicholas could usually count on the indulgence of his wife's relatives in Baltimore. After 1798, however, French seizures of American vessels caused heavy losses for Baltimore mercantile families such as the Smiths, and Nicholas had to turn elsewhere for loans. Unable to raise enough cash to satisfy his creditors, Nicholas was reduced to an expedient which he adopted for the rest of his life -- the attempt, invariably unsuccessful, to sell his lands. Typically frustrating was an 1802 arrangement by which he sold his Albemarle estate for £38,000 only to find that after a year of trying to collect payment for the property he had received less than £3000.⁵⁰

His shortsighted optimism once again caused him loss. As he explained to a creditor from whom he was seeking an extension:

Three years past I determined to change my property into money, I succeeded so well at first, that I had no doubt of being able to dispose of the whole of it in a very short time, as the sale of Negroes was the most disagreeable thing to me that I was ever engaged in I decided it was best to go through with it at once, and impudently sold nearly all my Negroes, when I had sold not one third of the value of my lands, so that my crops have been not more than equal to my support in that time....⁵¹

Desperately requiring money for the support of his family as well as his creditors and still unable to effect a successful sale of

⁵⁰ Robert Gamble to Wilson Cary Nicholas, July 20, 1793, WCN-LC; Samuel Smith to Wilson Cary Nicholas, November 27, 1799 and June 24, 1800, Samuel Smith Papers, LC, microfilm, UVA; Wilson Cary Nicholas to Joseph Selden, July 2, 1802, and July 20, 1803, William B. Randolph Papers, LC.

⁵¹ Wilson Cary Nicholas to John Wickham, November 15, 1803, WCN-UVA.

his property, Nicholas adopted the distasteful expedient of seeking a lucrative federal post in the Republican administration of his neighbor, Thomas Jefferson. Knowing full well the extent of his friend's difficulties, Jefferson offered him a job as Collector of U.S. Customs at the port of Norfolk. The idea of abandoning the role of gentleman-legislator in favor of accepting the role of public employee was such a distasteful notion that Nicholas adopted the facade that he was actually carrying out a party assignemnt for Jefferson by "the republicanising [of] so important a place as Norfolk," and Jefferson characteristically joined the charade rather than embarrass his friend. But Norfolk proved to be a disappointment. The job's salary was inadequate compensation for living in a town so unhealthy that he dared not bring his family with him, and he was constantly bothered by the notion that his reputation was diminishing in the eyes of a public that had long considered him "above a pecuniary office." Five months after he accepted the post in May, 1804, he notified Jefferson that he was ready to resign. Propriety demanded that he maintain the post a while longer, and in April 1805, he was replaced by Thomas Newton.⁵²

By the beginning of 1811, Nicholas estimated that his debts totalled \$37,000, but he was confident of being able to cover them

⁵²Thomas Jefferson to Wilson Cary Nicholas, May 3, 1804, Thomas Jefferson Manuscripts of the Missouri Historical Society, microfilm, UVA; Wilson Cary Nicholas to Thomas Jefferson, May 22, 1804, Thomas Jefferson Papers, LC; John Taylor of Caroline to Wilson Cary Nicholas, June 23, 1804, E-R Papers; Gabriel Duval to Wilson Cary Nicholas, April 26, 1805, WCN-UVA.

because his lands and slaves were worth \$178,000 by his estimates. Once again Nicholas' optimism defied reality. Despite the fact that he found it next to impossible to convert his lands into cash, he continually overvalued them to convince himself that all his liabilities were insignificant when compared to his assets. But reality refused to allow him peace of mind. The War of 1812 brought financial hardship and once again dried up many of his sources for loans. When three successive years of bad crops during the war crimped his income, he found it very difficult to raise cash to pay the interest on his debts, much less worry about reducing the principal.⁵³

Not until mid-1818 did it finally dawn upon the master of Warren that his situation was hopeless. "You can form no idea of the mortification & distress I feel," he wrote a friend. "I cannot & will not bear it longer, and yet I do not know well what course to take." Nicholas' total obligations to Virginia banks reached almost \$73,000, and this did not include debts he still owed to the College of William and Mary of over \$24,000 and a note which his brother Lewis had endorsed for \$30,000. Although the exact amount of Nicholas' debt cannot

⁵³Wilson Cary Nicholas to anonymous, August 29, 1818, Lewis Nicholas to Wilson Cary Nicholas, May 13, 1820, Joseph Marx to Wilson Cary Nicholas, September 10, 1818, List of Bank Notes of Wilson Cary Nicholas, n.d., Wilson Cary Nicholas to anonymous, March 12, 1820, WCN-UVA; Wilson Cary Nicholas to Thomas Jefferson, April 19, 1818, Thomas Jefferson Papers, LC; Wilson Cary Nicholas to Robert Pollard, January 12, 1811, William Coleman to Wilson Cary Nicholas, November 26, 1816, WCN-UVA; Wilson Cary Nicholas to John Brockenbrough, August 1, 1815, WCN-LC.

be determined, a compilation of his various obligations in 1820 indicated that it was in excess of \$280,000. If Nicholas' estate had been the sole security for these debts, he would have felt much easier because he had deluded himself into thinking that his property would bring close to \$350,000 on the open market. But the banks had required his friends and relatives to endorse his notes, and Nicholas was fully aware that if he failed, they would suffer heavily. William H. Cabell, for example, had endorsed \$25,000 of his bank debts, and Thomas Jefferson had obligated himself for \$20,000. Miserably searching for a miracle, Nicholas even considered the idea of asking the state legislature to allow him to conduct a lottery and sell chances with portions of his property serving as prizes, but friends discouraged the tactic as likely to stir up general disapproval and public condemnation.⁵⁴

Perched precariously atop his debts, Nicholas needed only a nudge to push him over the brink of ruin. What he received was a full-fledged slam from the Panic of 1819 that utterly ruined him. Hoping to prevent outright seizure of his property, Nicholas assigned his entire estate to various trustees which at least would snarl it in courts for years because most of his property had already been granted as security for specific debts. When news of this maneuver reached Richmond, many citizens of the capital began to "speak in very harsh terms of Col^o

⁵⁴Wilson Cary Nicholas to anonymous, August 29, 1818, Lewis Nicholas to Wilson Cary Nicholas, May 13, 1820, Joseph Marx to Wilson Cary Nicholas, September 10, 1818, List of Bank Notes of Wilson Cary Nicholas, n.d., Wilson Cary Nicholas to anonymous, March 12, 1820, WCN-UVA; Wilson Cary Nicholas to Thomas Jefferson, April 19, 1818, Thomas Jefferson Papers, LC.

Nicholas," though friends assured him that "the thinking and most respectable have not joined in condemning your application of your funds." Creditors began to initiate suits against Nicholas, and his brother warned him to stay away from Richmond because his very presence would lead to more.⁵⁵

Deciding that his best defense against the suits was a vigorous offense, Nicholas charged several of his creditors with usury and claimed that the interest he had already paid surpassed the sums of the original debts. The move temporarily lifted the spirits of his friends such as Jefferson because, if successful, a huge amount of Nicholas' liabilities would be cancelled and he might then have a chance to satisfy "his bona fide debts and creditors." Nicholas was so impressed with his own argument that he thought some creditors actually owed him a rebate. Apparently, several creditors were also impressed by Nicholas' assault because they agreed to reach a compromise instead of demanding their entire claim. But such a victory was akin to winning a skirmish and losing the war. Others who had huge claims against the harried Nicholas refused to reduce their demands, and the many suits were still ensnarled in the courts when Nicholas

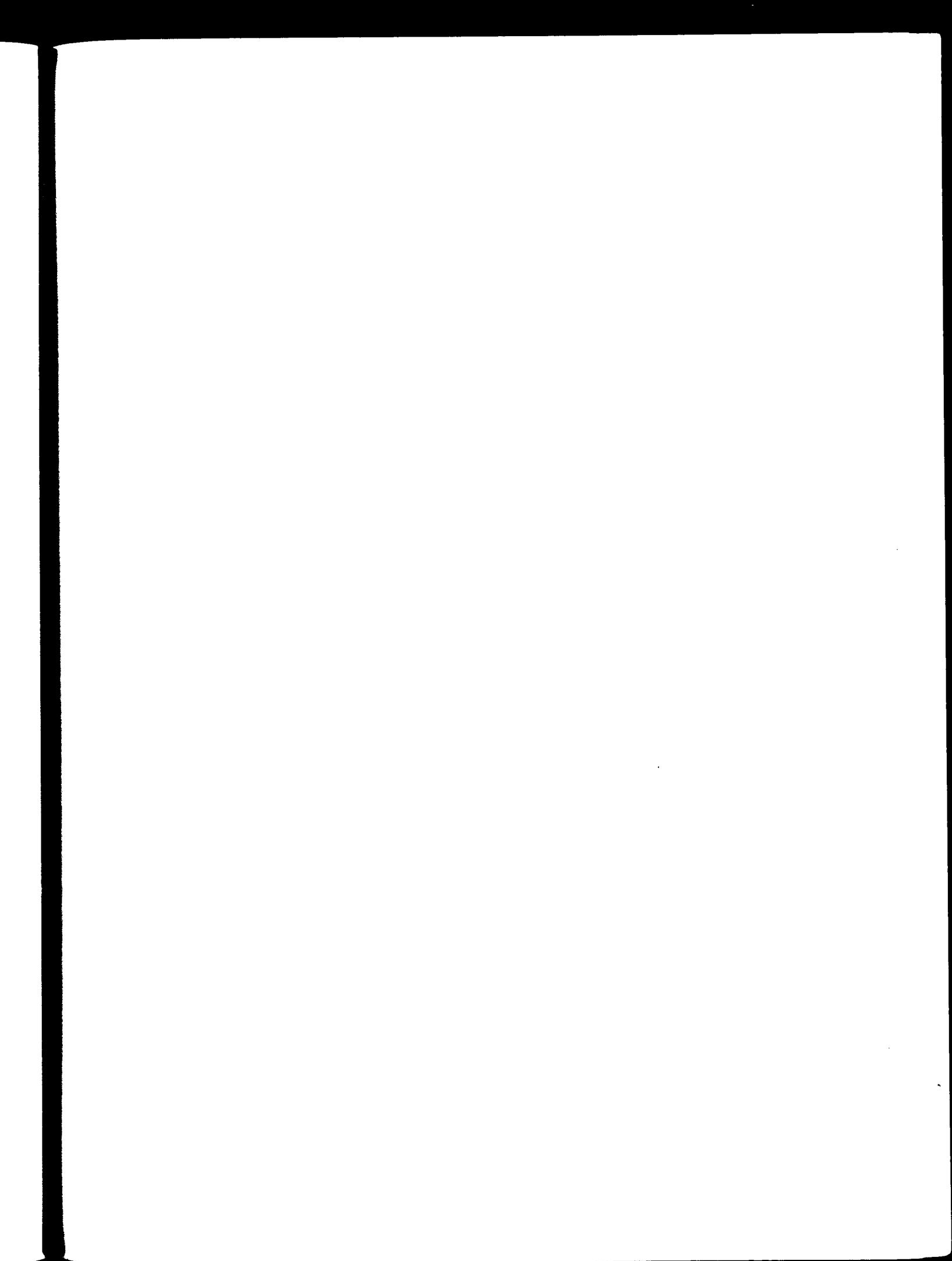
⁵⁵Goochland County Deed Book No. 24, Albemarle County Deed Book No. 22, 1819-1822, microfilm, VSL; Bernard Peyton to Thomas Jefferson Randolph, September 9, 1819, E-R Additional Papers; James M. Morris to Joseph H. Hawkins, November 3, 1819, Carter-Smith Papers; John Graham to Wilson Cary Nicholas, November 25, 1819, Philip Norborne Nicholas to Wilson Cary Nicholas, September 11, 1819, WCN-UVA.

died on the morning of October 10, 1820.⁵⁶

Like his father and grandfather before him, Wilson Cary Nicholas bequeathed his sons a legacy of debt. Surely he echoed the sentiments of his wife who had written the year before, "These are dismal times for all young men, but particularly my sons." He must have been especially distressed when he penned his last will in February, 1820, and remembered his earlier dream for his sons. An 1805 will of several pages precisely divided his large estate among his many children and gave the impression that his family had little worry about their future financial security. But his last will covered only one bitterly short paragraph which instructed his three sons and one son-in-law to dispose of his property in any way necessary to settle his debts with any residue being used for the "frugal support" of his wife and daughters. Probably most distressing of all was the knowledge that a man who had founded a town, had once owned over a million acres of Virginia soil, and had only recently figured his personal worth at \$350,000 had absolutely nothing to transmit to the next generation.⁵⁷

⁵⁶Wilson Cary Nicholas to Creed Taylor, November 4, 1819, WCN-UVA; Thomas Jefferson to Francis Walker Gilmer, December 4, 1819, Thomas Jefferson to John Wayles Eppes, June 30, 1820, Thomas Jefferson Papers, UVA.

⁵⁷Margaret Smith Nicholas to Jane Nicholas Randolph, May 20, 1819, E-R Papers; Will of Wilson Cary Nicholas dated July 28, 1805, WCN-LC; Will of Wilson Cary Nicholas dated February 25, 1820, Albemarle County Will Book No. 7, 1819-1824, microfilm, VSL.



CHAPTER X

FAMILY RESPONSIBILITIES, II

When the family of Robert Carter Nicholas migrated to Albemarle County after his death in 1780, the major responsibility for the welfare and direction of the family naturally fell upon the shoulders of the eldest son, George. At the time of the move, he was the only son who had reached his majority, married, and decided upon his life's primary occupation. Under his care were his mother, his sister Mary, who would remain a spinster for the rest of her life, and his four younger brothers, Wilson, John, Lewis, and Philip. In ages the brothers ranged from Wilson who was twenty-one in 1782 to Philip who was then a mere six-year-old boy. The only immediate family members absent from the Albemarle household were the elder sisters Sarah, who had married John Hatley Norton in 1772, and Elizabeth, united with Edmund Randolph four years later.

When war activities ceased in Virginia, the family burdens of George Nicholas diminished, probably very much to his relief. Mrs. Nicholas returned to Williamsburg with Mary and Philip, and Wilson began to manage his own affairs completely. Reaching legal maturity meant that Wilson had to aid George by assuming some of the responsibility for his younger brothers. Not only did the two elder brothers have to worry about the more mundane details of material sustenance,

they were also expected to take the place of their father by serving as proper models of Virginia manhood. In a proud letter congratulating Wilson upon his first election to the House of Delegates, Mrs. Nicholas added, "I hope you will take notice of Lewis & try if you can stir up a laudable spirit of emulation in him."¹

When Mrs. Nicholas died in 1786, legal guardianship of her two youngest sons passed to George and Wilson, but George's 1789 departure for Kentucky placed this responsibility solely in Wilson's hands, and he became the new head of the family in Virginia. Wilson's brothers and sisters continued to look to him for advice and aid long after the expiration of any legal necessity to do so. His older sister Mary, who had established "a batchelor's house in Williamsburg," relied completely upon Wilson for her maintenance. By his father's will, he was to provide her with a yearly sum of £50 from the estate, and he assumed the additional chore of ordering goods for her from England. Occasionally, Wilson irritated his sister (as he did everyone else to whom he owed money) by being late with her yearly allowance, but she seems to have accepted without much question his direction of her affairs. When her frail frame weakened noticeably in the spring of 1795, Wilson assumed the final responsibility of riding to Williamsburg to bring her to Warren so that she could die in peace among her family and

¹Ann Cary Nicholas to Wilson Cary Nicholas, [?] 12, 1784, photostat copy, VHS.

friends.²

The two youngest brothers, Lewis and Philip, also sought Wilson's counsel. After a short time at William and Mary and a period of reading for the law, Philip departed from Warren for Richmond where he carved out quite a respectable career as a lawyer and local Republican politician. Although he was very careful not to get involved in Wilson's various money-seeking schemes, he continued to rely upon his brother's advice in matters such as land purchases. Lewis, who decided to become an Albemarle County farmer, relied much more heavily upon Wilson's guiding hand. Wilson often served as Lewis' agent in finding buyers for the crops of tobacco and wheat which Lewis raised on his Green Mountain farm named Berry Hill. Although Lewis developed one of the finest farms in that section of the county, his casual acceptance of Wilson's lead caused him to lose Berry Hill in 1820 despite his skillful farm management. Having depended upon his older brother for loans and personal favors for many years, Lewis felt obligated to honor Wilson's 1819 request that he serve as endorser for a large loan which Wilson was trying to negotiate. Completely trusting Wilson, Lewis endorsed a blank note which Wilson promised not to fill in for more than \$12,000. However, when the time arrived for Wilson to complete the loan arrange-

²Thomas Jefferson to William Short, December 14, 1789, Boyd Papers, XVI, 25-27; Robert Gamble to Wilson Cary Nicholas, July 12, 1792, Andrew Donald to Wilson Cary Nicholas, February 29, 1792, WCN-LC; James McClurg to James Breckenridge, May 7, 1795, James Breckenridge Correspondence, UVA; Mary Nicholas to Wilson Cary Nicholas, November 4[?], Will of Mary Nicholas, May 21, 1795, Philip Norborne Nicholas to Wilson Cary Nicholas, September 3, 1799, WCN-UVA.

ments, he found that his money requirements had risen substantially, and he completed the note for over \$30,000, a sum which Lewis could not possibly hope to cover should Wilson fail to satisfy his creditors. When Wilson's financial affairs began to crumble, Lewis pathetically wrote his older brother, "my only reliance has been and still is on you and nothing short of ruin and absolute and abject poverty is to befall me and my family unless you save us." But Wilson could not save his brother's family, and Lewis lost his 2500 acre farm when Wilson died in October, 1820. Fully realizing her husband's responsibility for Lewis' ruin, Margaret Nicholas made a practice of annually providing \$200 from her meager income for her penniless brother-in-law. Such charity must have been a bitter declension for a man who had once been a respected self-supporting farmer.³

Nicholas was often called upon to aid his many nieces and newpews, and he usually accepted such requests whether they entailed emergency loans or political influence to obtain government appointments. He was especially solicitous of the welfare of the children of George Nicholas after the latter died in 1799 and revealed a determination to aid them that could only have come from great affection for his late brother. Considering their care his "sacred duty," he journeyed to Kentucky immediately after his brother's death to find a way to salvage financial

³ A Provisional List of Alumni...Of the College of William and Mary, p. 30; Lewis Nicholas to Wilson Cary Nicholas, October 7, 1816, July 25, 1818, and May 13, 1820, WCN-UVA; Lewis Nicholas to Wilson Cary Nicholas, December 26, 1818, Margaret Nicholas to Jane Nicholas Randolph, October 15, 1828, E-R Papers; Diary of John Hartwell Cocke, 1816-1818, type-script, UVA, entry for April 15, 1817.

support for the family from the wreck of his brother's encumbered estate. Though the effort cost Nicholas much energy and time, his correspondence reveals no complaints.⁴

The Kentucky family readily accepted Nicholas' aid and guidance. George Nicholas' widow refused to act without her brother-in-law's advice, and her eldest son wrote an earnest appeal asking for Nicholas' aid in preventing the marriage of his younger sister Maria to a man whom the entire family held in contempt. Despite the objections of her mother and uncle, the headstrong girl married Thomas Deye Ownings in March 1804. Perhaps it was this incident that led Nicholas to agree with a friend of the Kentucky family that the widow had to lessen her dependency on Nicholas in order to recapture command over her underage children. A proposal was made to transfer to the widow the title to some of the property held by the executors of George Nicholas' estate in the hopes that such financial independence might have a "Tendency to procure a greater degree of respect from her Children -- which certainly is highly desirable." The plan had little chance to be tested because Mrs. Nicholas died in the summer of 1806.⁵

The death of George Nicholas' widow created the question of responsibility for the eleven orphaned children, ranging in age from

⁴Will Armistead to Wilson Cary Nicholas, December 31, 1807, Courteney Carter to Wilson Cary Nicholas, January 12, 1808, WCN-LC; Wilson Cary Nicholas to Edmund Randolph, August 20, 1799, E-R Papers; Wilson Cary Nicholas to James Morrison, August 21, 1799, Breckenridge Family Papers.

⁵Joseph Hamilton Daviess to Wilson Cary Nicholas, February 8, 1800, Robert C. Nicholas to Wilson Cary Nicholas, July 15, 1803, James Morrison to Wilson Cary Nicholas, March[?], 1804, WCN-UVA.

Robert, who was over twenty-one, to seven-year-old Hetty. Several of the children required no additional aid because they had either obtained appointments or had been living with relatives who were directing their studies. Through his friendship with Thomas Jefferson, Wilson Nicholas had obtained in 1803 an appointment for the eldest son, Robert Carter Nicholas, as one of the two Federal Commissioners chosen to determine the validity of land titles on the east side of the Pearl River in the Mississippi territory. The two-thousand-dollar annual salary was quite a boon to a young man with only a negligible inheritance. Another son, Smith Nicholas, had been employed by his uncle Samuel Smith's Baltimore mercantile firm, but his promising career was cut short by death at sea in 1803. Cary Nicholas was studying law under the direction of his uncle Philip Norborne Nicholas in Richmond, while Nelson Nicholas was living at Warren and having his education directed by his uncle Wilson. As for the girls in the family, the eldest daughter Maria was married, and friends expected that Nancy soon would follow suit.⁶

After hasty consultation, the Nicholases in Virginia and the Smiths in Baltimore agreed that since no one could possibly accept all the children, they would be split up among their various relatives. Doting aunts and uncles had already chosen their favorites (usually

⁶ Wilson Cary Nicholas to Thomas Jefferson, April 14, 1803, Letters of Application and Recommendation During the Administration of Thomas Jefferson, National Archives, microfilm, UVA; Thomas Jefferson to Wilson Cary Nicholas, April 22, 1803, Thomas Jefferson Papers of the Missouri Historical Society, microfilm, UVA; Thomas Jefferson to Ephraim Kirby, July 15, 1803, Ephraim Kirby Papers, Duke University; James Morrison to Wilson Cary Nicholas, December 4, 1803, WCN-UVA.

their namesakes), but they clearly indicated to Wilson that his voice was the final authority on the issue and that they would raise whichever children he thought would fit best into their homes. This plan received an initial setback, however, when the children informed their surprised relatives that they did not wish to be separated but planned instead to stay together in the large house in Lexington. Even a lengthy, affectionate letter from their uncle Wilson failed to convince most of the children to accept their relatives' offers immediately. Several of the girls never left Kentucky but placed themselves under the care of their old family friend, James Morrison, until they married. After a short delay, the younger boys journeyed east to new homes. Samuel travelled to the Baltimore home of Samuel Smith, who planned to raise the boy to a mercantile career, while George was cared for by Robert Smith who used his cabinet position to obtain a midshipman's appointment for his nephew. Nelson, already Wilson's favorite, remained at Warren. There he so impressed his uncle that he was rewarded with a year at William and Mary in 1811 followed by thorough legal training.⁷

Although he was legally responsible only for Nelson, the master of Warren continued to aid the rest of his brother's children as long as he was able. When Robert and Cary, the two eldest sons of George

⁷Philip Norborne Nicholas to Wilson Cary Nicholas, July 19, 1806, WCN-UVA; Wilson Cary Nicholas to the Children of George Nicholas, August 23, 1806, photostat, VSL; James Morrison to Samuel Smith, September 29, 1806, Samuel Smith Papers, LC, microfilm, UVA; Edward William Callahan, List of Officers of the Navy of the United States and of the Marine Corps From 1775 to 1900 (New York, 1901), p. 405.

Nicholas, found themselves penniless and jobless in 1808 due to failures in stock raising and gambling debts, their uncle used his influence to help them obtain army commissions which saved them from certain disaster. In 1816 Nicholas came to his nephew Robert's rescue again when the officer was in danger of having his military career ruined. During the War of 1812, Robert had fallen in love with the daughter of his commanding officer, General Bissell. When he asked the General's permission to wed the girl, Bissell flew into a rage and delivered "a brutal & offensive rejection." The rejected suitor's heated response was considered such an insult to a superior officer that Robert was hauled before a court martial and found guilty. Reviewing the proceedings of the trial, General Andrew Jackson found so many irregularities that he publicly reprimanded Bissell and submitted the issue of Col. Nicholas' sentence to President Madison. Seeing a chance to help his nephew, Wilson Nicholas immediately wrote to Madison asking his old political ally to reverse the court's decision on the grounds that Bissell had issued such intense provocation that the younger officer was justified in his reaction. Adding a more personal note, Nicholas reminded the President that the young officer's father had left no inheritance to his family but his fame which would be "sullied by the disgrace of his eldest son." Madison's gracious response was everything Nicholas could have wished. Writing that he had already reached a decision before the arrival of Nicholas' letter, Madison informed the worried uncle that he had overturned the court's sentence and had refused to allow any damage to the

officer's reputation by preventing the publication of the charges and trial records.⁸

In addition to the aid which he extended to his close relatives, Nicholas quite frequently offered similar considerations to his neighbors. When his distant kinsman, Edward Carter of Blenheim, died in 1792, Nicholas opened his home to Carter's two youngest daughters and accepted the responsibility of acting as their legal guardian despite the size of his own increasing family. Such a move often involved the benefactor in court suits with parsimonious executors who neglected to provide the orphan children with the financial support stipulated in the father's will, but Nicholas was willing to take that risk to help the family of his neighbor.⁹ His action, indicative of a general generosity toward his friends and relatives, suggests one reason why he found it so difficult to stay out of debt throughout his life. Whether endorsing the note of a friend or accepting unfortunate children into his home, Nicholas viewed the extension of aid to his social equals as almost a moral obligation. Like so many Virginia gentlemen, he was very

⁸ James Morrison to Wilson Cary Nicholas, November 26, 1808, and March 20, 1814, WCN-UVA; Joseph H. Hawkins to Wilson Cary Nicholas, November 8, 1816, Wilson Cary Nicholas to James Morrison, n.d., Carter-Smith Papers; Wilson Cary Nicholas to James Madison, November 23, 1816, James Madison Papers, LC; James Madison to Wilson Cary Nicholas, December 10, 1816, E-R Papers; Francis Bernard Heitman, Historical Register of the United States Army From Its Organization, September 29, 1789, to September 29, 1889 (Washington, D.C., 1899), p. 419.

⁹ Mary Catherine Murphy, Guardian's Bonds of Albemarle County, Virginia, 1783-1852 (1968), pp. 11, 16; Summons to Wilson Cary Nicholas to appear before Virginia High Court of Chancery, October 24, 1799, WCN-LC.

careless about consulting his own financial interests or examining the potential hazards to his own well being. With a small minority of more realistic planters serving as exceptions, Virginia's elite seemed tied together by a vague web of mutual favors and obligations. Such a practice explains why Nicholas would endorse a note for his friend Thomas Jefferson without hesitation and why he expected and received the same courtesy in return. It also helps to explain why the financial failure of one Virginia planter spelled doom for so many others and suggests the interesting notion that along with all the usual reasons given to explain the decline of Virginia after the turn of the century, a place might be found for the pitfalls of blind benevolence.

Like his father and most of his brothers, Wilson Cary Nicholas produced a large family. His wife Margaret gave birth to twelve children, and all but three survived to reach adulthood. In naming their children, the Nicholases adopted the common custom of honoring their two families. Six of the children were named after various Baltimore Smiths, two received the name of the old Virginia Treasurer and his wife, one girl was honored by being named after two of Wilson's sisters, and the proud father decided to bequeath his own name to another son. Because Wilson's brothers and sisters followed the same practice, many fourth generation Nicholases carried identical names, and it was not always easy to distinguish among them. Among the grandchildren of Robert Carter Nicholas, for example, were four Wilson Cary Nicholases,

four John Nicholases, three Cary Anne Nicholases, and five grandsons named after the former Treasurer. When one considers the fact that other branches of the family used many of the same names for their descendants, it is easy to understand the confusion which arises in genealogical and historical accounts of the family.¹⁰

According to Margaret Nicholas, her husband paid little personal attention to any of his children during the first year of their lives but was "always devoted to them the second and indeed ever afterwards." Nicholas proved to be an affectionate, sometimes indulgent, yet formal father. He maintained a certain "degree of reserve" in his relationships with his children that was considered quite proper in the Virginia of his day. Mrs. Nicholas, on the other hand, was delightfully unreserved with her children, seldom hiding her emotional affection for them behind any facade of formality. These parental examples influenced the children's personalities as one might expect with the boys modelling their family behavior after their father's manner and the girls accepting much of their mother's openness and spontaneity. An excellent example of these differing influences appeared in a letter describing the 1827 visit of the eldest son Robert with his mother in Baltimore. Robert had operated a sugar plantation in Louisiana since 1821 and had not seen his family for several years. Despite his long absence, he

¹⁰For two discussions of such confusion see Manning J. Dauer's "The Two John Nicholases," American Historical Review, XLV (January, 1940), 338-53, and E.L. Hawes' "Nicholas Family," WMQ (2nd series), XVI (January, 1936), 103-107.

gave no warning of his visit. When his mother spied him walking up to her front door, she "clasped her hands & screamed & flew down the stairs as if she had been sixteen." Hugging her son with delight, Mrs. Nicholas made no effort to hide her great affection, but Robert only inquired "as gravely as possible 'how do you do madam'" and sat down as if made of stone. Completely exasperated by her brother's formal conduct, Sarah Nicholas wrote angrily to her sister Jane, "I do hate those stiff backed unsentimental Nicholases don't you?"¹¹

Wilson Cary Nicholas inherited from his father a strong concern for the proper education of his children. While his children were young, he followed the common practice of hiring a resident tutor. Occasionally, the tutor succeeded in causing more trouble than learning as in the case of Robert Andrews of Williamsburg who in December 1800 had to terminate his stay at Warren after a year because of an "unfortunate partiality" he had shown toward fifteen-year-old Mary Nicholas. After the tutorial stage, Nicholas took advantage of an institution which his father had not used, the boarding school. When his eldest son Robert was nine, Nicholas sent him to Matthew Maury's reputable boarding school at the Fredericksville Parish Glebe in the northeast corner of Albemarle County at a yearly expense of £38.2.2. The classical education which the young student received at Maury's school may not

¹¹ Margaret Smith Nicholas to Jane Nicholas Randolph, May 21, 1818, Sarah Elizabeth Nicholas to Jane Nicholas Randolph, February 27, 1827, E-R Papers; Jane Blair Cary "The Carys of Virginia," mss. copy, Wilson Miles Cary Collection, UVA, pp. 39, 48.

have given any practical aid to his future ^r pursuits, but as noted before, it did mark him as a young gentleman. For some unexplained reason, Nicholas decided not to enroll his second son Wilson in Maury's school but sent the eight-year-old boy and his nephew Nelson to a boarding school in Rockbridge County.¹²

Nicholas' girls also received the benefit of a boarding school education, although their studies varied greatly from those of the sons. Instead of a classical education, they received instruction in subjects that would identify them as young ladies able to carry on a sprightly if not learned conversation, to write letters of polished gossip, and to manage a household. A notebook kept by young Margaretta Nicholas, for example, contains numerous arithmetic problems dealing with monetary denominations, multiplication tables, grocer's and apothecary's weights, fabric measurements, and land measurements. Often the schools attended by the girls were run by Virginia families of the same social class who had experienced bad times and had turned to teaching for a small but necessary income. An old family friend, Peter Carr of Carrsbrook, was forced to adopt such an expedient and was very happy to enroll several of the Nicholas girls in his boarding school in 1811. The Nicholases also adopted the practice of allowing their girls to live with Baltimore relatives for long periods of time which meant that several daughters received their education outside the state. When the

¹²Robert Andrews to Margaret Smith Nicholas, December 16, 1800, Receipt of Matthew Maury, October 2, 1797, A.W. Moore to Wilson Cary Nicholas, May 1802, WCN-UVA; Dabney, "Jefferson's Albemarle," p. 110.

Nicholas family moved to Richmond in 1815, the youngest daughter was sent to a private school in the city, but unlike her older sisters, she lived with her family and attended the school only during the day. Since skill in social dance was considered a required accomplishment for all children of the elite, the Nicholas girls joined their brothers in dancing classes whenever an instructor could be found. Dancing teachers were not so typical a commodity as boarding schools, and the Nicholases were quick to take advantage of instructors such as Craddock Vaughan who established a dancing school in the town of Warren in 1801.¹³

As in earlier generations, education for daughters did not extend to college, but Nicholas sent two of his sons and his nephew Nelson to the College of William and Mary in his old hometown of Williamsburg. Robert attended the school in 1803 while Wilson and Nelson, the son of George Nicholas of Kentucky, studied there from 1811 to 1812. Robert probably roomed at the home of the president of the college, Bishop James Madison, and Nicholas desired that his son Wilson do the same.¹⁴ When Madison wrote that he would be unable to offer Wilson a room but would personally direct the boy's studies and moral development,

¹³Receipt of Eldridge Harris, June 6, 1797, Receipt of I.I. Frobel, June 7, 1797, Receipt of Craddock Vaughan, June 20, 1801, Receipt of B. Broome, December 20, 1815, Peter Carr to [Wilson Cary Nicholas], August 5, 1803, Notebook of Margaretta Nicholas, n.d., WCN-UVA.

¹⁴Philip Norborne Nicholas to Wilson Cary Nicholas, February 20, 1803, Robert Gamble to Wilson Cary Nicholas, March 5, 1812, WCN-UVA.

Nicholas gratefully accepted and gave the president a general idea of what type of education he wished Wilson to receive. Besides perfecting his knowledge of Latin, Nicholas wanted his son to maintain his fluency in French. But he also emphasized that the theme of practicality should govern the choice of other subjects.

As to the sciences that he ought to attend to, [wrote Nicholas,] I must beg the favour of you to direct him to such as will be useful rather than those that are merely fashionable or ornimental [sic]My wish is that he shou'd confine himself not only to things that are useful but to objects that he can be expected to make himself master of. I have no doubt you will concur with me in thinking it time & money thrown away only to make such a progress in any science as wou'd be forgotten in the time it was learnt.¹⁵

Knowing from experience the "vexation, disappointments, and troubles of a landed property," Nicholas did not insist that his sons adopt a farmer's life after their brief stays at William and Mary.¹⁶

Although six of Nicholas' children reached the age of twenty-one before his death, he witnessed the marriages of only three of his daughters. His son Wilson never married, and his two daughters Sarah and Margaret died as spinsters. Of the six children who did marry, four followed the example of their father and two of his brothers by finding spouses in Baltimore. Only one married a native Virginian.

¹⁵Wilson Cary Nicholas to Bishop James Madison, September 22, 1811, WCN-LC.

¹⁶Wilson Cary Nicholas to anonymous, [?] 1815, Carter-Smith Papers.

Because a marriage was a union of two families and hopefully two comfortable estates as well as a match of young lovers, parents were always consulted about the choice of a mate, and their advice was often heeded. When Nicholas' eldest daughter Mary decided that her first engagement was a mistake, she wrote to her father for both forgiveness for what might be construed as a fickle nature and advice on how to communicate her decision to the hapless suitor in a manner that would cause the least amount of grief. Gently chiding his daughter for her "indiscretion," Nicholas nonetheless expressed his satisfaction that Mary had decided to break the relationship before a greater mistake was made. After thinking on the matter for two days and consulting his brother-in-law Robert Smith, Nicholas advised his daughter to write a letter containing the bad news to her Mr. Harvie as soon as possible, and he even enclosed a sample letter so that Mary would know exactly what to say in the least abrasive style.¹⁷

When Mary became engaged in 1804 to John Patterson, son of the merchant William Patterson of Baltimore, Nicholas was quick to express his delight. His only concern was the lengthy two-year engagement before the planned wedding date in the spring of 1806, but that small fear was not enough to stand in the way of his complete and wholehearted approval of the proposed match, and he and Mr. Patterson entered into a correspondence to determine the various terms and conditions of the

¹⁷Wilson Cary Nicholas to Polly [Mary] Nicholas, n.d., WCN-UVA.

marriage contract.¹⁸

The Nicholases grew very fond of their new son-in-law and tried to persuade the young couple to settle near Warren. Instead, Patterson remained for awhile in his father's mercantile house in Baltimore where the couple took up residence for a few years. Early in 1808, Patterson flirted with the idea of establishing a cotton plantation in the rich lands of the Mississippi Territory and even took a trip south to investigate the possibility, but Mrs. Nicholas was so horrified at the prospect of her daughter moving to such a distant and unhealthy clime that Patterson promptly dropped the scheme. Finally responding to the Nicholases' appeals, the Pattersons moved to Albemarle County in 1809. According to local tradition, Nicholas built the young couple a fine brick home adjacent to Warren. The Pattersons resided in Virginia until 1819 when they removed to a farm twelve miles from Baltimore.¹⁹

The only child of Wilson Cary Nicholas to marry a Virginian was his fourth daughter Jane. Early in 1814, the sixteen-year-old girl caught the eye of Thomas Jefferson's grandson and namesake, Thomas Jefferson Randolph, who began to make frequent visits to the Warren household. Although Randolph's attentions received encouragement from the Warren family, his mother and sister tried to dissuade him from

¹⁸Wilson Cary Nicholas to [William Patterson], May 27, 1804, WCN-LC.

¹⁹Wilson Cary Nicholas to William Patterson, September 24, 1806, WCN-UVA; William Patterson to Wilson Cary Nicholas, November 21, 1806, and May 11, 1808, John Patterson to Wilson Cary Nicholas, February 3 and May 21, 1808, WCN-LC; Margaret Smith Nicholas to Jane Nicholas Randolph, March 22, 1819, E-R Papers.

pursuing a match, not necessarily because they disliked Jane, but because they heartily disapproved of Mrs. Nicholas. Jane's only flaw was her homeliness, they charged, but Mrs. Nicholas was mercenary, disliked the Old Dominion, and had reputedly sneered that Mrs. Randolph was "a very vulgar looking woman, and as for Ann [Cary Randolph Bankhead, Randolph's sister], she was a poor stick." Attempting to extract a promise from Randolph that he would visit Warren no more, the women warned that if he married Jane, he would be sorry the rest of his life because "it was natural to judge of the daughter from the mother."²⁰

Undeterred by these catty remarks, Randolph continued his courting, and in February 1815, he asked Nicholas for permission to marry Jane. Randolph, apologizing for his lack of great rank and wealth, admitted that he could offer only "a base competency and a most enthusiastic and devoted attachment," but said he hoped for much "from my industry and perseverance." Soon after the marriage took place the following month, the couple visited Monticello where Jane's "fascinating charm of manner that won all hearts...triumphantly vindicated her" in the eyes of Randolph's mother, and any friction felt toward the Nicholas family quickly vanished. The new son-in-law also became a favorite among the Nicholas family. Nicholas trusted the young man's judgement

²⁰ Statement of Conversation of Mrs. A.C. Bankhead, June 21, 1814, Carr Family Papers, UVA; Joseph Carroll Vance, "Thomas Jefferson Randolph," unpublished Ph.D. Dissertation, UVA, 1957, pp. 36-37.

sufficiently to name him as an executor of his brief, poignant will of 1820. But such a move involved Randolph in Nicholas' debts, and it was only in 1878, over fifty years after Nicholas' death, that the son-in-law was finally able to put that issue to rest.²¹

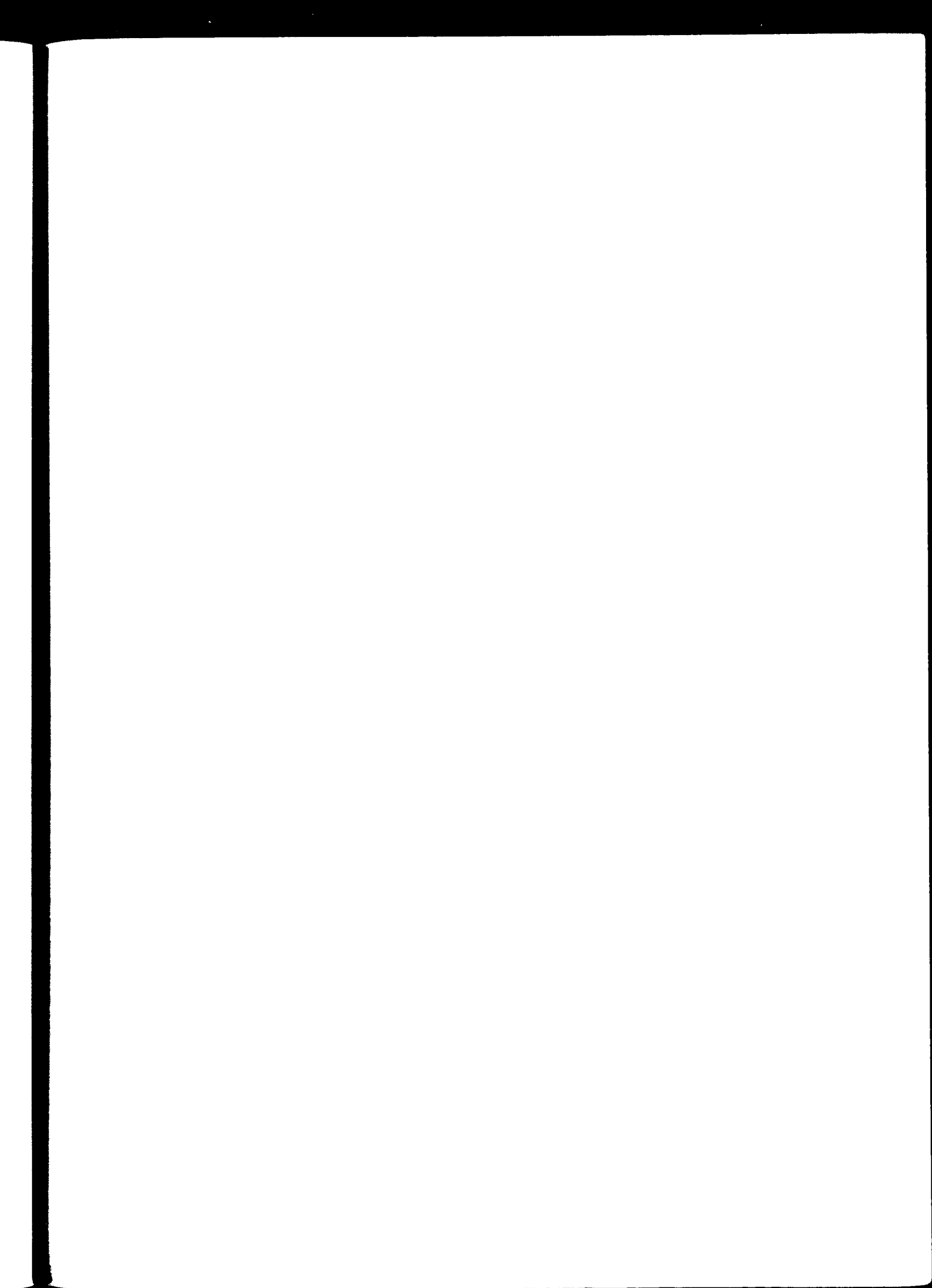
Nicholas died before he saw any of his sons marry. Realizing long before their father's collapse that they might not inherit an estate large enough to support a family, Robert and Wilson put all thoughts of marriage behind them until they could independently amass sufficient wealth. Young Wilson died before he achieved that objective, and Robert did not marry until he was fifty-three. Their younger brother John married his first cousin, Mary Jane Carr Hollins of Baltimore, only after he had achieved a naval rank that afforded him at least financial security. John was not alone in marrying a close relative. Two of his sisters also wed Baltimore first cousins. So common did this inbreeding become among the grandchildren and great-grandchildren of Robert Carter Nicholas of Williamsburg that one later descendant assigned it as the chief cause for the decline of the family in political and social circles. Although the accuracy of this conclusion is highly doubtful, the frequency of such matches is rather surprising in light of the common attitude that they would produce deficient children. Samuel Smith joked with his brother-in-law Wilson Cary Nicholas in 1787 that he had heard such glowing descriptions of

²¹Thomas Jefferson Randolph to Wilson Cary Nicholas, February 4, 1815, *Memoirs of Thomas Jefferson Randolph*, n.d., E-R Papers; Vance, "Thomas Jefferson Randolph," p. 83.

Nicholas' infant daughter Mary that he would like to arrange a marriage contract for his own small son Louis, "But the fear of Injury to the Breed from Cousins will prevent me." Nicholas' children did maintain one family tradition -- plenty of off'spring. Jane Nicholas Randolph won top honors with thirteen, and two of her sisters made respectable showings with seven children each.²²

After Nicholas' death in 1820, almost his entire family abandoned the state. Always more closely tied to Baltimore than to Warren or Richmond, his widow returned to her native city and her own family. Five daughters and one son also made their homes in Maryland, and the other two sons sought their fortunes in the fertile soils of Louisiana. This departure from the state was characteristic of a general exodus of the descendants of Robert Carter Nicholas. Of all of his many grandsons, only the two sons of Lewis Nicholas of Albemarle and three sons of Philip Norborne Nicholas remained to carry on his name in the Old Dominion.

²²Samuel Smith to Wilson Cary Nicholas, June 7, 1787, Note in hand of Cary Nicholas Fink, n.d., Robert Carter Nicholas File, Carter-Smith Papers.



CHAPTER XI

A MODERATE REPUBLICAN

Critics of Wilson Cary Nicholas have frequently charged him with political inconsistency. According to the typical argument, Nicholas proved his early attachment to the principles of Federalism by advocating the adoption of the federal constitution of 1787, by remaining on good terms with Federalists such as John Marshall and James Breckenridge, and by tacitly accepting such measures as the creation of the first Bank of the United States. Then, when retention of political influence demanded adherence to the emerging majority party in Virginia, Nicholas suddenly made an abrupt about-face and cleverly worked himself into the innermost councils of the Republican Party. One critic even ventured that the cause of Nicholas' apparent switch was the forced resignation of his brother-in-law Edmund Randolph from Washington's Federalist cabinet in 1794.¹

This argument rests upon two incorrect suppositions. First, it is assumed that a man who was called a federalist in 1787 because he supported the adoption of the Constitution held the same political

¹The bitterest critic was the author of Letters on the Richmond Party By a Native Virginian (Washington, 1823) which had been originally published in issues of the Washington Republican in November 1823. Although not actually a critic, Elinor Janet Weeder in her 1946 University of Virginia M.A. thesis on Nicholas accepted much of the argument of the "Native Virginian" and also adhered to the position that Nicholas had made a switch in party affiliation after 1794. See pp. 24-30.

principles as the Federalist politician of the mid-1790's. Despite a wealth of writing and research on just that topic, no conclusive confirmation of the assumption has yet been established, and some historians have reached the opposite conclusion that little continuity existed from groups who struggled over the Constitution in 1787 to parties which fought to gain control of the federal government in the 1790's.² Secondly, it is assumed that political parties of the 1790's were formed around rigid sets of political principles to which true party members strictly adhered. However, this supposition was no more true of American political parties in the 1790's than it is of parties in the 1970's. Too often the rhetoric of the more extreme elements in both parties was mistakenly assumed to be the true guiding principles of the vast majority of party followers. More recent studies have shown that there were large segments of moderates in both parties who only accepted the rhetoric of their more radical fellows in times of crisis and who had much more in common with each other than with the extreme pole of their own party.³

Nicholas did sign a petition in 1791 for the establishment in Richmond of a branch of the Bank of the United States, but in view of the fact that the Virginia legislature did not bother to protest the bank bill as it had other Hamiltonian measures, it would hardly do to call Nicholas a Federalist because of his signature. "Petition From Richmond, Manchester, Etc. to the President and Directors of the Bank of the United States," VMHB, III (January, 1901), 291-95; Richard R. Beeman, The Old Dominion and the New Nation, 1788-1801 (Louisville, Kentucky, 1972), pp. 116-18.

²For example, see Harry Ammon, "The Republican Party in Virginia, 1789-1824," unpublished Ph.D. Dissertation, University of Virginia, 1948.

³Manning J. Dauer, The Adams Federalists (Baltimore, 1953); Richard E. Ellis, The Jeffersonian Crisis: Courts and Politics in the Young Republic (New York, 1971).

Wilson Cary Nicholas was such a moderate. Between 1787 and 1816, his political views actually changed very little despite his label as a "federalist" in the former year and his role as a Republican leader after 1794. Because he was no orator and preferred to stay in the background of politics, his views were not as widely publicized as those of his brothers George and John. This lack of public statement led to much conjecture, ignorance, and suspicion on the part of his political opponents, resulting in wild charges such as the ones in the 1823 Letters on the Richmond Party. But his actions and letters revealed a lifelong consistency that belies the accusations of political shifts from expediency.

After Virginia ratified the Constitution in 1788, Nicholas remained in the Virginia House of Delegates for two more years "to see the constitution fairly under way."⁴ Retiring from active politics in 1790 to give more attention to his farm and growing family, he took no part in the swirling controversies of the early 1790's that eventually led to the rise of two political parties. His retirement did not preclude an interest in politics, however, and he tried to keep informed on events in Richmond and in Philadelphia. In a correspondence that generally dealt with money and family matters, the Smiths of Baltimore would often add news of national politics. Nicholas' friendship with

⁴The quotation is from an autobiographical sketch drawn up by Nicholas sometime in 1820 which was included with a letter to be delivered to Benjamin Watkins Leigh after his death. Most likely never sent to Leigh, the short sketch was Nicholas' attempt to explain his political conduct and financial failure. Box 11, E-R Papers.

Albemarle neighbors such as Jefferson and Monroe also kept him in contact with political currents as did his friendship with John Marshall in Richmond. In the early 1790's, connections with men of various political views was not rare or surprising in Virginia. Party lines had not yet hardened, and cooperation was often observed among men who later became bitter political foes. Early in 1790, for example, Nicholas joined other Albemarle leaders in presenting an address of welcome and praise to Jefferson who had just returned home from France and was preparing to take up his duties as the nation's first Secretary of State. The signers of the address told Jefferson that they were "particularly happy, to observe, the strong attachment you have always shewn to the rights of mankind, and to those institutions that were best calculated to preserve them." Among the signatories were men who were to become prominent Republican leaders -- Nicholas, his brother John, James Monroe, and John Breckenridge -- as well as men who would become local Federalist figures, such as Nicholas' first cousin, John Nicholas, Jr. of Buckingham.⁵

When differences over the proper American response to the French Revolution and Anglo-French troubles began to distinguish party lines more clearly in the spring of 1793, adherents of both the Federalist administration and the emerging "republican interest" tried to feel out Nicholas' attitudes to determine whether he would make a valuable party

⁵Samuel Smith to Wilson Cary Nicholas, July 20, 1790, Carter-Smith Papers; Boyd, Papers, XVI, 167-79.

recruit. Washington sent Attorney General Edmund Randolph to Virginia to gauge the reaction of Virginians to the controversial tactics of French minister Edmund Genet and the administration's policies toward France. Knowing that Randolph would visit at length with the master of Warren, Secretary of State Jefferson asked James Madison to impress upon Nicholas the necessity of persuading Randolph that pro-French feeling was very strong in the Old Dominion. But Madison was not as sure of Nicholas' own attitudes as Jefferson seemed to be. He responded that he would be unable to see Nicholas before Randolph's arrival and that such a visit would probably be unnecessary or ineffectual. "If the complexion of [Nicholas] be such as is presumed," he wrote, "he will fairly state the truth & that alone is wanted. If as I deem not impossible, his complexion be a little different from the general belief, there would be more harm than good in the attempt."⁶

Madison must have felt that Nicholas could be a valuable political ally because he wrote to Jefferson three more times before the end of the year on Nicholas' political leanings. In mid-June he reported that French Strother had spoken of Nicholas "as among the decided friends of the French cause." His messages were even more encouraging when he informed Jefferson of his own personal conversations with Nicholas. After Nicholas visited Madison late in July on his way back to Warren from his brother John's Stafford County home, Madison reported

⁶Thomas Jefferson to James Madison, June 2, 1793, Ford, ed., The Writings of Thomas Jefferson, VI, 278; James Madison to Thomas Jefferson, June 13, 1793, Hunt, ed., The Writings of James Madison, VI, 132-33.

that "from his conversation, his sentiments are right & firm on the French Revol[ution], and in other respects I discovered no symptoms of heresy." Nicholas had seen Randolph at his brother's house and told Madison that his brother-in-law's views on French affairs were similar to his own. Such news was welcome to Madison, but he advised caution. "Some allowance however in all such conversations, must be made for the politeness or policy of respecting the known sentiments of the party to which they are addressed or communicated," he added.⁷ In the case of Nicholas, who habitually avoided personal political arguments, the advice was particularly sound.

Later that summer, Madison visited Nicholas at Warren to sound him out once again. Although Madison repeated the impression that Nicholas appeared to be "a sound Republican, and sincere friend of the French cause in every respect," he still urged caution in placing full confidence in Nicholas because he was "embarked in a variety of projects which call for money, and keep him in intercourse with the Merch[an]ts of Rich[mon]d." More objectionable than this possibly corrupting influence was Nicholas' "connection & intimacy with [John] Marshall of whose disinterestedness as well as understanding he has the highest opinion."⁸ The two leaders of the "republican interest" may also have

⁷James Madison to Thomas Jefferson, June 17 and July 22, 1793, ibid., VI, 133, 136-137.

⁸James Madison to Thomas Jefferson, September 2, 1793, ibid., VI, 195-96. That Nicholas was on good terms with Marshall was certainly true, although the effect that this may have had on Nicholas' political views is questionable. When Nicholas was a freshman legislator in the House of Delegates in 1784, Marshall tried unsuccessfully to help Nicholas win an appointment to the Council of State. Nicholas hired

been worried about the influence of Nicholas' brother-in-law Samuel Smith, a new Congressman-elect from Baltimore. Because Smith was a leading merchant of an aspiring mercantile community, many observers expected him to be a strong supporter of the Federalist administration, and Alexander Hamilton opened a correspondence with the Baltimorean in the summer of 1793 to induce Smith to meet those expectations.⁹

In the effort to nudge Nicholas into a stated preference for party affiliation, the Republican leaders were not alone. Federalist friends also courted his support but in a more direct fashion. In 1794, Edward Carrington, staunch Federalist and brother-in-law of John Marshall, warned Nicholas that the time to choose could not be put off and that Nicholas should be careful to make the correct choice.

The National Convention of France has displaced M^r Genet, [wrote Carrington] and declared his practices in this Country, to have been treasonable, & intended to disgust America with the Republic - I fear it will at length turn out that his abettors here have been the Enemies & his opposers the Friends

Marshall's legal talents in 1791 to bring claims against debtors to his father's estate. Borrowing money from Marshall as he did from all his friends, Nicholas once jauntily offered to "either repay the money with thanks, or win it of you at Whist if you please." The two men were still on good terms in August 1794 when Marshall endorsed a Nicholas debt of five thousand dollars, and their relationship was punctuated by cordiality as late as the summer of 1798 when they exchanged letters on their respective attitudes toward France. John Marshall to James Monroe, December 2, 1784, James Monroe Papers, LC; George Dabney to Wilson Cary Nicholas, April 30, 1791, WCN-LC; Wilson Cary Nicholas to John Marshall, December 5, 1791, Note of Wilson Cary Nicholas to Joseph Latil, August 7, 1794, WCN-UVA; Beeman, The Old Dominion, pp. 182-83.

⁹Cassell, Merchant Congressman, pp. 46-47.

of France & Liberty - it is time you should be connecting yourself with better Company, as I verily believe you intended to be classed with the Enemies of liberty.¹⁰

During the battle for Wilson Cary Nicholas, the Republicans gained a strong advocate when his brother John won a seat in Congress in 1793 and immediately took his place as a Republican spokesman. Madison, of course, was the unchallenged leader of the House Republicans, and William Branch Giles was his chief lieutenant. But judging from the number of speeches he delivered and the impressive consistency of his voting record, John Nicholas was the next most important Republican in the House of Representatives. He achieved quite a reputation as an orator. Unfortunately, however, he had not yet governed his tendency toward excitable speech which James Monroe had noted in 1786, and some observers still criticized him for being "too warm and fond of annexing wrong motives to those who differ from him."¹¹

The new Congressman kept his brother fully informed on the political battles in Philadelphia. Using language indicative of his Republican leanings, John Nicholas told Wilson about the most important dispute in the early days of the Third Congress -- Madison's famous 1794 resolutions to impose commercial restrictions against Great Britain. Fully

¹⁰ Edward Carrington to Wilson Cary Nicholas, March 2, 1794, WCN-UVA.

¹¹ William Barry Grove to John Steele, April 2, 1794, in Noble E. Cunningham, Jr., The Jeffersonian Republicans: The Formation of Party Organization 1789-1801 (Chapel Hill, 1957), p. 69; James Monroe to William Short, January 23, 1786, William Short Papers, LC; Debates and Proceedings in the Congress of the United States (Washington, D.C., 1834-1853), 3rd Congress, 1st Session (hereinafter cited as Annals of Congress).

supporting the resolutions, Nicholas initially expected them to pass the house despite the opposition of "almost all paper men...& the british mercantile int[eres]t" of Philadelphia. In later letters to Wilson, he was not so optimistic. "The influence of the stocks has not been at all exaggerated," he wrote, "but the proportion of those who feel it is less than in the former Congress -- this party & their opponents are pretty equal in both houses, so much so that I believe the session will be very unproductive unless discussion should inform the public mind."¹² This condemnation of mercantile and capitalist interests must have been especially irritating to his kinsman Samuel Smith who was vociferously opposing the resolutions in Congress.

When the Republicans failed in their effort to carry the resolutions, John Nicholas became discouraged. Accusing the Federalists of "a thorough rottenness," he added that they could never have been successful "if they did not govern the executive & drag all it's weight into their scale." He held no hopes for success from Chief Justice John Jay's mission to England because Jay was too "perfectly british in his affections." Frustrated by Federalist domination of Congress and by issues which forced him into open and heated debate with friends such as Smith, John Nicholas called his lot "the most irksome...I was ever placed in" and declared that he should "not easily be br[ough]t into it again."¹³

¹²John Nicholas to Wilson Cary Nicholas, January 14 and January 27, 1794, WCN-UVA.

¹³John Nicholas to Wilson Cary Nicholas, January 14 and April 30, 1794, WCN-UVA.

Despite these gloomy messages from Philadelphia or perhaps because of them, Wilson Cary Nicholas decided to return to an active political life by running for a seat in the Virginia House of Delegates in 1794. According to a statement he made just before his death in 1820, the cause of Nicholas' return was his opposition to the new looseness in constitutional interpretation. At first glance, this seems a rather disingenuous explanation when one considers that the fierce battles over the Hamiltonian program and loose construction had been fought several years earlier. Yet it parallels the feelings of his brother John who on May 20, 1794, declared in Congress that "the Federal Government never would have existed, if the people could have forseen what sort of schemes it was to put into execution. In four years, there has been a complete revolution in the opinion of the rulers of that Government" and only the principles of the people could return it to its original direction. Apparently, both brothers had concluded that the Constitution they had supported was still being corrupted, but the timing of Wilson Cary Nicholas' re-entry into politics reveals the impact of the controversy over foreign policy which played such a large role in solidifying party lines.¹⁴

Lack of significant roll call votes in the journal of the House of Delegates for 1794 keeps us from knowing whether Nicholas played a significant role as a Republican leader or even whether he voted with any identifiable Republican bloc. Also, his rather scanty surviving

¹⁴Wilson Cary Nicholas Autobiographical Sketch, E-R Papers; Annals of Congress, 3rd Congress, 1st Session, p. 629; Joseph Charles, The Origins of the American Party System (New York, 1961), pp. 96-99.

personal correspondence of that year gives little indication of his political affiliation. Yet Jefferson had decided by the fall of 1794 that Nicholas could be relied upon for special legislative favors. In November he forwarded to Nicholas the proposal of a M. D'Ivernois of Geneva to remove his entire academy to Virginia if the General Assembly would grant sufficient funds for the transplantation. Jefferson requested that Nicholas quietly find out if Assembly members thought it practical. If so, he wanted Nicholas to introduce it to the floor of the House; if not, he desired that Nicholas return the proposal with reasons for its unacceptability. Throughout the endeavor, Jefferson requested that Nicholas keep the matter out of the press and let no one know of his association with the plan. Although this is not adequate to identify Nicholas as a Republican leader in the House, it does prove that he possessed Jefferson's confidence -- a confidence that certainly would not have been placed in a Federalist or a man overly influenced by Federalist friends.¹⁵

The following month, Jefferson again called upon Nicholas for a favor. Two Dutch bankers, Nicholas and Jacob Van Staphorst, with whom Jefferson had dealt in Europe, were in danger of being forced to flee their country because of their republican principles. Assuming that they would settle in the United States, Jefferson hoped to attract them

¹⁵Journal of the House of Delegates of the Commonwealth of Virginia, Session of 1794 (Richmond, 1828); Thomas Jefferson to Wilson Cary Nicholas, November 12, 1794, The Writings of Thomas Jefferson, ed. by A.A. Lipscomb and A.E. Bergh (20 vols.; Washington, D.C., 1903), IX, 291-93.

to Norfolk. "They would be a most valuable acquisition," he stated, "because they would determine the course of a considerable mass of capitalists in their own situation."¹⁶ He wished for Nicholas to help obtain a special act from the General Assembly to allow the Van Staphorstes to purchase Virginia lands before their emigration. Although the bankers decided not to migrate after all, the incident is very interesting. Despite the anti-capitalist bias which biographers have often ascribed to Jefferson, he obviously had no objection to capitalists of sound republican principles as long as they were not Federalist supporters or pro-British. And in turning to Nicholas for aid, he approached a Virginian who appreciated the value of liquid capital in an agricultural community and whose vision was not blocked by a dogmatic distrust of commerce.

Obviously satisfied with his year in the House of Delegates, Nicholas decided to stand for re-election. His bid was not without challenge, however. News of his various land speculations had become common knowledge and had aroused sufficient antagonism among the voters to cause Jefferson to fear that the new Republican recruit would be rejected. Although these fears were not realized and Nicholas was returned to the House by his Albemarle constituents, he learned in the future to conceal as much as possible his role in any large land

¹⁶Thomas Jefferson to Wilson Cary Nicholas, Thomas Jefferson Papers, December 12, 1794, LC; Malone, Jefferson and the Ordeal of Liberty, pp. 234, 529.

purchases.¹⁷

When the fall session began on November 10, Nicholas took his place not as a novice but as a recognized leader. Of the four important standing committees, Nicholas was appointed to three -- Privileges and Elections, Propositions and Grievances, and Courts of Justice -- as well as to numerous special committees. Also apparent was the amount of time and emphasis given to national affairs, especially the heated controversy surrounding Jay's Treaty. The journals of this session recorded numerous roll-call votes on Virginia's reaction to the treaty, thus providing a clear indication of the depth of party feeling and divisions in the Old Dominion.¹⁸

When the terms of the treaty were made public after the United States Senate voted its approval by the narrowest of margins on June 24, Virginia Republicans organized protest meetings to frame resolutions against the agreement. Although Nicholas does not appear to have attended any of these gatherings, he was kept informed on their progress by other state leaders. He also met with his brother John to discuss the treaty clause by clause and to coordinate opposition in the Virginia House of Delegates with Republican voices in Congress. Although there was little the Virginia legislature could do except express its disagreement with the treaty, this family connection between governing

¹⁷Thomas Jefferson to James Madison, February 5, 1795, Ford, ed., The Writings of Thomas Jefferson, VII, pp. 1-2; Laughlan McLean to Wilson Cary Nicholas, November 29, 1795, WCN-UVA.

¹⁸Journal of the House of Delegates, 1795 session, pp. 4, 6, 8, 12, 14.

bodies in Philadelphia and Richmond helped to unite Republican efforts on the state level with party strategy in Congress.¹⁹

John Nicholas had provided his brother with suggestions on how best to counter Federalist tactics. Fearing that the Virginia Federalists would publish debates of the House of Delegates in an attempt to depict Republicans as ignorant of the terms of the treaty, the Congressman asserted that it would behoove the Republicans' "young men to inform themselves fully on the subject," and he enclosed arguments about the effect of the treaty on neutral rights on the high seas. He also requested that his brother keep him informed on whether the public statements of the parties' leaders in Virginia were accurate reflections of their true positions.²⁰

Any fears that Wilson Cary Nicholas possessed Federalist attachments were promptly vanquished by his voting record in the 1795 session. Soon after the session opened, his kinsman Mann Page and Joseph Eggleston introduced a motion that the House approve the conduct of Senators Henry Tazewell and Stephens Thompson Mason in voting against ratification of the Jay Treaty. After joining the Republican majority in voting down a Federalist counter-proposal that the House possessed no authority to judge the actions of federal officers, he added his vote to the over-

¹⁹Harry Ammon, "The Formation of the Republican Party in Virginia, 1789-1796," Journal of Southern History, XIX (August, 1953), 306-307; John Nicholas to Wilson Cary Nicholas, November 17, 1795, WCN-UVA.

²⁰John Nicholas to Wilson Cary Nicholas, November 17 and [December ?], 1795, WCN-UVA.

whelming 100-50 approval of the original resolution. Not wishing to attract public censure by appearing to attack President Washington, the Republicans on the following day approved a resolution that they entertained "the highest sence of the integrity and patriotism of the President of the United States... [and] in no wise mean to censure the motives which influenced him in his conduct thereupon." As would be expected, Nicholas joined his Republican colleagues in voting for the measure and in voting against another Federalist counter-resolution that Washington enjoyed the "undiminished confidence of this House." Aside from party maneuvering, Nicholas had his own personal reasons for restricting his praise of the President. He believed that his brother-in-law Edmund Randolph had been unfairly purged from Washington's cabinet, and he could not bring himself to accept the suggestion of the Virginia Senate that the word "wisdom" be added to the list of Presidential virtues expressed in the original House resolution. It was virtually the only time during the entire session when Nicholas found himself voting with the minority on an issue of national politics. As a member of the Republican majority, he voted for the House resolutions calling for constitutional amendments to allow the House of Representatives as well as the Senate to consider all treaties affecting the commerce power, to give impeachment powers to some body other than the Senate, to limit Senators' terms to three years, and to forbid any federal judge to simultaneously hold any other office or appointment.²¹

²¹ Journal of the House of Delegates, 1795 session, pp. 27-29, 71-72, 91-92.

On two other important issues -- banking and internal improvements -- Nicholas' votes revealed positions which he never changed. Voting with an astounding 92-38 majority, he approved a measure to authorize establishment of one or more branches of the Bank of the United States in the Old Dominion. Seldom during his life did he attack the idea of a national bank, and in 1817 he accepted the presidency of a newly established branch of the Bank of the United States in Richmond. On the issue of state improvements in waterways and roads, Nicholas consistently voted in the affirmative. In the years following the War of 1812, when other Virginia leaders worried about the constitutionality of federal aid to internal improvements, Nicholas never expressed their concern or gave any clue that he objected. Thus, despite his allegiance to the Republican party, he did not neatly fit the anti-commercial, strict constructionist, pro-agrarian stance that incautious historians are fond of ascribing to all Virginia Republicans.²²

During the next few years which witnessed the intensification of party divisions and worsening relations with France due to that country's bitter reaction to Jay's Treaty, Nicholas continued to hold his seat in the House of Delegates. Maintaining his Republican ties, Nicholas

²²Ibid., pp. 79, 133. The size of the pro-branch bank vote is rather surprising when one considers that the legislature was dominated by anti-administration Republicans in a state where anti-bank feeling was supposed to exist in great proportions. Richard R. Beeman notes the lack of any large-scale opposition in Virginia to the Bank of the United States when it was first proposed in Congress and ascribes this lack of concern to the fact that the commercial elements of Virginia viewed it as a benefit while the agricultural sector could see no harm from it. The Old Dominion, pp. 116-18.

supported Jefferson's unsuccessful candidacy for the presidency in 1796. His major contribution to the party, however, lay in his efforts to aid the Republican response to the Alien and Sedition Acts in 1798-1799. The important role he played in the adoption of both the Kentucky and Virginia Resolutions gives an interesting insight into his character as a politician and his use of family ties to further Republican party goals.²³

Franco-American relations, which had been deteriorating rapidly since the signing of Jay's Treaty, were the chief source of dispute in the second session of the Fifth Congress which began its deliberation in December 1797. American anger over French depredations had pushed many Congressional fence-sitters into the arms of the Federalists. So thin were the ranks of the Republicans that the fight against the Federalist majority rested chiefly with two men, the new House leader, Albert Gallatin, who had stepped into the role recently vacated by Madison, and John Nicholas, who had been re-elected by the voters of Stafford, Culpeper, and Fauquier Counties. The gloomy state of the Republicans was heightened in April 1798 when President Adams laid before Congress correspondence relating to the XYZ affair. Overwhelmed by the revelations of French duplicity and by the exultant Federalist majority which enacted measures of war preparation almost at will, some of the Republican congressmen left the temporary capital at Philadelphia for their homes rather than stand in the path of a feverish tide they were

²³ Thomas Bell to Wilson Cary Nicholas, January 15, 1797, WCN-UVA.

powerless to stop. Vice-President Jefferson moaned that John Nicholas was among them, but when the Federalists began the drive to enact the pieces of legislation known as the Alien and Sedition Acts, Nicholas returned to Philadelphia to resume his place beside Gallatin in the battle against the restrictive measures.²⁴

John Nicholas was especially vocal in his opposition to the Sedition Law, which he branded a "domestic tyranny," but he was no more successful in halting that measure than the two Alien Acts and the Naturalization Act. Although nothing survives of communications with his brother Wilson in Virginia, it is inconceivable that he would not keep Wilson fully informed on the progress of the measures, especially in light of their past collaborations and their mutual disgust with the acts. He may have also communicated news of congressional actions to his eldest brother George in Kentucky and his youngest brother Philip in Richmond, but it was Wilson who played the major role in coordinating family reaction and keeping his brothers informed about steps taken by each other.²⁵

As the leading local politician in Albemarle County, Wilson Cary Nicholas had helped to organize in June 1798 a meeting of the Albemarle freeholders where he sponsored a series of resolutions condemning the anti-French motives of President Adams' foreign policy. But Nicholas

²⁴Cunningham, The Jeffersonian Republican, pp. 123-25; Dauer, "The Two John Nicholases," pp. 340-41; James Morton Smith, Freedom's Fetters: The Alien and Sedition Laws and American Civil Liberties (Ithaca, New York, 1956), p. 122.

²⁵Ibid., pp. 122-24.

was not satisfied that such meetings could effectively combat the threats posed by the Alien and Sedition Acts. "All that can be expected from them," he advised his brother George in Kentucky, "is to prepare the people to give their support to the State governments," the only political units which could offer effective resistance to the despised acts. He believed that Republican salvation, and therefore the security of "the rights of the people," lay in the legislatures of western states such as Kentucky, not in fervid meetings in the Virginia capital.²⁶

Nicholas soon received the opportunity to test this belief. Existing evidence suggests that he may have conferred with his distinguished neighbor at Monticello on the preparation of a series of resolutions which Jefferson wrote to oppose the Alien and Sedition Acts. Nicholas hinted in the late September letter to his brother George that such a remonstrance was in the wind. When Jefferson completed the resolutions, he entrusted them to Nicholas with the request that they be relayed to the North Carolina legislature for adoption. In this request and in a central thrust of the resolutions, Jefferson revealed his agreement with Nicholas that state governments had the power to remedy unconstitutional acts of the general government. This is not to say that he got the notion from Nicholas; such a claim would give far too much credit to a man who was not an original political thinker and

²⁶Beeman, The Old Dominion, pp. 177-78; Wilson Cary Nicholas to George Nicholas, September 21, 1798, WCN-UVA.

who was much more concerned with practical political opposition than constitutional theory. But it is interesting to note the general agreement of party tactics between state Republican leaders such as Nicholas and national figures such as Jefferson and Madison.²⁷

Nicholas did not deliver the resolutions to the North Carolina legislature as Jefferson had asked. John Breckenridge, an old family friend and George Nicholas' business associate, was making one of his periodic visits to his native Virginia, and Wilson Nicholas took the opportunity of discussing with Breckenridge the state of politics in Kentucky. Convinced that the Republicans were stronger in the Kentucky legislature than in that of North Carolina, he asked Breckenridge to sponsor their adoption by that body after receiving the Kentuckian's assurances that he would not reveal the identity of their author. He also discouraged Breckenridge from visiting Jefferson at Monticello because political opponents might deduce Jefferson's authorship from such a meeting. Concerned that this independent step might prove unsatisfactory to Jefferson, Nicholas was obviously relieved when he received Jefferson's approval of the plan.²⁸

Knowing that Nicholas planned to visit Madison, Jefferson asked his trusted lieutenant to inform Madison about the route his resolutions had taken. But Nicholas was suffering from one of his frequent bouts

²⁷ Ibid.; Malone, Jefferson and the Ordeal of Liberty, pp. 402-405; Thomas Jefferson to Wilson Cary Nicholas, October 5, 1798, Thomas Jefferson Papers, LC.

²⁸ Ibid.; Wilson Cary Nicholas to Thomas Jefferson, October 4, 1798, Thomas Jefferson Papers, LC; Wilson Cary Nicholas to John Breckenridge, October 10, 1798, Breckenridge Family Papers.

with rheumatism and was unable to get to Orange. This cancelled meeting, however, did not prevent him from playing a similar role in the adoption of resolutions which Madison was preparing for the Virginia legislature. When he completed the drafting of his resolutions, Madison gave them to Nicholas who was to transmit them to John Taylor for introduction into the Virginia House of Delegates. Before he entrusted the document to Taylor, Nicholas showed it to Jefferson who suggested an important change. In place of Madison's phrase inviting other states to concur with Virginia in declaring the Alien and Sedition Acts unconstitutional, Jefferson advised Nicholas to substitute the phrase that other states were invited to join Virginia in declaring the acts "null, void and of no force, or effect." Nicholas relayed both the resolutions and Jefferson's suggestion to John Taylor who was only too happy to adopt Jefferson's advice when he presented the resolutions to the General Assembly on December 10, 1798.²⁹

Recognition of Nicholas' prominence in the Republican party was apparent in the 1798-1799 winter session of the Virginia legislature. Republicans such as Alexander Smyth of Wythe County sought his advice on reaction against the Alien and Sedition Acts and offered their own suggestions which they hoped he could propel through the Assembly. State leaders nominated him to replace John Wise as the Speaker of the House of Delegates, but the speakership had never been a target of

²⁹Thomas Jefferson to Wilson Cary Nicholas, November 29, 1798, Ford, ed., The Writings of Thomas Jefferson, VII, 312-13; Koch and Ammon, "The Virginia and Kentucky Resolutions," pp. 159-60.

partisan politics, and the Republican majority could not be persuaded to turn out a man with Wise's reputation for honest, efficient service.³⁰

This setback did nothing to blunt Nicholas' political activity. When Madison's resolutions were introduced to the House, Nicholas abandoned his usual role as a quiet, behind-the-scenes politician and participated frequently in debate as a leading proponent of their adoption. Surprisingly, in light of his general approach of moderation, Nicholas delivered his longest speech in defense of Jefferson's wish to pronounce the Alien and Sedition Acts null and void. This principle, which breathed defiance of federal law, would appear to be an uncomfortable position to a man who had been a strong nationalist at the ratification convention of 1788. But like many moderate Republicans in 1798 and 1799, Nicholas temporarily suppressed his moderation in the face of what was seen as a determined Federalist bid to bend the Constitution for partisan political gain. Also, he may have been attempting to please his neighbor, friend, and political mentor at Monticello in an open manner that would redound to his own political advantage. Despite Nicholas' efforts, Taylor, bowing to superior numbers and Madison's insistence, introduced a motion to restore Madison's original language to have Virginia declare the acts unconstitutional, and in that more moderate form, the Virginia Resolutions easily passed in the House by a vote of 100-63. Nicholas was probably just as happy with the result. He had

³⁰Alexander Smyth to Wilson Cary Nicholas, December 15, 1798, WCN-UVA; Beeman, The Old Dominion, pp. 189-90.

made his point and could still vote for resolutions of protest which more correctly fit his moderate stance.³¹

In the meantime, the Kentucky representative of the Nicholas family had not been silent in his reaction to the Federalist measures. George Nicholas was unable to aid in the passage of the Kentucky Resolutions because he was not a member of the legislature. But when critics began to accuse Kentucky Republicans of attempting to split the union, he brought forth his pen to defend the resolutions as a necessary safeguard of liberty and union. The result, a pamphlet entitled A Letter From George Nicholas of Kentucky to His Friend in Virginia, won immediate acclaim from Republicans in Virginia as well as in Kentucky. Jefferson was so impressed that he sent copies to James Monroe and Alexander Stuart for distribution to possible recruits to the Republican cause. Using his family connections to further party goals, Wilson Nicholas also decided to dispense copies of his elder brother's pamphlets throughout central and western Virginia. He asked his brother Philip in Richmond to procure copies from one of the city's printers as inexpensively as possible. Philip at first replied that he could get thirty to forty copies for 1s.6d. apiece but later added that if Wilson could use closer to one hundred and forty reprints, the printer could provide them for considerably less.³²

³¹Weeder, "Wilson Cary Nicholas," pp. 36-38; Koch and Ammon, "The Virginia and Kentucky Resolutions," p. 160; Brant, James Madison, III, pp. 462-63.

³²Cunningham, The Jeffersonian Republicans, pp. 130-131; Malone, Jefferson and the Ordeal of Liberty, pp. 412-13; Philip Norborne Nicholas to Wilson Cary Nicholas, July 24, 1799, WCN-UVA.

Nicholas' efforts to unite Virginia and Kentucky opposition to Federalist measures did not end with the resolutions of 1798. The pronouncements of the two sister states included an appeal to other states to join them in declaring the Alien and Sedition Acts unconstitutional and in seeking their repeal. When the replies of the various states revealed criticism rather than sympathy, Jefferson decided that Virginia and Kentucky should embark upon a coordinated reaffirmation of the principles of the original resolutions. Once again Nicholas played an important role. On August 20, 1799, he told Jefferson that the sad news of the death of his brother George would require him to journey to Kentucky and that he would be happy to relay Jefferson's political sentiments to Kentucky Republicans. "I believe you think it proper that the legislatures of these two States, shou'd defend the ground that they have taken," wrote Nicholas. "If that is still your opinion, and you will put upon paper what you think the Kentucky assembly ought to say, I will place it in safe hands. They now require aid more than ever."³³

Jefferson was very receptive to Nicholas' suggestion. Recognizing a splendid opportunity to chart concerted action in the two legislatures, he recommended that Nicholas and Madison join him in a quiet strategy session at Monticello. Madison did so, but Nicholas was unable to attend the meeting. His absence was not crucial because Jefferson

³³Wilson Cary Nicholas to Thomas Jefferson, August 20, 1799, Nicholas Trist Papers, LC.

informed him of the decisions that he and Madison had reached. Instead of drafting a new set of resolutions, Jefferson simply sketched a brief outline of guiding principles upon which some skilled penman in Kentucky could elaborate. Jefferson even suggested that Nicholas could occupy his time during the tedious trip in preparing a polished set of resolutions himself. After all, no one was better acquainted with the thoughts of both Jefferson and Madison on opposition to the Alien and Sedition Acts than the master of Warren. But Nicholas, who did not consider himself much of an orator, seldom exhibited any pretensions as a writer either, and while he was happy to transmit the two leaders' thoughts to trusted Kentucky allies such as John Breckenridge, he was also content to allow them the honor of drafting the new resolutions.³⁴

Just as Jefferson had helped lay the groundwork for the new effort in Kentucky, so Madison prepared a defense of the Virginia Resolutions in the General Assembly. His new offering, known as the Virginia Report, was easily passed by the dominant Republican majority in the 1799-1800 session, but Nicholas was not present to cast his vote. As part of the Republican plan to capture control of all state offices and of Virginia's delegation to Congress, he was elevated to the U.S. Senate. Although he received instructions from the General Assembly to work for repeal of the Alien and Sedition Acts, his direct connection with the Kentucky and Virginia legislative opposition to the acts was over.³⁵

³⁴Koch and Ammon, "The Virginia and Kentucky Resolutions," pp. 165-68; Thomas Jefferson to Wilson Cary Nicholas, August 26 and September 5, 1799, Lipscomb and Bergh, eds., The Writings of Thomas Jefferson, X, 129-32.

³⁵Calendar of Virginia State Papers, IX, 60; Weeder, "Wilson Cary Nicholas," pp. 41-42.

The roles that he and his brothers had played in that political drama had been important ones. While John Nicholas thundered his opposition to the acts in Congress, George Nicholas set forth his positions in an important political pamphlet, and Philip Norborne Nicholas helped rally Republican anger in meetings in Richmond. Coordinating these family efforts, and therefore Republican efforts in Philadelphia, Kentucky, and Virginia, Wilson Cary Nicholas played the least visible but probably the most effective part of the family's opposition to the Federalist measures. Never again would the brothers combine so effectively to present a united front in political combat.

As the presidential election of 1800 approached, Republicans believed that the only salvation for the American union was the capture of the executive branch from the party which had dominated it since the birth of the government. The prelude to the national election was the complete control of the Virginia General Assembly. Although Republicans had long maintained a majority in the General Assembly, they had been unable to capture all leadership posts. They were determined to gain the offices in 1799-1800. Such a sweep meant not only the purging of most Federalist officers, but also a very carefully constructed campaign to replace them with Republican leaders of the highest talents. As an important state figure, Nicholas carried out his share of the task of locating men to fill lesser positions such as the clerk of the House of Delegates.³⁶

³⁶ Robert Saunders to Wilson Cary Nicholas, August 3, 1799, WCN-UVA; Beeman, The Old Dominion, pp. 210-13.

For the more important offices, the Virginia Republicans were blessed with an abundance of talent. William Branch Giles, James Madison, John Taylor of Caroline, James Monroe, and Nicholas were at least well able (if not always willing) to fill important posts. Major battles were expected in the House of Delegates during the winter session of 1799-1800, especially since the Federalists had persuaded Patrick Henry to come out of retirement and join them in the House. John Taylor, who had already determined to maintain his seat in the House, felt that the Republicans needed reinforcements. Together with other leaders including John Nicholas, he persuaded Madison and Giles to join him. Henry's death in June meant that the Republican control of the House would be complete because the Federalists could offer no spokesman of the caliber of that impressive Republican trio.³⁷

The buttressing of Republican leadership in the House of Delegates cleared the way for Nicholas' entry into national politics. Henry Tazewell, one of Virginia's Republican Senators, had died in January, 1799, and since Nicholas' presence in the House of Delegates was not necessary, it seemed only natural that he should succeed Tazewell. Jefferson had initially desired the post for Monroe, but by the spring of 1799, other Republican leaders had suggested that Monroe would be the perfect candidate for Governor of the Old Dominion. When Monroe agreed that the Governor's mansion would suit him better, party

³⁷ Ibid.; John Nicholas and Republican Members of Congress to James Madison, February 7, 1799, Hunt, ed., The Writings of James Madison, VI, 341; Brant, James Madison, III, 464-65.

leaders tapped Nicholas for the senatorial seat. Evidence of this arrangement can be found in numerous sources, but one of the most interesting is a letter sent by Nicholas to his brother-in-law Samuel Smith in August. Indicating that he would rather remain at Warren than spend a winter in Philadelphia, Nicholas remarked that he could not in good conscience turn down the appointment after the Federalists had challenged American liberty. Good men had to stand. When the Virginia House of Delegates opened its session in December 1799, John Taylor nominated Nicholas for the post. His easy victory brought an end to his role as a Virginia legislator, and he turned his attention to Philadelphia where his brother John and his brother-in-law Samuel Smith were already sitting in the House of Representatives. When he next faced the General Assembly in the waning days of 1814, it would be as Governor of the Old Dominion.³⁸

Because he was a moderate Republican who attempted to maintain friendly relations with moderate Federalists, Nicholas was quite acceptable to many Virginians who did not claim enthusiasm for his party or its more prominent leaders. "No person of opposite sentiments could have been more agreeable..." to the supporters of the administration, admitted his Federalist cousin, John Nicholas, Jr., clerk of

³⁸ Wilson Cary Nicholas to Samuel Smith, August 14, 1799, E-R Additional Papers; Philip Norborne Nicholas to Thomas Jefferson, October 8, 1799, Thomas Jefferson Papers, LC; Harry Annon, James Monroe: The Quest For National Identity (New York, 1971), pp. 172-73; Henry H. Simms, Life of John Tavlör: The Story of a Brilliant Leader in the Early Virginia State Rights School (Richmond, 1932), pp. 95-96.

Albemarle County.³⁹ This appeal to moderate elements in both parties in Virginia may help to explain why Nicholas joined his brother-in-law Samuel Smith in a rather peculiar approach to the Secretary of the Navy, Benjamin Stoddert, soon after Nicholas' arrival in Philadelphia as a freshman Senator.

In the early months of 1800, some Republicans were uncertain of their chances in upcoming elections and were searching for a way to insure Jefferson's election to the presidency in 1804 if it could not be effected in 1800. Aware of the split in Federalist ranks between moderate Adams' supporters and unyielding Hamiltonians, Smith and Nicholas apparently hoped that an arrangement could be made whereby Republicans would support Adams' re-election bid if Adams would agree to place some Republicans in his cabinet and support Jefferson as his successor. Such a coalition would achieve the goals of pruning the cabinet of the most offensive Federalists, giving Republicans a stronger voice in the executive, and assuring Jefferson of the Presidency in 1804 without a bitter partisan struggle. With this scheme in view, the two brothers-in-law approached Stoddert, a moderate Maryland Federalist. Dropping only sketchy hints of the proposed coalition, Smith and Nicholas asked Stoddert if Adams would be receptive to a meeting with them. Stoddert warily replied that he believed the meeting could be arranged but that he would first check with the President. Before he could talk with Adams, however, Republican victory in New York so buoyed

³⁹ John Nicholas, Jr. to John Breckenridge, December 25, 1799, Breckenridge Family Papers, LC.

party hopes that Nicholas and Smith dismissed the idea of a moderate coalition, and Adams apparently knew nothing of the flirtation until 1811. The episode reveals an interesting characteristic of Nicholas' political life. Although he was a trusted Republican leader, he was never afraid to approach men of different persuasions if he could thereby aid his party and temper political passions. His major accomplishment as a national political figure was his moderating influence in the Republican party.⁴⁰

Prior to the presidential and congressional elections of 1800, Nicholas' most important role as a Senator was keeping state leaders informed of national affairs. Although he voiced opposition to Federalist measures on the floor of the Senate, he could do little to prevent their passage because of the strong Federalist majority. John Taylor of Caroline assured Nicholas that his role as a correspondent was an important one and should not be neglected. Such information from Nicholas' predecessor had been "of great use in preparing a certain extent of our country for taking a proper turn," Taylor wrote, and he hoped that Nicholas would send him a letter about every three weeks.⁴¹

The new Senator also had another opportunity to use his family connections to further the Republican cause. His brother Philip, who

⁴⁰ Timothy Pickering to James McHenry, February 11, 1811, Bernard Steiner, ed., The Life and Correspondence of James McHenry (Cleveland, 1907), p. 567; Benjamin Stoddert to John Adams, October 27, 1811, Charles Francis Adams, ed., The Works of John Adams (10 vols.; Boston, 1850-1856), X, 4-7; Dauer, The Adams Federalists, pp. 248-49; Cassell, Merchant Congressman, pp. 93-94.

⁴¹ John Taylor to Wilson Cary Nicholas, January 31, 1800, WCN-UVA.

was rising rapidly in Republican ranks, had been appointed late in January 1800 to the chairmanship of the Republican central committee in Richmond. The first of its kind in Virginia, this state partisan organization had been created for the sole purpose of aiding Jefferson's elevation to the Presidency. While he was concerned mostly with state organization, Philip Nicholas was undoubtedly grateful to receive political information from his older brothers in Philadelphia. If the family had been proud of Philip's role in the Virginia reaction to the Alien and Sedition Acts, they must have been very impressed with his stature in the Republican party in 1800. In March he was appointed by Governor Monroe to serve as temporary state's Attorney-General in place of the late Robert Brooke, and the General Assembly confirmed the appointment when it convened in December. In May he joined attorneys William Wirt and George Hay in an unsuccessful defense of the lurid journalist James Callender against prosecution under the Sedition Law. Such assignments were quite impressive when one considers that Philip Nicholas was only twenty-four, but in 1800, Nicholas stock was quite high in the Old Dominion.⁴²

Wilson Cary Nicholas also played an important role in giving some direction to Republican activity in Kentucky and the Carolinas.

⁴² Philip Norborne Nicholas to Thomas Jefferson, February 2, 1800, Thomas Jefferson Papers, LC; James Monroe to Philip Norborne Nicholas, March 16, 1800, Hamilton, ed., The Writings of James Monroe, III, 170; Calendar of Virginia State Papers, IX, 191; James Morton Smith, "Sedition in the Old Dominion: James T. Callender and The Prospect Before Us," Journal of Southern History, XX (May, 1954), 169; Cunningham, The Jeffersonian Republicans, pp. 151-54.

Although no formal national Republican organization existed to coordinate the Republican campaign, Nicholas' correspondence with southern leaders served some of the same functions of such an organization. He distributed information on events in northern states and gave suggestions on how southern Republicans could best react to gain maximum advantage. He pled with able men such as John Breckenridge to join him in the Senate even if for an incomplete term. It was just as vital to place "safe men" there as in the other branches of government, he argued. Nicholas also served as a self-appointed morale booster, cheerleader, and public relations man for the Republican party. Using jocular notes and letters of appreciation, he wisely pursued maintenance of party fences by a liberal bestowal of the rewards of praise. Thanking the South Carolina leader Charles Pinckney for his efforts on behalf of the Jefferson ticket, Nicholas jokingly remarked that he could not promise Pinckney an impressive mausoleum as a reward but that he would attempt to get Pinckney's statue placed in a niche in the capitol. Then adding the praise which he learned to use so effectively, Nicholas assured the Carolinian in a more serious vein that "you will live forever in the esteem of all who desire to be called Americans, of all who love liberty, and you will enjoy during life the first of human gratifications -- a knowledge that you have deserved well of your country, that you have contributed to the happiness of your fellow creatures."⁴³

⁴³ Wilson Cary Nicholas to John Breckenridge, April 18 and October 22, 1800, Breckenridge Family Papers, LC; Wilson Cary Nicholas to James Madison, May 22, 1800, James Madison Papers, LC; Wilson Cary Nicholas to anonymous of North Carolina, July 12, 1800, and to [Charles Pinckney, 1800?], WCN-LC.

Clearly remembering the elevation of Jefferson to the vice-presidency in 1796 because Federalists had destroyed the unanimity of their electoral ballots, Republicans were determined in 1800 that they would not make the same mistake. The plan worked too well. Jefferson and his running mate, Aaron Burr of New York, tied in the regular electoral count, and the election was thrown into the House of Representatives. Federalists gleefully took advantage of the tie to try to frustrate Jefferson's election by backing Burr. Voting began in the House on February 11, 1801, and through ballot after dreary ballot, the count remained the same -- eight states for Jefferson, six for Burr, and two divided.⁴⁴

Angered by this attempt to rob Jefferson of his victory, some Republicans -- including Philip Norborne Nicholas -- flirted with the idea of dissolution of the union should the Federalists succeed. Wilson Nicholas was a bit more restrained in his language than his younger brother, but even he reported to Governor Monroe that Republicans, presumably including himself, would "sacrifice everything sooner than submit to an assumption of power." As the balloting dragged on with no change, Federalists too began to entertain illusory alternatives. Seeing Burr's chances dimming and believing almost anyone preferable to Jefferson, one Federalist Senator told Congressman John Nicholas that the upper house had toyed with the idea of electing Wilson Nicholas as President pro tem of the Senate and then passing a law allowing him

⁴⁴Cunningham, The Jeffersonian Republicans, pp. 241-45.

to become President of the country. If the Federalist Senator was attempting to sound out John Nicholas' reaction to this unconstitutional scheme, he must have met a stern rebuff, for it was never⁴⁵ mentioned again.

Finally, on February 17, after thirty-six ballots, Jefferson gained the presidency. His election was made possible by Nicholas' brother-in-law Samuel Smith who had misled James A. Bayard of Delaware into believing that Jefferson had promised to accept Federalist desires to maintain their program of public credit, support the navy, and retain most Federalist officeholders. Although future ill feelings would arise from this deception, at the time of the voting everyone seemed relieved that the contest was decided. Nicholas reflected the mood of many worried Republicans when he wrote to Monroe more from relief than from exultation, "Our anxiety is over."⁴⁶

Although Nicholas was content with Jefferson's election and new Republican control of both houses of Congress, he constantly urged "great caution and circumspection" as the Republicans took command of the national government for the first time since the founding of the Republic. Moderation would convince the people that the Federalists were wrong in their charges that Republicans intended to withhold from the national government powers necessary for its operation and that

⁴⁵Beeman, The Old Dominion, p. 236; Wilson Cary Nicholas to James Monroe, February 15, 1801, James Monroe Papers, LC, microfilm, UVA; Brant, James Madison, IV, 32.

⁴⁶Cassell, Merchant Congressman, pp. 96-102; Cunningham, The Jeffersonian Republicans, pp. 244-45; Wilson Cary Nicholas to James Monroe, February 17, 1801, James Monroe Papers, LC.

Republican thinkers were guided by theories too impractical for a large, modern nation. Nicholas was also sensitive to widespread jealousy of Virginia's dominant role in the party, a jealousy which he believed had been fomented by Federalists as a tactic to disrupt Republican unity. Therefore, he advised that Virginia Republicans would do well to "at least seem to yield the lead to some other state....Whatever is to be attempted...had best be proposed in one of the Middle States," he added.⁴⁷

Nicholas' advice was not popular with all Republicans in the new capitol at Washington. He especially irritated more radical Republicans with his suggestions to avoid wholesale removal of Federalist officeholders. A golden opportunity to remove all enemies of the Constitution and republican government would be lost, moaned men such as John Dawson, if Jefferson yielded to the influence of Congressman John Nicholas and Senator Wilson Cary Nicholas. "The two Nicholas [sic] who live in the house with [Jefferson] talk in this stile," asserted Dawson in a letter to James Monroe. "These two gentlemen are constantly with him, and are said to be consulted on every occasion -- you know them and I believe entertain the same opinion of their wisdom and firmness as I do." Dawson wished that Monroe and Madison were present to counteract this baneful influence.⁴⁸

⁴⁷Wilson Cary Nicholas to anonymous, December 14, 1800, WCN-LC.

⁴⁸John Dawson to James Monroe, February 23, 1801, James Monroe Papers, LC. The house mentioned by Dawson was the boarding-house of Conrad and McMunn in the new capital city. Between twenty-four and thirty Republicans boarded there including Jefferson (before his move into presidential quarters), the two Nicholases, Samuel Smith, and Albert Gallatin. Malone, Jefferson and the Ordeal of Liberty, pp. 491-92.

The chief motive behind Nicholas' opposition to anything resembling a spoils system was the belief that such a practice would needlessly perpetuate the existence of political parties which in turn would eventually destroy the American experiment in republican government. Officeholders would owe their loyalty to one man or party, not to the law or public service, and politics would degenerate into a contest between the "ins" and the "outs." Falling into a state of apathy, the people could not be aroused to threats to the Republic, and despotism would ensue. Wholesale purging of officeholders hurt individuals and the government alike. It caused a man to suffer when his only guilt was "a conscientious [sic] discharge of what he deemed his duty," and it "deprives the government of the services and talents of perhaps nearly one half the people." If the Republicans really desired that Federalism should die so that the true friends of liberty could guide the country, they would be well advised to adopt a policy of moderation which could give no desire for future political vengeance from an humiliated opposition.⁴⁹

Apparently, Nicholas' distaste for using political offices to reward party members, especially Virginians, did not apply to himself. Early in May 1801, he wrote to Madison that the President had once mentioned that Postmaster General Joseph Habersham might have to be replaced. If Jefferson still felt that way, Nicholas would be willing

⁴⁹Wilson Cary Nicholas to James Madison, May 1, 1801, James Madison Papers, LC, microfilm, UVA. Copies of the letter can also be found in WCN-LC and Carter-Smith Papers, UVA.

to surrender his seat in the Senate to accept the appointment himself. To insure that his vacated Senate seat could go to Monroe after the latter's term as Governor of Virginia had expired, Nicholas requested that the appointment be officially deferred until the close of the next session of Congress. Madison's reply was rather ironic because it was based upon advice which Nicholas himself had consistently given party leaders. The President had to be careful about granting offices to fellow Virginians, Madison replied, and although Nicholas certainly qualified for the post, he doubted that the office would fall Nicholas' way. Adopting Nicholas' earlier suggestions, Jefferson awarded the office to Gideon Granger of Connecticut.⁵⁰

Undaunted by his failure to gain the post, Nicholas proved to be a loyal supporter of the administration during his years in the Senate. Never the vigorous debater that his brother John was, Wilson Nicholas relied more on his persuasive abilities in small group conversations and personal encounters to rally support for Jefferson's policies. A good example was his conduct during the Republican campaign in early 1802 to repeal the Judiciary Act of 1801. Passed during the last days of the Federalist dominated Congress, the measure created many additional offices including sixteen circuit court judgeships which the Federalists had promptly staffed with their party adherents. Determined to destroy this stronghold of Federalism, Jefferson's allies

⁵⁰ Wilson Cary Nicholas to James Madison, May 3, 1801, James Madison Papers, LC; Brant, James Madison, IV, 52. Jefferson had already informed Samuel Smith in March that he could not offer an appointment to Nicholas because "it is essential that I be on my guard in appointing persons from that state [Virginia]." Thomas Jefferson to Samuel Smith, March 24, 1801, Thomas Jefferson Papers, UVA.

opened their campaign in the Senate when John Breckenridge (who had responded to Nicholas' pleas that he accept a Senate seat) moved for repeal of the act on January 6, 1802. Although Nicholas spoke briefly in behalf of the Republican measure, the major burden of floor leadership rested with his fellow Virginian Stevens Thompson Mason and with Breckenridge. Nicholas used his behind-the-scenes abilities to prevent defections from the thin Republican majority in the Senate. He also maintained communications with leaders in various sections of Virginia in order to gauge his state's reaction to repeal. Due to the efforts of Mason, Breckenridge, and Nicholas, party discipline was maintained, and on February 13 the bill for repeal passed by the narrowest possible margin, 16-15. The House of Representatives concurred on March 3, giving the new Republican majority its first major legislative triumph.⁵¹

Nicholas' rising stature as a party leader meant that he could not be immune to solicitations that he seek other political honors and that he aid friends and relatives who were themselves seeking appointments. His brother Philip, for example, urged that he return to the Virginia political scene and stand for the governor's chair. "A great many members are very anxious that you should serve," argued the younger brother, "& I believe you would unite the votes" of state Republicans

⁵¹ Ellis, The Jeffersonian Crisis, pp. 45-51; Noble E. Cunningham, Jr., The Jeffersonian Republican in Power: Party Operations, 1801-1809 (Chapel Hill, 1963), pp. 92-93; David Bullock to Wilson Cary Nicholas, February 22, 1802, WCN-LC; Thomas Rutherford to Wilson Cary Nicholas, February 28, 1802, WCN-UVA.

who were dividing over a proper successor to Monroe.⁵² Wilson Nicholas did not agree with his brother's assessment and decided to remain in the Senate. His reputation as a man who possessed the President's confidence brought numerous requests for his help in obtaining appointments, but he devoted most of his attention in this area to aiding relatives. An excellent example was his effort in 1803 to secure an appointment for his nephew Robert Carter Nicholas, the eldest son of his brother George who had died in 1799. Nicholas wrote at least two letters to Jefferson on his nephew's behalf and collected letters of recommendation from eight Kentuckians to buttress his request. His efforts met with success, and his nephew joined the prominent Connecticut Republican Ephraim Kirby as a commissioner to determine validity of land titles on the east side of the Pearl River in the Mississippi Territory.⁵³

During his remaining year as a Senator, Nicholas consistently supported administration measures. In the controversial Senate trial of the insane New Hampshire judge, John Pickering, in March 1804, Nicholas used his influence to gain a verdict of guilty in less than two weeks. The heated trial occasioned an uncharacteristic outburst of temper when Nicholas became engaged in a shouting match with Samuel White of Delaware after the latter blasted the proceedings as a "mock

⁵² Philip Norborne Nicholas to Wilson Cary Nicholas, December 8, 1802, WCN-UVA.

⁵³ See below, p. 346, footnote 6; Philip Norborne Nicholas to Wilson Cary Nicholas, January 2, 1803, WCN-LC; Carter B. Harrison to Wilson Cary Nicholas, January 12, 1803, WCN-UVA.

trial." A duel was averted only because Nicholas refused to be nudged to that extreme. The Virginian had retired from his Senate seat by the time of the trial of Supreme Court Justice Samuel Chase, and his surviving papers do not reveal his attitude toward that affair.⁵⁴

As for the other critical issue of his last session in the Senate -- the Louisiana Purchase -- Nicholas not only worked for ratification of the purchase, he also offered arguments to Jefferson on why the purchase was constitutional without the necessity of an amendment. According to this moderate Republican, the statement in Section 3, Article IV of the Constitution that new states could not be formed from older states without their permission implied that the framers did not intend that all new states had to come from existing national territory. Thus, no amendment approving transactions such as the Louisiana Purchase was necessary. Nicholas also recommended that Jefferson avoid public revelation of his qualms about the constitutionality of the acquisition. Knowledge of this doubt would either cause the Senate to reject the treaty or allow political enemies to capitalize on the Republicans "wilful breach of the Constitution." When Jefferson submitted the treaty to the Senate for ratification without moving for an amendment, Nicholas happily voted with the strong majority approving the purchase on October 20, 1803. Like other leading Republicans, he too believed that the inhabitants of the new territory would be capable of self-government only after a period of preparation, and he helped

⁵⁴ Beveridge, The Life of John Marshall, III, pp. 167-68.

construct the system of government which eventually ruled the vast tract.⁵⁵

Searching for a solution to his problem of increasing debts, Nicholas decided to resign his seat in the Senate at the conclusion of the 1803-1804 session. He believed that his situation required a lucrative post in the federal government, but he experienced great hesitancy in openly seeking one. Virginia gentlemen simply did not trade positions of public service for pecuniary appointments, and Nicholas fully realized that such a move could easily terminate his political career. Swallowing his pride and accepting the risk, he gingerly approached Jefferson about the availability of the post as Collector of U.S. Customs at the port of Norfolk, Virginia. Sympathetically understanding his friend's acute embarrassment, the President replied that the post was open and that Nicholas could just as easily serve the nation in Norfolk as in the Senate by aiding in "the republicanising [of] so impor-

⁵⁵ Wilson Cary Nicholas to Thomas Jefferson, September 3, 1803, Thomas Jefferson Papers, LC; Wilson Cary Nicholas to anonymous, January 15, 1804, WCN-LC; Weeder, "Wilson Cary Nicholas," p. 54. In Volume II of his History of the United States During the Administrations of Jefferson and Madison, Henry Adams argued that Nicholas' positions in his September 3 letter to Jefferson indicated an abrupt reversal for a states' rights Virginian "whose devotion to the principles of strict construction was beyond doubt." Adams made the error of assuming that all Virginia Republicans were (or at least should be) of the John Taylor-John Randolph stripe and were thus "outfederalizing the Federalists" in their defense of the Louisiana Purchase. As far as Nicholas is concerned, Adams was clearly mistaken. Nicholas maintained a cordial relationship with Taylor but never subscribed in any wholesale way to Taylor's "Old Republican" views. Also his devotion to strict construction was very much in doubt as his political enemies often charged. Henry Adams, History of the United States During the Administrations of Jefferson and Madison (9 vols.; New York, 1962), II, 87-89, 94-95.

tant a place as Norfolk." This rationale allowed Nicholas to accept the appointment on more honorable grounds than the need of money. To friends and relatives he explained that he did not really want the post but had accepted it from a wish not to embarrass the President. In his letter of acceptance to Jefferson, he asserted that personal interest dictated a refusal, but Republicans around Norfolk had stressed their need for his party services. Furthermore, if he did not accept the appointment, Jefferson would be besieged with applications. The least he could do was to save Jefferson from this bother. Shielded by these numerous rationalizations, Nicholas accepted the job in May 1804.⁵⁶

By the following November, Nicholas began to intimate to Jefferson his wish to resign. His acceptance of the collector's job had elicited more criticism from friends and relatives than he had expected. "In this office seeking age, I felt a pride in having my nearest friend independent," chided his brother John. Undeceived by Nicholas' smoke-screen of party service, John Taylor assured Nicholas that "I think you did right, if, as a pecuniary object, you conceived [it] to be necessary for you." Taylor's major objection, a common one, was "the unhealthiness of the place." Nicholas also discovered that the job demanded more time

⁵⁶Thomas Jefferson to Wilson Cary Nicholas, April 27, 1804, Wilson Cary Nicholas to Thomas Jefferson, May 22, 1804, Thomas Jefferson Papers, LC; Thomas Jefferson to Wilson Cary Nicholas, May 3, 1804, Thomas Jefferson Manuscripts, Missouri Historical Society, microfilm, UVA; Wilson Cary Nicholas to [William Patterson], May 27, 1804, WCN-LC; Wilson Cary Nicholas to the Governor of Virginia [John Page], May 22, 1804, Calendar of Virginia State Papers, IX, 397-98.

and effort than he was willing to expend. Initially, he had planned to devote only two or three months of the year at Norfolk, during the slack season at Warren, but he soon realized that he would have to remain in Norfolk for at least four months with two of those months coming during the busiest days of the Warren agricultural cycle. The fear of yellow fever prevented his family from accompanying him to the port city, and his own health was too delicate to flaunt before the dreaded disease. Admitting to Jefferson that he was "greatly ashamed of being so troublesome to you and of the appearance of so much unsteadiness," Nicholas was nonetheless determined to resign as soon as he could get the affairs of the office in order and as soon as Jefferson found an adequate replacement. That replacement was located by the end of April 1805. After less than a year of very uncomfortable service, Nicholas left the collector's office. He was never able to completely still the charge that he had once left public service for pecuniary advantage.⁵⁷

For the next two years, Nicholas held no public office. He refused friends' requests that he allow his name to be placed in nomination for governor and his brother Philip's urgings that he return to the General Assembly. Even Jefferson's request that he accept a diplomatic mission to Spain could not lure him from Warren. His retirement, however,

⁵⁷John Nicholas to Wilson Cary Nicholas, June 17, and August 2, 1804, WCN-LC; John Taylor to Wilson Cary Nicholas, June 23, 1804, E-R Papers; Wilson Cary Nicholas to Littleton Waller Tazewell, August 21, 1804, Tazewell Papers, VSL; Wilson Cary Nicholas to Thomas Jefferson, November 21 and December 14, 1804, Thomas Jefferson Papers, LC; G. Duval to Wilson Cary Nicholas, April 26, 1805, WCN-UVA; Letters on the Richmond Party, pp. 21-22.

did not entirely remove him from politics. From his many friends and relatives, he received letters detailing the paths of the Republican party on national and state levels. Especially distressing to Nicholas were the reports of intense intra-party divisions. His earlier hopes that factional and party divisions could be healed by a truly republican administration were crushed. Instead of fewer factions and less political strife, there were more of each. John Nicholas, who had moved to western New York in 1803 and had joined the pro-administration, anti-Burrite forces centered about Morgan Lewis, kept his Virginia brothers fully informed on the confusing factional splits in his newly adopted state. More upsetting than the Burr heresy was Samuel Smith's break with the administration in the spring of 1806 because Jefferson had not rewarded the Marylander with the diplomatic posts he coveted. But Nicholas was especially concerned over John Randolph's public denunciation of the administration's handling of the volatile Yazoo claims issue during the same session of Congress. In all his communications on these events, Nicholas made it very clear that Jefferson could depend upon his support. "My attachment to the President is such," he informed Samuel Smith, "that nothing could be more painful to me, than to refuse to comply with his wishes."⁵⁸

⁵⁸Philip Norborne Nicholas to Wilson Cary Nicholas, December 13, 1805, and January 21, 1806, WCN-UVA; Thomas Jefferson to Wilson Cary Nicholas, March 24, 1806, Lipscomb and Bergh, eds., The Writings of Thomas Jefferson, XI, 97-98; Wilson Cary Nicholas to Thomas Jefferson, March 10, 1805, and April 2, 1806, Thomas Jefferson Papers, LC; Cunningham, The Jeffersonian Republicans in Power, pp. 151-54; Cassell, Merchant Congressman, pp. 123-34; Adams, History of the United States, III, 172-73; Wilson Cary Nicholas to John Taylor, October 7, 1807, E-R Papers; Wilson Cary Nicholas to Samuel Smith, April 3, 1806, Carter-Smith Papers, UVA.

Hungry for such support in Congress, Jefferson appealed to his neighbor in April 1806 to return to the Senate.⁵⁹ Nicholas demurred. Jefferson tried to draw Nicholas forth again in February 1807 to replace his son-in-law, Thomas Mann Randolph, who was retiring from the House of Representatives.

Never did the call of patriotism more loudly assail you than at this moment, [wrote the President]. After excepting the federalists...and the little band of schismatics, who will be three or four (all tongue), the residue of the House of Representatives is as well disposed a body of men as I ever saw collected. But there is no one whose talents & standing taken together, have weight enough to give him the lead.... were you here, the whole would rally round you in an instant, and willingly cooperate in whatever is for the public good. Nor would it require you to undertake drudgery in the House. There are enough, able and willing, to do that. A rallying point is all that is wanting. Let me beseech you then to offer yourself. You never will have it so much in your power again to render such eminent service.⁶⁰

Such a flattering appeal, couched in terms of the Virginia tradition of public service, could not be resisted. Winning the election almost routinely, Nicholas prepared to take his place in the House during the 1807-1808 winter session.

During his retirement from politics, Nicholas had decided to support Madison as Jefferson's successor if the squire of Monticello could not be persuaded to run for a third term. Madison's nationalistic stance during the battles over the federal constitution had never set

⁵⁹Weeder, "Wilson Cary Nicholas," p. 69.

⁶⁰Thomas Jefferson to Wilson Cary Nicholas, February 28, 1807, Thomas Jefferson Papers, LC.

well with men such as John Taylor, and when the Jefferson administration later adopted policies which these men considered as inconsistent with good Republican principles, the baneful influence of Madison was branded as the cause. Not only did Nicholas warn Madison of these mutterings, he also defended Madison's actions in his letters to state political leaders. Going one step further, Nicholas admitted to Taylor that he had always supported the notion that Republicans should woo "all the subalterms and privates of the federal party" as long as they adopted sound principles. Such a statement would have isolated many moderate politicians from the more dogmatic wing of the Virginia Republican party, but Nicholas managed to maintain friendly contact with important leaders of the group, and continue his interesting effort to be a party unifier.⁶¹ Thus, when Nicholas returned to Congress, he did so with three major aims: to provide leadership in Congress for policies of the administration, to support Jefferson's choice of a successor in the 1808 election, and to unify as much as possible the disparate elements of the Republican party.

Meanwhile, national attention had turned to aggravations on the high seas. Caught between the competing powers of Europe, the United States found its maritime rights ignored by both Britain and France. Britain, the traditional enemy of the Republicans, was guilty of a greater number of depredations, and most Republicans who wanted war had

⁶¹ John Taylor to Wilson Cary Nicholas, May 14 and June 10, 1806; Wilson Cary Nicholas to John Taylor, October 7, 1807, E-R Papers; Wilson Cary Nicholas to James Madison, July 7, 1806, James Madison Papers, LC.

picked her as the more probable target of American anger. Although Nicholas admitted that the United States certainly had excuse enough to declare war on France, he knew that war with both powers was impossible, and he inclined toward fighting Britain if American honor was not satisfied. When he reached Congress, he argued for military preparations should war prove necessary. But Jefferson had another solution, and as a recognized administration spokesman, Nicholas supported and voted for the Embargo Act of December 22, 1807, just as his brother-in-law Samuel Smith (recently reconciled with the Jefferson government) did in the Senate.⁶²

In the election of 1808, Nicholas aided Madison's nomination and victory. Ever the cautious politician, he joined with William Branch Giles in planning smooth caucus nominations in Congress and in Virginia to show strong national support for Madison and to de-emphasize the notion that Madison was the Virginia candidate. Such careful planning was more crucial in the 1808 election than in previous contests because for the first time there was more than one serious contender for the Republican nomination. Especially serious was the threat from James Monroe who was allowing his name to be pushed for nomination by anti-Madison forces in Virginia because of his anger over the administration's rejection of the stillborn treaty he had recently negotiated with Great Britain. Nicholas and Giles developed a strategy basically designed to

⁶²Wilson Cary Nicholas to [Nicholas Cabell?], November 20, 1807, and to anonymous, December 22, 1807, WCN-IC; Wilson Cary Nicholas to William Crawford, December 6, 1807, Cabell Family Papers, W & M.

convince Republicans, especially Virginia Republicans, that Monroe's bid was futile in the face of overwhelmingly strong national support for Madison. Carefully orchestrating the congressional caucus of Republicans on January 23, 1808, the two leaders secured the nominations of Madison for President and George Clinton of New York as his running mate. They hoped that news of this choice would affect a similar caucus held by Republicans of the Virginia legislature in Richmond, but unknown to them, Virginians had made their choice two days earlier. Although Madison was the choice of party regulars, a separate caucus composed of Old Republicans and Monroe's personal friends nominated the dejected diplomat.⁶³

Despite the hopes of his old mentor Jefferson, Monroe refused to withdraw from the race. This refusal propelled Nicholas into a very uncharacteristic political mistake. In a signed circular letter to his constituents, he openly attacked Monroe's failure as a diplomat and charged that his rejected treaty with Britain had contained terms humiliating to the United States. Adding insult to injury, Nicholas embarrassed Monroe by pressing him to repay a loan. The two old friends and neighbors were never fully reconciled. Exactly why Nicholas departed from his usual calm and conciliatory temper remains a mystery. If he considered that Monroe was such a serious threat that drastic action was required, then he must have been deserted by his usually reliable poli-

⁶³Ammon, James Monroe, pp. 270-73; Brant, James Madison, IV, 419-26; Wilson Cary Nicholas to Col. Lindsay, January 31, 1808, WCN-LC.

tical sense because Madison won an easy victory in Virginia. Years later he maintained that he was completely mystified by Monroe's bitter reaction, asserting that his actions "wou'd have been justifiable in a brother of Col. Monroe." As late as 1816, Jefferson launched a delicate effort to reunite the pair. Although both men graciously asserted that the cloud over their relationship had long been forgotten, they never resumed their former friendly correspondence or contact.⁶⁴

Madison's victory in Virginia did not settle all problems for the state's slate of Republican electors. Although pledged to vote for Madison, they had made no pledge for Vice President and thus felt free to vote for whom they wished. The congressional caucus had nominated George Clinton of New York to continue as Vice President, but Clinton had ambitions for the higher office and had allowed his name to be put into opposition to Madison in Pennsylvania and New York. When Clinton's opposition netted him six electoral votes in the latter state, many Virginia electors considered taking revenge by casting their ballots for someone else. Before taking such a risky step, they decided to get Nicholas' advice.⁶⁵

Waiting until just before the electors' meeting, Nicholas replied

⁶⁴Ammon, James Monroe, pp. 275-75; Philip Norborne Nicholas to Wilson Cary Nicholas, December 17, 1808, WCN-LC; Thomas Jefferson to James Monroe, October 9, 1816, James Monroe to Thomas Jefferson, October 22, 1816, Thomas Jefferson to Wilson Cary Nicholas, November 13, 1816, Wilson Cary Nicholas to Thomas Jefferson, February 24, 1816, Thomas Jefferson Papers, LC.

⁶⁵John Preston to Wilson Cary Nicholas, November 15, 1808, WCN-LC; Cunningham, The Jeffersonian Republicans in Power, pp. 118-21.

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⁶⁵ John Preston to Wilson Cary Nicholas, November 15, 1808, WCN-LC; Cunningham, The Jeffersonian Republicans in Power, pp. 118-21.

that the whole vote of Virginia ought to go to Clinton. Any Virginia attempt to dump Clinton would be futile and only hurt the party and the state, Nicholas explained. If Clinton had actually consummated a deal with Federalists, as some suspected, then he could win the office without Virginia support. By rejecting Clinton, Virginia would deliver a crushing blow to the caucus system and would forfeit her influence in states where Clinton was popular. Thus, although there were legitimate grievances against Clinton, Virginia and the Republican party would have to pay too high a price to extract meaningless revenge. Nicholas' advice produced the desired effect. Some electors, relying upon hints from Giles, were considering dumping Clinton when Philip Nicholas produced his brother's letter for the meeting to consider. His arguments won the day, and the Virginia electors cast a unanimous vote for both Madison and Clinton.⁶⁶

With the election over, Nicholas could be content that the nation would continue to be guided by Republican hands. But big trouble was brewing over the unsuccessful embargo which was hurting America more than the nations at which it was aimed. Nicholas' businessmen-relatives in Maryland initially supported the measure as necessary, but their letters through the spring and summer of 1808 warned of its increasing unpopularity and suggested that Jefferson might be forced to repeal it after the next session of Congress. Nicholas was especially concerned

⁶⁶Wilson Cary Nicholas to [Philip Norborne Nicholas?], December 3, 1808, Spencer Roane to Wilson Cary Nicholas, December 8, 1808, Philip Norborne Nicholas to Wilson Cary Nicholas, December 17, 1808, WCN-LC.

with threats of disunion issuing from New England Federalists, a conduct which he termed "wicked and disgraceful." Recalling strategy that had worked so effectively in Virginia's past, he urged Madison to write a report to the people justifying in the most impressive terms the embargo and the privations it was causing. But there was little chance that such a pamphlet could succeed in overcoming the growing hostility toward the embargo, and one was never penned. Less than a month before the new session of Congress was to meet, Nicholas suggested to Jefferson in a very carefully worded letter that a substitute for the embargo might have to be found. Although he promised to support the embargo as long as there was any hope it might work, he recommended that Republicans should give it up voluntarily rather than be forced to abandon it by failure abroad or by political enemies at home. Only in the former case could the administration have control over alternatives.⁶⁷

Although Nicholas and the Republican majority on December 2 easily voted down a Federalist motion to repeal the embargo, it was becoming obvious that support for the embargo among Capitol Hill Republicans was rapidly corroding. The Virginian's correspondents in Baltimore now reported that the embargo was unenforceable and likely to produce at worst a civil war or at least Federalist victories.

⁶⁷William Patterson to Wilson Cary Nicholas, May 11 and June 3, 1808, Wilson Cary Nicholas to [Ezekiel] Bacon, June 22, 1808, WCN-LC; Wilson Cary Nicholas to James Madison, April 11, 1808, James Madison Papers, LC; Wilson Cary Nicholas to Thomas Jefferson, October 20, 1808, Thomas Jefferson Papers, LC. A copy of this letter dated October 19 can also be found in WCN-LC.

Discouraged by these reports, Nicholas quietly attempted to discover Virginia's sentiments. To Joseph Cabell he hinted that he was fast losing faith in the embargo but was in too delicate a situation to reveal his disenchantment openly. "I have my own opinion," he wrote, "but I wish to hold myself free to cooperate with others in any measures that are approved by the majority, -- as long as the asserting the rights of my country is the object, and the means afford a rational prospect of success." By this rather oblique statement, Nicholas was admitting his willingness to take a step he had not before considered -- to break with the administration if it revealed a determination to maintain the embargo with no meaningful changes.⁶⁸

Realizing that repeal was only a matter of time, Nicholas decided to follow his own advice that Republicans had to maintain the initiative in Congress. On January 24 he moved that Congress repeal the embargo on June 1 and issue letters of marque and reprisal against vessels of Great Britain and France unless those nations ceased their violations of American maritime rights. The June 1 date of repeal was unsatisfactory to many Republicans in the House, and they joined the Federalists in voting for repeal on March 4 instead. John Randolph led a successful move to reduce the letters of marque and reprisal provision to a meeker authorization permitting defensive arming of merchantmen. Repeal of the embargo without a replacement was complete surrender,

⁶⁸William Patterson to Wilson Cary Nicholas, December 1 and 10, 1808, WCN-LC; Wilson Cary Nicholas to Joseph C. Cabell, December 23, 1808, Joseph Cabell Papers, UVA.

thought Nicholas, and he was mildly encouraged by the Senate's passage of a non-intercourse act coupled with a power to issue letters of marque and reprisal and power for the President to renew trade with whichever nation halted its violations. But a majority in the House once again struck down reprisal, and the final bill simply repealed the embargo on March 15 and replaced it with a non-intercourse act which allowed Presidential discretion in reopening trade with non-offending nations. Although Nicholas accepted the bill as all that could be obtained, he was never satisfied with it.⁶⁹

When Madison assumed the direction of the executive branch, his early actions indicated that he would follow Jefferson's lead in relying heavily on Nicholas' political skills in Congress. In arranging his new cabinet, Madison had decided to bestow the State Department upon the energetic and able Albert Gallatin who had served as Secretary of the Treasury for the past eight years. Rumors of this choice stirred Gallatin's enemies to action. William Branch Giles, who coveted the post himself, warned Madison that the Senate would not confirm Gallatin. Apparently aware of Giles' ambitions and therefore somewhat skeptical of the Senator's assessment, Madison asked Nicholas to quietly check the validity of the warning. Nicholas' poll confirmed Giles' assessment. Only ten Senators would vote for Gallatin's

⁶⁹Mr. Nicholas' Motion, January 24, 1809, (Washington, 1809); Wilson Cary Nicholas to James Madison, February 6 and 14, 1809, James Madison Papers, LC; Brant, James Madison, IV, 477-80; Cassell, Merchant Congressman, pp. 140-43.

nomination, he reported, while seven were doubtful and seventeen -- exactly half the Senate -- were opposed. Among the opponents was Nicholas' brother-in-law Samuel Smith, who had feuded with Gallatin for over fifteen years in Congress and who held the Swiss-born Pennsylvanian largely responsible for the nation's military weakness because of his drives for economy. Still loyal to the administration, Nicholas unsuccessfully tried to dissuade Giles and Smith from their opposition. Convinced that Smith had to be won over, Madison suggested that elevating Robert Smith from the Navy Department to the Treasury would secure the Marylander's approval of Gallatin as Secretary of State, but Gallatin objected that Robert Smith would mangle the affairs of the Treasury. With the paramount objectives of keeping Gallatin in the cabinet without antagonizing the Smiths, Madison offered the State Department post to Robert Smith. Gallatin remained in the Treasury, and Giles got nothing. Madison probably assumed that Robert Smith could do less harm in the State Department than anywhere else because Madison could oversee his activities. Also Smith was more malleable than strong-minded politicians such as Giles. If Nicholas was angry that no cabinet posts had been offered to him, he never revealed it.⁷⁰

After his return to Warren following the adjournment of the 1808-1809 regular session of Congress, Nicholas was attacked by his

⁷⁰Wilson Cary Nicholas to James Madison, March 1809, Rives Papers, LC, microfilm, UVA; Cassell, Merchant Congressman, pp. 145-47; Brant, James Madison, V, pp. 22-25; John S. Pancake, "The 'Invisibles': A Chapter in the Opposition to President Madison," Journal of Southern History, XXI (February, 1955), 27-28.

old enemy rheumatism. So painful was the attack that he was prevented from attending the opening of the special session of Congress beginning in late May 1809. Although his illness was adequate reason to keep him home, Nicholas began to experience doubts in Madison's determination to uphold American rights against the marauding European powers -- doubts which dampened his enthusiasm to serve as an administration spokesman in the House. In a letter to Jefferson, he revealed his optimism over the Erskine Agreement which would ease tensions between the United States and Britain if it were accepted by the British government. But he attributed this success to measures instituted by Jefferson, not Madison, and the sage of Monticello was quick to catch the implication. Urging Nicholas to journey to Washington to aid the administration as soon as his health permitted, Jefferson explained that Madison deserved credit for measures passed during his own administration. "Our principles were the same," he added, "& we never differed sensibly in the application of them." Apparently, Jefferson's appeal produced results. Nicholas avowed in a June letter to his friend Joseph Cabell that he would really like to retire from Congress but had decided to stand for another term. The approaching crisis demanded that every man serve his country, explained Nicholas, and he held an influence with other members of Congress that would take a new man too long to build. Therefore, he would remain in Congress as long as that body determined upon "an honorable and manly struggle

for the rights of my country."⁷¹

However, Congress did not live up to Nicholas' expectations. Driven by motives of economy and a wish to avoid war, Congress reduced the already negligible sums for defense spending. Then, at the end of July, news arrived that the Erskine Agreement had been rejected by the British ministry. Madison responded by proclaiming that non-intercourse, which had been suspended on June 10 to meet the terms of the agreement, was restored against Britain. Nicholas soon lost all hope that either Congress or the administration would uphold American honor. The time when embargoes or non-intercourse acts could be effective was over, he felt. Any move short of war was submission, and he would have no hand in that. Believing that his hawkish views were too unpopular to win support in Congress and facing increasing pain from rheumatic attacks, he decided to resign his seat in the House of Representatives. Very few men accepted his public explanation of ill health at face value. Even Jefferson gently chided his neighbor for withdrawing at such a critical time. "A temporary malady was not a just ground for permanent withdrawing," he scolded, "and you are too young to be entitled as yet to decline public duties."⁷² But Nicholas remained firm

⁷¹ Wilson Cary Nicholas to Thomas Jefferson, May 25, 1809, Thomas Jefferson to Wilson Cary Nicholas, May 25, 1809, Thomas Jefferson Papers, LC; Wilson Cary Nicholas to Joseph Cabell, June 23, 1809, Joseph Cabell Papers, UVA.

⁷² Wilson Cary Nicholas to the Governor of Virginia [John Tyler, Sr.], November 27, 1809, Calendar of Virginia State Papers, X, 77; Wilson Cary Nicholas to St. George Tucker, December 14, 1809, Tucker-Coleman Papers,

in his determination, and he never again participated in national political affairs.

Although he disagreed with Madison's weak responses to continuing British maritime offenses, Nicholas did not publicly break from the administration after his retirement. As late as the winter of 1810, he counselled leaders such as Giles to rally behind Madison despite minor errors caused by Madison's attempts to placate public opinion. As long as Madison continued to exhibit his great talents and patriotism and did not compromise his Republican principles, Nicholas advised, he deserved liberal support. Both Nicholas and his brother Philip were distressed by Madison's dismissal of Robert Smith in March 1811, but their chief complaint was that Madison had replaced Smith with

⁷³ Monroe. The breach between Nicholas and Monroe had not healed, and

W&M; Thomas Jefferson to Wilson Cary Nicholas, December 16, 1809, Lipscomb and Bergh, eds., The Writings of Thomas Jefferson, XII, 340-41; Wilson Cary Nicholas to Thomas Jefferson, February 4, 1810, Thomas Jefferson Papers, LC. James Monroe, ever sensitive to real and imaginary slights, suspected that Nicholas' resignation announcement was timed to coincide with a trip that Monroe was taking to Loudoun and Caroline Counties. Thus, Monroe wrote to a friend, he was unable to enter his name in the mid-December special election in time to prevent Nicholas' seat from going to Thomas Mann Randolph. This election maneuver might have been designed by the friends of the Madison administration, thought Monroe, because certainly Jefferson knew of it and had not been candid with Monroe about it. However, from the dates of the Nicholas-Jefferson correspondence on the resignation issue, Jefferson probably did not know of Nicholas' intent until at least a week or two after Nicholas had tendered his resignation. Thomas Mann Randolph to Major Ellis, December 14, 1809, Ellis Family Papers, VIB; James Monroe to Dr. Charles D. Everett, [December] 28, 1809, and to Richard Brent, February 25, 1810, Hamilton ed. The Writings of James Monroe, V, 104, 112-14; Ammon, James Monroe, pp. 280-81.

⁷³ Wilson Cary Nicholas to William Branch Giles, December 25, 1810, E-R Papers; Philip Norborne Nicholas to Samuel Smith, April 3, 1811, Samuel Smith Papers, LC.

the former was shocked that Madison would reward party disloyalty by giving such an important post to a man who was playing political games for his own selfish advancement. Despite his political acumen, Nicholas simply could not understand the astuteness of Madison's move. Perhaps he was disappointed at not receiving the post himself. At any rate, by the fall of 1812, Nicholas privately revealed that his confidence in Madison had fallen so drastically that the only reason he could vote for the President's re-election was that he was a better choice than a Federalist or DeWitt Clinton who was tainted by Federalist support. As far as Nicholas was concerned, Madison was the lesser of two evils by only a narrow margin.

...there is and has been for some time, [he wrote], an end to all the ties of a personal nature between Mr. Madison and myself, as individuals we are probably separated for ever. I have no scruple either in confessing to you that if I was to nominate a President he is one of the last men in America I would select....In most things he has been feeble in some things childish and in almost every instance discovered a want of practical knowledge.⁷⁴

Madison was worried about the loss of support from his longtime ally. Because Nicholas had not publicly criticized the administration, Madison was not aware of the depth of Nicholas' resentment. Assuming that Nicholas' detachment was due to the 1811 firing of Robert Smith, he asked Jefferson just how upset Nicholas was over the incident. Only partially aware of Nicholas' feelings but seeing an opportunity to reconcile his two friends, Jefferson wrote early in 1813 that Nicholas

⁷⁴ Wilson Cary Nicholas to anonymous, October 27, 1812, WCN-IC.

held no grudge over the Smith firing "and that his friendship for you has never felt a moment's abatement." Jefferson suggested that Madison could assure himself of Nicholas' full attachment by promoting the military career of his eldest son, Robert Carter Nicholas. Such a move would be especially effective because Nicholas had neither requested nor expected it. Furthermore, he told Madison, the act "would remove all scruples & anxieties on both sides, by manifesting to him the state of your mind, & strengthening your conviction of his dispositions toward you."⁷⁵ The following month, Nicholas' son was promoted to the rank of major, and in August 1814 he rose to a lieutenant-colonelcy. If the timing of this advancement resulted from acceptance of Jefferson's suggestion, the strategy apparently worked. When Nicholas was nominated by the Republicans in 1814 to succeed James Barbour as Governor of the Old Dominion, he promised Madison his entire cooperation in bringing the war to a successful conclusion.⁷⁶

During his years of retirement, Nicholas had repeatedly been approached by state Republican leaders for political advice. This he was willing to give, but he rejected pleas that he take a more active role by standing for election to the House of Delegates. Then in the fall of 1814, Joseph C. Cabell obtained Nicholas' consent to place his name in nomination as Governor. Why Nicholas accepted is unknown.

⁷⁵Thomas Jefferson to James Madison, February 21, 1813, Ford, ed., The Writings of Thomas Jefferson, IX, 378-80.

⁷⁶Heitman, Historical Register of the United States Army, p. 491; Wilson Cary Nicholas to James Madison, November 11, 1814, James Madison Papers, LC.

Perhaps the post was deemed more flattering than a House seat despite the lack of power wielded by Virginia's chief executive. It is highly doubtful that Nicholas saw the office as a possible launching pad for greater things because a long political career seemed to hold little attraction for him after 1810. After his death, political enemies charged that he accepted the office for the sole reason of being able to control the legislative caucus in 1816 to prevent Monroe from receiving its endorsement as a presidential nominee. However, no evidence has ever surfaced to substantiate this accusation, and Nicholas ultimately threw his support to Monroe in the race. Whatever the reason, there was little challenge to his election. Even some of the state's Federalists voted for him, a fact which led to good-natured teasing from some of Nicholas' Baltimore connections.⁷⁷

Nicholas' initial task after assuming the Governor's chair was defense of the state during the last days of War of 1812. News of the peace in February allowed him to turn to more constructive tasks. The war had convinced Nicholas that both the national and state governments should turn their attention to developing national strength politically, economically, and militarily. Specifically, he desired a stronger Navy, encouragement of manufacturing, an adequate educational system, and

⁷⁷Joseph C. Cabell to Wilson Cary Nicholas, January 30, 1814, WCN-LC; Joseph C. Cabell to Thomas Jefferson, September 17, 1814, Nathaniel Francis Cabell, ed., Early History of the University of Virginia as Contained in the Letters of Thomas Jefferson and Joseph C. Cabell (Richmond, 1856), p. 27; Letters on the Richmond Party, p. 30; Annon, James Monroe, pp. 353-54; Calendar of Virginia State Papers, X, 405; John Hollins to Wilson Cary Nicholas, December 11, 1814, WCN-LC.

internal improvements. The last two he considered the especial concern of the states, not because he believed that a constitutional amendment was necessary for federal aid, but because the refusal of states to cooperate unless each got a proportionate share of funds would stifle any federal attempt to carry out the projects. With this general scheme in mind, Nicholas called meetings of prominent state leaders to discuss his plans of action for Virginia. His suggestions called for a comprehensive network of canals and turnpikes to link all sections of the state into one viable economic as well as political unit. On February 5, 1816, he delivered a message to the General Assembly on the necessity of immediate state funding for improvements in transportation facilities, and the legislature responded by creating a permanent reserve of money for such projects. Although the plans finally approved by the General Assembly did not match Nicholas' comprehensive chart, Nicholas was pleased that a start had been made.⁷⁸

Nicholas' major achievements in the area of education were enlargement of the Literary Fund and approval of a state college which evolved into the University of Virginia. Financed by money from fines, penalties, and forfeited estates, the Literary Fund had been created in 1810 to help educate the children of the poor. Largely through Nicholas' efforts, the General Assembly assigned a large proportion of the debt owed to Virginia by the United States government after the War of 1812

⁷⁸Littleton Waller Tazewell to Wilson Cary Nicholas, April 23, 1815, WCN-UVA; Wilson Cary Nicholas to Littleton Waller Tazewell, May 15, 1815, WCN-LC, and August 26, 1815, Tazewell Papers, VSL; Weeder, "Wilson Cary Nicholas," pp. 116-17.

to the Literary Fund so that by the end of 1816 its coffers held almost a million dollars. As the president of the board which administered the Literary Fund, Nicholas directed the committee which drew up a comprehensive plan of state supported schools from elementary schools to a state university. Based almost exclusively on the suggestions of Jefferson, the plan met defeat in the state Senate. But Nicholas did appoint the Board of Visitors of Central College which the Assembly had authorized in February 1816, and this institution became the University of Virginia in 1819.⁷⁹

Nicholas had not found his two terms as Governor very much to his liking. Most of his programs had met only partial acceptance in the General Assembly, and the salary was not helping to reduce his debts at all. Like most Virginians, he indulged in talk about wishing only to be a simple tiller of the soil. "I shall soon again become a farmer & be settled at Warren," he told his friend John Hartwell Cocke in November 1816. "The office I am in suits me as little as I suit it." As if to prove his stated intent, he agreed to serve as the vice president of the re-created Virginia Society for Promoting Agriculture in 1816 and became a member of the Agricultural Society of Albemarle County in May 1818. Not that he treated these positions as mere window dressing. His correspondence on agricultural topics with planters throughout Virginia as well as in North Carolina demonstrated his sincere

⁷⁹Ibid., pp. 111-15.

interest in bettering Virginia's agricultural economy.⁸⁰

But Nicholas' ever-present debts caused him to seek some lucrative non-farming position with which he could support his large family while he attempted to sell all his lands including the Warren estate. The Second Bank of the United States had been chartered by Congress in 1816 and was in the process of establishing branch banks in major cities across the nation. Although he had no experience whatsoever in banking, Nicholas decided to seek the presidency of the Richmond branch. Perhaps he felt that years of puzzling through his own complicated debts had trained him in financial matters.

Richmond Republicans were intent upon controlling the new institution, but they did not wish to exclude Federalists, especially wealthy merchants. The list of men nominated for the board of directors was drawn up by the merchant Joseph Marx, Dr. John Brockenbrough, President of the state-chartered Bank of Virginia, and Nicholas' brother Philip. These three Republicans nominated Wilson Nicholas as president and divided the twelve directors' positions equally between Republicans and Federalists, or as Marx phrased it "between the Righteous & Unrighteous." Two of the nominated directors, one from each party, declined

⁸⁰ Wilson Cary Nicholas to John Hartwell Cocke, November 9, 1816, Cocke Papers, UVA; A.J. Morrison, "Note on the Organization of Virginia Agriculture," *WMQ* (1st series), XXVI (January, 1918), 169-73; Minute Book of the Agriculture Society of Albemarle, 1817-1828, VHS; James M. Garnett to Wilson Cary Nicholas, October 3, 1817, William Meriwether to Wilson Cary Nicholas, September 2, 1818, George Washington Jeffreys to Wilson Cary Nicholas, June 17, 1819, WCN-UVA.

the positions, and the delicate balance was maintained by adding Philip Nicholas and the Federalist merchant Thomas Rutherford to the list.⁸¹

Once again Nicholas' hopes did not reach fruition. The salary of the office was small, and Joseph Marx reported from Philadelphia that "there was not the smallest prospect of any encrease." Most of the branch presidents were wealthy capitalists or merchants, Marx added, for whom "compensation is no consideration." Furthermore, Nicholas found it impossible to sell his lands which meant that his debts were becoming more rather than less ominous. When the bank under his direction began to run into trouble, Nicholas must have felt the world about to cave in on him.⁸²

⁸¹ Joseph Marx to Wilson Cary Nicholas, January 15, 1817, WCN-UVA; Wilson Cary Nicholas to [William Jones], January 21, [1817], WCN-UVA; William A. Christian, Richmond, Her Past and Present (Richmond, 1912), p. 95. By 1819 Richmond Republicans controlled all three major banking institutions in the state. Brockenbrough headed the Bank of Virginia, Wilson Nicholas was president of the U.S. Branch Bank, and Philip Nicholas was the newly installed chief of the Farmer's Bank of Virginia. Political enemies charged that all three were members of the shadowy Richmond Junto, a group of Republican politicians who supposedly controlled the state's political and economic life for selfish gains and who dealt forcefully with internal heretics and external opponents. Scholars who have accepted the validity of the Junto thesis have relied heavily upon the charges of these critics. Available evidence suggests that through 1820 the Junto was merely a group of politicians with little formal organization and only intermittent agreement on principles, actions, and candidates rather than a tightly disciplined political machine. See Letters On the Richmond Party; Harry Ammon, "The Richmond Junto, 1800-1824," VMHB, LXI (October, 1953), 395-418; Rex Beach, "Spencer Roane and the Richmond Party," WMQ (2nd series), XXII (January, 1942), 1-17.

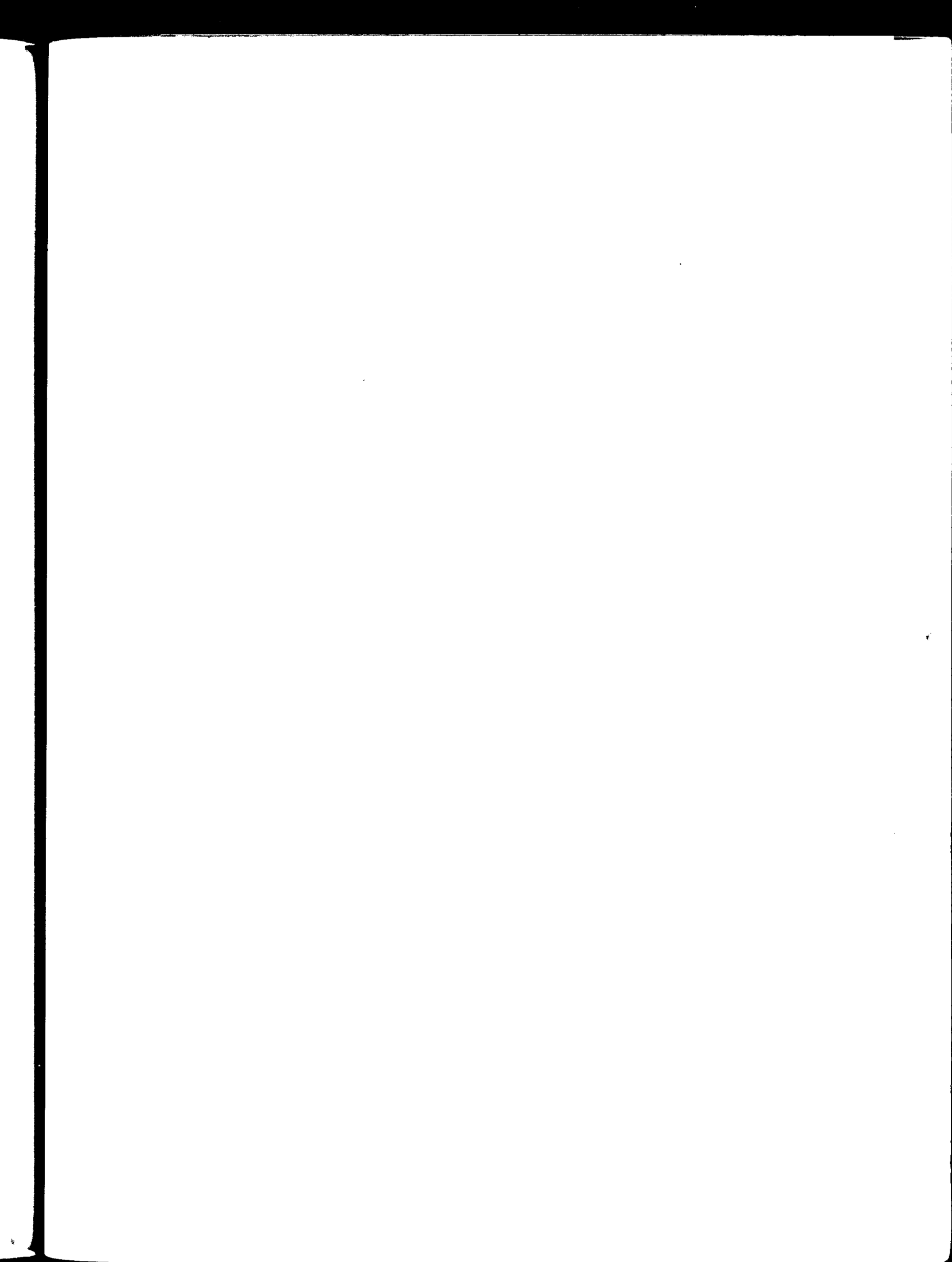
⁸² Joseph Marx to Wilson Cary Nicholas, September 26, 1817, WCN-UVA.

The failure of the United States Branch Bank in Richmond cannot be attributed to Nicholas alone. The parent bank under the direction of Jones had allowed and even encouraged overexpansion of credit and had not maintained assets that even approached liabilities. In the early days of his Branch presidency, Nicholas had fallen victim to the lure of expansion and had encouraged a policy of easier, longer credit for his own customers. As the recession of 1818 began sweeping the country, bankers all over the country, including Nicholas, realized that they had overextended themselves. Out of necessary self-preservation, the parent bank in Philadelphia began a process of contraction. Nicholas was very uneasy as he well should have been. Speedy contraction would not only bring ruin to many debtors, but the impossibility of collection in hard times would endanger his own bank. By August 1819, his worst fears were realized. In May his brother-in-law's firm of S. Smith and Buchanan had failed in Baltimore with a crash that shook not only the city but the entire east coast. Three months later, a deficit of \$60,000 was discovered in the Richmond Branch Bank, and the bank collapsed. Completely disgraced and blamed by many for the bank's failure, Nicholas resigned immediately and turned over his entire estate to trustees charged with settling his oppressive debts. Even in the most charitable estimate, he was a ruined and broken man.⁸³

⁸³Wilson Cary Nicholas to anonymous, December 19, 1817, WCN-UVA; Wilson Cary Nicholas to Samuel Smith, November 28, 1818, Samuel Smith Papers, LC; Thomas Jefferson to James Monroe, August 17, 1819, Thomas Jefferson Papers, LC; Weeder, "Wilson Cary Nicholas," pp. 122-23; Bray Hammond, Banks and Politics in America From the Revolution to the Civil War (Princeton, 1957), pp. 257-62; Cassell, Merchant Congressman, pp. 222-24.

Little more than a year later, Nicholas died at Tufton, the home of his son-in-law Thomas Jefferson Randolph. The last year of his life was a miserable period of court battles against relentless creditors. He had no time for political activities, and it is highly doubtful that anyone would seek political advice from a man thus disgraced. Such a fall must have been especially crushing to a man so powerful in politics that his enemies could label him the Talleyrand of Virginia, and, comparing Nicholas to the famous puppet master Falconi, refer to him as "the arch-magician who pulls the strings and makes the political puppets dance."⁸⁴

⁸⁴ Letters on the Richmond Party, pp. 12, 19; Philip Rootes Thompson to Sally [Thompson], January 18, 1819, UVA.



EPILOGUE

The Nicholas family had surrendered its position of influence in state and national politics some years before the death of Wilson Cary Nicholas in the fall of 1820, but his passing symbolized the demise of the family's political prestige. Of the five sons of Robert Carter Nicholas of Williamsburg, only Philip Norborne Nicholas of Richmond remained to keep the family name involved in the politics of the Old Dominion on even a minor scale. A judge of the General Court of Virginia from 1823 until his death in 1849, Philip Nicholas was a leader of the Jacksonian forces in Richmond. His sole participation in state assemblies after 1820 was his service as a delegate in the constitutional convention of 1829-30, where, as one observer noted, he "never succeeded after his first two or three speeches, in obtaining the ear of the house." Neither his sons nor his nephews nor anyone else bearing the family name added their voices in Virginia's political affairs.¹

Virginia received no public service beyond the local level from the great-grandsons of Dr. George Nicholas because most either left the state to seek their fortunes elsewhere or were too occupied with the mundane necessity of providing for their families to afford the luxury of political participation. The sons of Wilson Cary Nicholas offer a

¹Thomas Perkins Abernethy, "Philip Norborne Nicholas," Dictionary of American Biography, XIII, 484-85; Hugh Blair Grigsby, "Sketches of Members of the Constitutional Convention of 1829-1830," VMHB, LXI (July, 1953), 324.

good example. After a brief stay at the College of William and Mary, the eldest son, Robert Carter Nicholas, journeyed to Baltimore to live with his uncle Samuel Smith while training for a mercantile career in one of the Smith firms. Exposed to all the facets of a merchant's life, he was eventually sent to Italy in 1809 where he served as the Leghorn representative of the firm S. Smith and Buchanan for over a year. After his return to the United States early in 1811, Robert Nicholas seemed temporarily disenchanted with a business life and turned to helping oversee his father's various farms, such as the Green Bottom tract, for lack of anything better to do. The War of 1812 came along just in time to relieve his boredom. Joining the army in March 1812 with a captain's commission, he rose to the rank of lieutenant colonel in little more than two years and was honorably discharged in June 1815. At the close of the war, Robert Nicholas decided to return to Leghorn for S. Smith & Buchanan despite his disappointment in not receiving the position as American consul in the important port city. Unhappy in Europe, he intended to remain only as long as it took to make enough money to fund a career in America. The failure of S. Smith & Buchanan in 1819 abruptly terminated Nicholas' stay in Leghorn. Returning to Virginia with only a few thousand dollars, he joined his brother-in-law John Spear Smith in a partnership to operate a sugar plantation in Louisiana with Smith supplying the capital and Nicholas providing personal direction of the enterprise. Thus, this eldest son finally turned to the planter's life which he had been avoiding

for so long.² Robert Carter Nicholas proved to be a very successful planter in Louisiana. He also achieved more prominence in politics than any of his brothers or cousins with the possible exception of Samuel Smith Nicholas, son of George Nicholas of Kentucky. A Jacksonian Democrat, he was appointed to the United States Senate in 1836 to fill the unexpired term of Charles E. A. Gayarre, and from 1843 to 1846, he served as Louisiana's Secretary of State. Although he held prominent state and national offices, he never commanded the political influence of his father or uncles.³

Of Wilson Cary Nicholas' three sons, only the second son Wilson decided upon a farmer's life with little hesitation. After his stay at William and Mary, he most likely could have received the same legal training that his father afforded his cousin Nelson had he not chosen a quieter life at Warren instead. Nicholas introduced his second son to farm management in a gradual manner. When he sent Wilson to Richmond in the fall of 1812 to pick up \$6000 needed for expenses incurred on a pork

²Smith, Calhoun & Co. to Wilson Cary Nicholas, December 2, 1803, George Stevenson to Wilson Cary Nicholas, July 25, 1815, WCN-UVA; Agreement of John Spear Smith and Robert Carter Nicholas, January 1, 1820, Wilson Cary Nicholas to anonymous, [?] 1815, Carter-Smith Papers; Margaret Smith Nicholas to Jane Nicholas Randolph, May 27, [1819], E-R Papers; Receipt of James Barnes to Robert Carter Nicholas, April 25, 1811, WCN-LC; Samuel Smith to Wilson Cary Nicholas, January 13, 1810, E-R Additional Papers; Wilson Cary Nicholas to James Madison, July 28, 1815, James Madison Papers, LC; Thomas Jefferson to Wilson Cary Nicholas, July 15, 1815, Thomas Jefferson Papers, LC; Robert Carter Nicholas to James P. Preston, August 23, 1817, "Letters From Old Trunks," VMHB, XLVII (July, 1939), 239-43; Heitman, Historical Register of the United States Army, p. 491.

³James L. Harrison and others, Biographical Directory of the American Congress, 1774-1949 (Washington, D.C., 1950), p. 1615; Richmond Whig and Public Advertiser, January 27, 1837.

contract, Nicholas asked his friend James Brown to withdraw the money from the bank and personally give it to Wilson "just as he is ready to leave Richmond" because the trip was "his first expedition from home except to school [and] he is entirely new to the world." Three years later, in 1815, when his father moved to Richmond, Wilson assumed full direction of the Warren farm and the Green Bottom tract.⁴

During his adult years in Albemarle County, young Wilson was appointed to local offices similar to the ones held by his father at the outset of his political career. Before he reached his twenty-first birthday, Wilson received a commission as a lieutenant in the Albemarle County militia, and soon thereafter, he was appointed a justice of the peace on the county court. If he had been able to spend his life in the county of his birth, he probably would have earned recognition as one of Albemarle's leading citizens. But this was not to be. In 1819, faced with the sudden realization that his father had no estate to leave him, Wilson talked of seeking his fortune in Louisiana, but as his mother remarked, "He, poor fellow, has no means of going or settling himself anywhere." After his father's death, he remained two more years in Virginia attempting to settle the complicated affairs of the estate. Wilson joined his brother Robert in 1822 to help manage the sugar plantation on the Mississippi River near Donaldsonville, Louisiana. There he

⁴Wilson Cary Nicholas to James Brown, October 13, 1812, Wilson Cary Nicholas to Wilson Cary Nicholas, Jr., June 12, 1818, WCN-UVA.

died in 1828 at the young age of thirty-four.⁵

The career of Nicholas' third son John was much more stable. Declining the college education enjoyed by Robert and Wilson, he decided upon a life at sea and in 1815, after his father's requests to friends in the Madison administration, accepted a midshipman's commission in the navy. His career was unexceptionable. Although he remained in the navy until his death in 1865, he received no important commands and rose only to the rank of captain. When not at sea, he made his home in Baltimore rather than in Virginia and thus typified the exodus from the Old Dominion of many of the sons and grandsons of Robert Carter Nicholas of Williamsburg.⁶

The choices of occupations by these three brothers reveal an interesting change in the life style of the Nicholas family. Although Dr. George Nicholas had been a town dweller and a member of a respected profession, he would not have felt out of place at Warren. For three generations, Nicholases had been important local leaders with a large stake in the soil of the Old Dominion. Even when Wilson Cary Nicholas of Warren turned his back on Albemarle County and moved to Richmond, his

⁵ Albemarle County Order Book, 1813-1815, pp. 340, 523, and Order Book, 1820-1821, p. 129, microfilm, VSL; Wilson Cary Nicholas, Jr. to Wilson Cary Nicholas, June 12, 1818, WCN-UVA; Margaret Smith Nicholas to Jane Nicholas Randolph, May 20, 1819, E-R Papers; Robert Carter Nicholas to John Spear Smith, August 27, 1822, Samuel Smith Papers, LC, microfilm, UVA; Samuel J. Hollins to Dabney S. Carr, July 13, 1828, Carr Family Papers, UVA.

⁶ Alexander J. Dallas to Wilson Cary Nicholas, May 1, 1815, Wilson Cary Nicholas to Alexander J. Dallas, May 25, 1815, WCN-UVA; Genealogy and Biography of Leading Families of the City of Baltimore County Maryland (New York, 1897), pp. 71-72; Callahan, List of Officers of the Navy, p. 405.

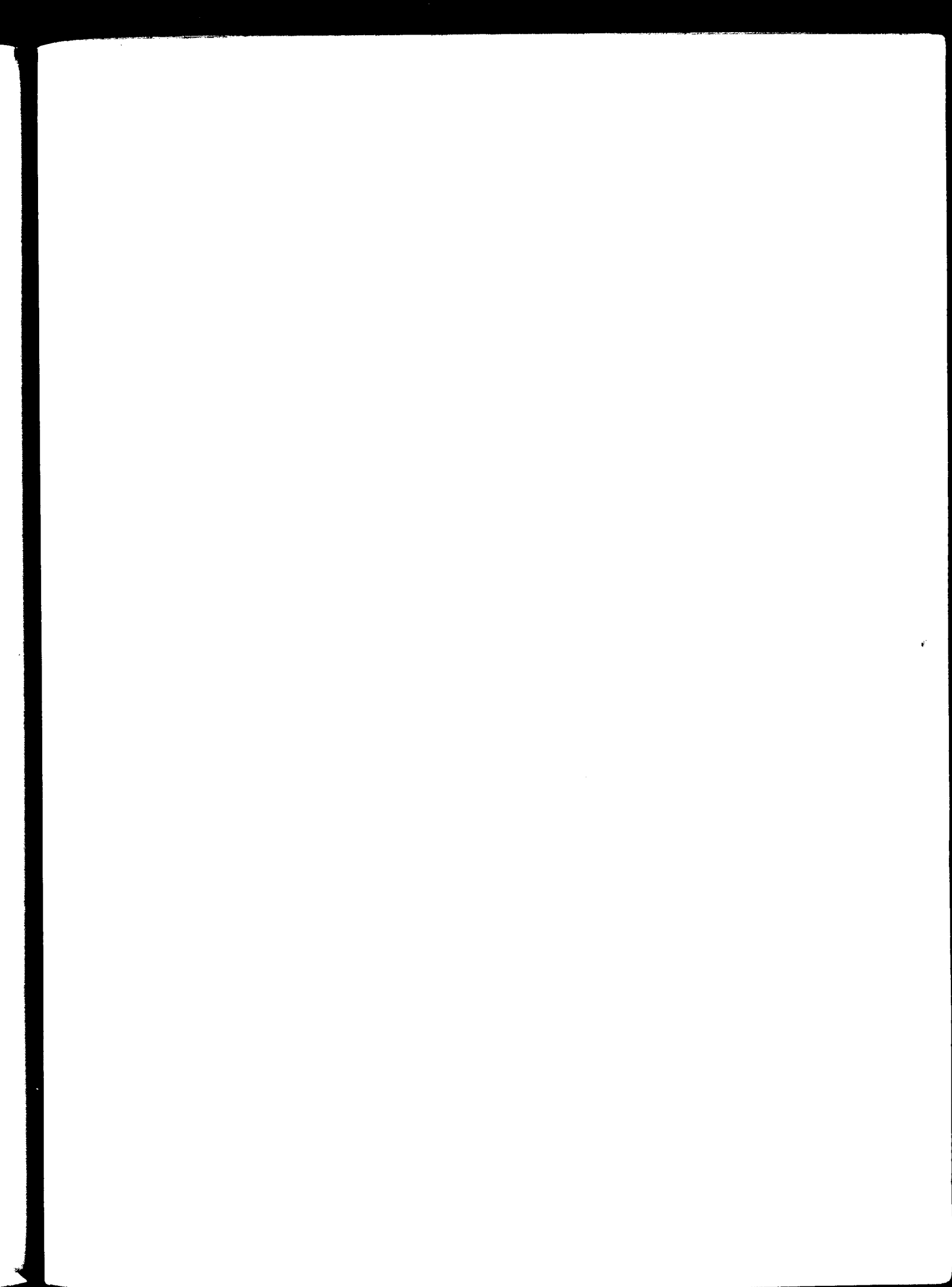
widespread reputation as a progressive farmer made him a natural choice as an officer for the new Virginia Society For Promoting Agriculture.⁷ But new patterns began to emerge during the next generation. A mercantile life became more attractive than either the farm or the profession, and prospects of pecuniary success in other states proved stronger than any attachment to Virginia. John's preference for the navy and Baltimore was symbolic of the shift. In one stroke he abandoned everything the Nicholases had represented for so long -- positions of leadership in a rural society, dependence upon the land for income, and political service to the Old Dominion.

An important factor in the decline of the Nicholas family was loss of wealth and land. Dr. George Nicholas had understood the necessity of both as requirements for social and political success in colonial Virginia, and the message was clearly transmitted to his sons and grandsons. But the Williamsburg physician had threatened his entire estate by unwise investments in iron manufacturing, by ever increasing debts, and by delusive optimism in the face of pessimistic realities. When similar traits surfaced among his grandsons, ruin invariably resulted. Of the 4200 acres which Dr. Nicholas had accumulated on the banks of the James in central Virginia, fewer than 1600 acres in Buckingham County remained in family hands after 1820. Even those remaining acres had been so

⁷James M. Garnett to Wilson Cary Nicholas, October 3, 1817, W. H. Pleasants to Wilson Cary Nicholas, July 10, 1815, George Washington Jeffreys to Wilson Cary Nicholas, June 17, 1819, WCN-UVA.

subdivided among male heirs that no one member of the family could have been termed a large landowner. Whether because of financial ruin or continual divisions, the lack of large land inheritances drove many fourth-generation Nicholases out of Virginia in search of greener pastures. Emigration often meant automatic decline in political influence because one could no longer benefit from a long history of familial ties among Virginia's elite.

The decline of the importance of the Nicholas family paralleled the waning influence of Virginia in national affairs. A few Nicholases found political success on the state level in New York, Kentucky, Louisiana, and Maryland, but never again did one of the family serve as a significant leader of a national political party. Wilson Cary Nicholas and John Nicholas had been able to do so in the early years of national politics because of the influence of the Old Dominion in the new nation. When other states began to surpass Virginia proportionally and absolutely in population and wealth, her early eminence became only a proud memory. Such was the fate of the Nicholas family. Descendants could proudly recount the long history of public service of the family and recite the valuable deeds of men like Robert Carter Nicholas of Williamsburg, but they could add few new laurels to match those earned during the hundred years before 1820.



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