CARTER BRAXTON:
SIGNER OF THE DECLARATION OF INDEPENDENCE

DISSERTATION

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By

L. Tomlin Stevens, A.B., M.A.

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Approved by

Bradley Chapin
Adviser
Department of History
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L. Tomlin Stevens
1970
VITA

January 1, 1941 . . . Born - Youngstown, Ohio
1962 . . . . . . . A.B., University of Chicago, Chicago, Illinois
1964 . . . . . . . M.A., Western Reserve University, Cleveland, Ohio
1964-1968 . . . . Teaching Associate, Department of History, The Ohio State University, Columbus, Ohio

FIELDS OF STUDY

Major Field: History

Colonial and Revolutionary America. Professor Paul C. Bowers
Early National. Professor Eugene H. Roseboom
American Diplomacy. Professor Marvin R. Zahniser
English History. Professor Philip P. Poirier
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INTRODUCTION

Carter Braxton has been awarded a prominent place in the history of Virginia and the United States because of his distinction in belonging to that honored group of men who signed the Declaration of Independence in 1776. Historians have generally associated Braxton with the more conservative statesmen of Revolutionary Virginia, but little else is known about him other than the fact that he led a stormy life full of controversy and died virtually penniless despite his former status as one of the wealthiest individuals in Virginia society. But exactly how influential was he in affecting the course of events that led the thirteen colonies to break away from Great Britain and then establish themselves as a nation? Where did he stand on the great constitutional issues of his time? What role did he play and how effective was he in the important developments within his own state? The answers to these questions are necessary for a thorough understanding of the man and a valid evaluation of his contribution to the Revolution and the new nation.
CHAPTER I

VIRGINIA ARISTOCRAT

One of the most important clues to the character and behavior of Carter Braxton is the high social position he held among the first citizens of Virginia; a position which was inherited rather than acquired. Braxton was born into the ranks of the aristocracy on September 10, 1736 at the family estate of Newington in King and Queen County, one parent rivaling the other in blueness of blood.¹ His mother, who died one week after his birth,² was the former Mary Carter, a daughter of "King" Robert Carter and sister of Landon Carter.³ Through her, Braxton was connected directly to one of the most important family names in the entire colony. It should also be noted that Braxton not only inherited much prestige from his mother's side, but, judging from his letters, he also acquired a rather important political confidant in his uncle, Landon Carter. Carter (August 18, 1710 - December 22, 1778) was one of the most respected of Virginia's gentry. A member of the House of Burgesses from

¹Genealogical Notes on the Braxton Family (unpublished material in the Virginia State Library).

²Virginia Gazette (Parks), September 24, 1736. The paper noted that the infant had also died, an error corrected in the issue for October 15.

1752 - 1768, a prolific correspondent, and writer of nearly fifty essays, he was thoroughly immersed in Virginia politics all his life.⁴ People of all political inclinations sought his advice and used him as a sounding board for their own opinions.⁵ His influence was great and he undoubtedly was a factor in shaping Braxton's political views.

The contributions made to Braxton's social position by his paternal lineage were equally significant, although more difficult to trace. His grandfather, a Welsh colonist named George Braxton, was the first known Braxton to reside in Virginia,⁶ evidence of whom can be found in the fragmentary records of King William County as early as 1703⁷ and on the quit rent rolls from King and Queen County in 1704 for 2825 acres.⁸ The Patent Books provide further evidence that George Braxton was a substantial landowner,⁹ but he also classified himself as a merchant¹⁰ and was actively involved in politics.


⁶Genealogical Notes on the Braxton Family.

⁷Virginia Magazine of History and Biography, VI (April, 1899), 434.

⁸Ibid., XXXII (January, 1924), 144-145.


¹⁰Virginia Magazine of History and Biography, VI (April, 1899), 434.
representing King and Queen County in the House of Burgesses con-
tinuously from 1718-1734 and possibly for a while during the 1740's.\textsuperscript{11} His offspring consisted of two daughters and a son, George, the
father of Carter.\textsuperscript{12} One of the daughters, Elizabeth, married
Humphrey Brooke and became the mother of George Brooke of Mantapike
in King William County, who was a colonel in the Revolution and
Treasurer of Virginia as well as a prominent cousin of Carter BRax-
ton.\textsuperscript{13} It is uncertain exactly when George Braxton, Senior, died,
even though his tombstone still exists in the graveyard of Mattapony
Church. According to Alfred Bagby, who erroneously dated the death
in 1718, the inscriptions on the stone "are scarcely decipherable."\textsuperscript{14}
The date has more often been read 1748;\textsuperscript{15} however, given the absence
of any Braxton in the House of Burgesses during the 1736-1740
Assembly, an equally justifiable guess would be 1738.

George Braxton, Junior, appears to have carried on the tradi-
tions established by his father. Indeed, given the identity of
names, it is often difficult to distinguish him from his father.

Maintaining his residence at Newington, this second George added

\begin{flushleft}
\textsuperscript{11}Journals of the House of Burgesses of Virginia, 1619-1777
(ed. by H. R. McIlwaine and J. P. Kennedy, Richmond, 1905-1915),
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\textsuperscript{12}Alfred Bagby, King and Queen County, Virginia (New York and
\end{flushleft}

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\textsuperscript{13}Virginia Magazine of History and Biography, VI (April, 1899),
433, XV (October, 1907), 201.
\end{flushleft}

\begin{flushleft}
\textsuperscript{14}Bagby, p. 62.
\end{flushleft}

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\textsuperscript{15}Genealogical Notes on the Braxton Family; Virginia Magazine
of History and Biography, VI (April, 1899), 433.
\end{flushleft}
greatly to the family land holdings. He also pursued a career in commerce, dealing largely in tobacco and indigo with a number of English mercantile houses, and helped John Robinson represent King and Queen County in the House of Burgesses continuously from 1742-1749. In 1733 he married Mary Carter, who bore him a son, George, in 1734 and another son, Carter, two years later. As mentioned above, Mary Braxton died a week after Carter's birth, and her husband apparently never remarried, no one else being mentioned in his will.

Carter Braxton's father and grandfather had earned eminent respectability for the family name and had accumulated a great fortune, both of which were to be passed on to Carter early in his life. Carter was only thirteen when his father died, the will being presented by the executors John Robinson and Humphrey Hill in a court


17 Horner, pp. 140 ff. The Virginia Gazette (Parks) for August 9, 1736 indicates that the slave trade was also included in his commercial activities.

18 Journals of the House of Burgesses, 1742-1749, pp. vii-ix. This assumes, of course, that George, Senior, died in 1738; otherwise, the George Braxton mentioned in the journal could have been the elder one, at least until 1748, after which the reference is undoubtedly to the son.

19 William and Mary Quarterly (First Series), VII (January, 1899), 151. The date of the birth of Carter's brother can be determined from this reference to his seventeenth birthday in 1751, quoted from the diary of John Blair.

20 William and Mary Quarterly (Second Series), XIX (October, 1939), 318-320.
held for King and Queen County on October 10, 1749. Some idea of the Braxton wealth can be gleaned from this will in which George Braxton, Jr., states:

I give and bequeath to my son George all my land in King and Queen and Essex Counties to him and his heirs forever. I give and bequeath to my son Carter all my other land to him and his heirs forever. [This "other land" included over 25,000 acres in Albemarle and Orange Counties.] I give to my said son Carter one thousand pounds to purchase him a good and convenient tract of land. I give to my son George my gold watch. . . . I give and bequeath to my two sons all the said Negroes stocks and profits and all other estate whatsoever to be equally divided between them when my son George arrives to the age of twenty one years.

His brother died in 1761, thus Carter became the sole possessor of the family name and most of the fortune at the age of twenty-five. His wealth increased considerably a decade later when the family estate of Newington fell into his hands upon the re-marriage of his widowed sister-in-law.

This examination of Braxton's family background leaves no doubt of his high social position. His father ranked high among the men of property and enhanced an already respected reputation by marrying a

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21 Ibid.

22 Ibid., p. 318.

23 The Journal of the House of Burgesses for November 4, 1761 (p. 7), mentions the death of a George Braxton, undoubtedly Carter's brother, who had joined John Robinson in 1758 as a burgess from King and Queen County. Most writers concerned with the history of the Braxton family have assumed that the George referred to in the Journal was Carter's father, but this is impossible, given the above-mentioned will and the fact that a Journal entry for December 6, 1762 (p. 136) refers to Carter Braxton as "guardian to his the said George's children."

24 Horner, p. 122.
member of the most respected of all Virginia families. Much would be expected of any person born in these circumstances - especially in Virginia, where tradition and custom reserved a high place for such as Carter Braxton. Colonial Virginia was an aristocratic society, the characteristics of which contribute much to an understanding of Braxton's career in public life.

Eighteenth century Virginia, lacking a legitimate hereditary nobility, would not have been classified an aristocratic society by the European standards prevailing at that time; nevertheless, there were clearly recognizable, if not precisely definable, class differentiations which produced many of the same social and political relationships. Ownership of property, especially land, separated one class from another, and the class structure ranged from the propertyless slaves at one extreme to the great planters at the other. 25 Throughout much of the seventeenth century, when land was plentiful and easily acquired, it was not too difficult for a man to build a large fortune and work his way into the planter class, but by the Revolutionary Era, when most of the valuable land was taken and certain families were established in their wealth and status, the Virginia aristocracy was much more a closed group. In his study of Revolutionary America, Jackson Main has estimated that only a tenth of Virginia's upper class had achieved wealth by their own efforts. 26


26 Main, p. 192.
Braxton, then, had a background very similar to the majority of the planters. He also typified many of his contemporaries in that much of the family wealth had mercantile origins.27

The social function discharged by the upper class was one of leadership in all areas of life. Standards of culture were set by the planters, who made a conscious attempt to imitate the ideal of refined gentility associated with the upper class in England. Dutiful allegiance to the Church of England, attention to manners and social graces, ostentatious display of fashion, indulgence in sophisticated recreation such as hunting and horse racing, respect for education, and cultivation of the arts formed strong cultural ties between the Virginia gentry and the English gentry.28 In both places, such activities were limited to the upper classes, since only those with sufficient wealth and leisure time could afford to participate.29

Not only did the planters assume the role of cultural leadership, but they also occupied the dominant position in economic and political affairs - areas in which the links with the mother country were equally as strong. The prosperity of Virginia's tobacco economy depended on the price that the "weed" could command in England and Scotland, which in turn depended to a great extent on the quantity grown in Virginia. Since a large planter, with his superior land holdings and greater reliance upon slave labor, dealt in larger

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27Wright, pp. 46-47.

28Wright, p. 63; See also Mary Newton Stanard, Colonial Virginia, Its People and Customs (Philadelphia: J. B. Lippincott Co., 1917).

29Main, pp. 240-269.
volumes than a commercial farmer of lesser status, his transactions tended to set the price pattern for the whole colony. Besides supplying tobacco, he often found it to his advantage to draw upon his mercantile connections in England to purchase the luxuries necessary to maintain his social position, with the result that he was more often than not deeply in debt. The dependence of England on Virginia for tobacco and the dependence of the Virginia planters on England for credit bound the two very closely together, and the resulting planter indebtedness constitutes one of the most significant features of the Virginia economy.  

The aristocratic nature of Virginia society in the eighteenth century was particularly evident in the political arena. Virtually every position of power was filled by the gentry, from local offices to the Governor's Council, the highest of all colonial offices. A political career generally began at the local level - in the parish vestry and in county government. County positions, such as sheriff and justice of the peace, were filled by appointment of the Governor, who generally followed the advice of the most aristocratic men in the colony - the Council. The necessity of upper class influence to secure a place in county government is stressed by Charles Sydnor, who concludes that "it was nearly impossible to begin a political career without being in the gentry or closely connected

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with it."\textsuperscript{31} The parish vestry provided no effective counterbalance to the composition of county government, since the same men could be found in both positions.\textsuperscript{32} Furthermore, vacancies in the vestry were filled by the remaining members themselves, thus the aristocratic influence was self-perpetuating.\textsuperscript{33}

After beginning his career at the local level, a Virginia politician moved up the ladder into the House of Burgesses, referred to by Carl Bridenbaugh as "a tobacco planter's club."\textsuperscript{34} Although membership in the House was open to all voting freeholders,\textsuperscript{35} proceedings within the assembly were dominated by a select few, who were able to exert their influence by controlling the committees where

\begin{itemize}
\item \textsuperscript{32}Sydnor, p. 91.
\item \textsuperscript{34}Carl Bridenbaugh, \textit{Seat of Empire: The Political Role of Eighteenth-Century Williamsburg} (Williamsburg, Va.: Colonial Williamsburg, Inc., 1950), p. 36.
\end{itemize}
nearly all important business was carried on. 36 A study of the House of Burgesses from 1720-1776 by Jack P. Greene has shown that less than a sixth of the total number of members who sat during those years ever played a leading role in the legislature. Of these leaders, most were wealthy members of the planter class. 37

The highest position open to a Virginian was an appointment to the Council, a very influential group of men which, according to the British view of colonial government, was supposed to provide a firm link between colonial and British interests. 38 Consequently, the Council was given power in every branch of government. It comprised the upper house of the legislature and sat with the Governor as the General Court, the highest judicial body in the colony. In addition, the Council served an executive function as advisor to the Governor and, in this capacity, generally determined the Governor's selection of local officials - a duty of no little significance for Virginia's political structure, since the Councilors invariably selected their associates in the planter class. 39 The powerful members of the Council were drawn from the most prominent families in Virginia and


39 Wertenbaker, p. 34.
provided the colony with a close approximation of a titled aristocracy.⁴⁰

Since political power at all levels was concentrated in the hands of the great planters to such an extent, an enormous responsibility was placed upon the Virginia upper class for the efficient governing of the colony. This responsibility was recognized and welcomed by the first citizens, who regarded their position of public leadership as a matter of course. Louis Wright stresses this point very clearly:

The gentry could not escape experience in leadership, and sons of the great planters found themselves inevitably trained for positions of honor and trust in the government of the colony. If in time they came to look upon such posts as prerogatives of their birth and social inheritance, they also learned to regard them as serious obligations.⁴¹

It would have been surprising indeed if a person of Braxton's background had completely avoided a political life.

Emphasis on the elitism of Virginia society is necessary for an accurate description of Carter Braxton's colony, but other factors should also be stressed. The overwhelming majority of white Virginians were small farmers, most owning their own land but many working on the land of others. In the Tidewater section, where much of the valuable land was in the hands of the gentry, at least thirty per-cent of the white males owned no land at all and little personal property, while in the Piedmont the estimate has been placed at twenty-five

⁴⁰Wright, p. 54.
⁴¹Ibid., p. 65.
per-cent. Well over half of the men, then, were landowners, but the number that can be classified as gentry was very small. Jackson Main points out that estates larger than one thousand acres were fairly rare in the Tidewater but increased in number in the Piedmont. He also maintains that "a man of means" would possess at least twenty slaves and concludes that about six per-cent of the Tidewater men and three per-cent of the Piedmont men met this requirement. Braxton can be placed near the top of this small class, since, even as late as 1787 when his wealth was well into its decline, he owned over 8000 acres (mostly in the Tidewater) and nearly 100 slaves. The significance of these figures is simply that, after eliminating the landless and the aristocracy and allowing for the very few whose occupations were divorced from the soil, about sixty or seventy per-cent of the white male population were yeoman farmers.

A fairly stable society emerged under these conditions largely because an element of democracy existed to require majority approval for the monopoly of political power exercised by the wealthy minority. The only representative body in the colony was the House of Burgesses, but the franchise under which the two burgesses from each county were elected was a fairly liberal one, giving the vote to all freeholders

42 Main, pp. 50-54.
43 Ibid., p. 55.
44 See the county tax lists for 1787 for King William, York, Hanover, Halifax, and Richmond City in the Virginia State Library. The figures for 1787 are published in Jackson Main, "The One Hundred," William and Mary Quarterly (Third Series), XI (July, 1954), 354-384.
who possessed either twenty-five acres of developed land, 100 acres of undeveloped land - in 1762 this was reduced to fifty acres - or a house and lot in a town. Furthermore, land was inexpensive enough to enable most people to acquire sufficient property to vote. The total size of the electorate has been estimated at somewhat less than half of the adult white male population.

Since the majority of the electorate did not belong to the upper class, it seems strange at first glance that the gentry should be repeatedly elected to the House of Burgesses; nevertheless, the deference paid to rank and wealth is an established fact. A number of factors serve to explain this phenomenon. Their economic superiority gave the gentry a decided advantage in influencing voters. Since the law permitted a candidate to run from any county where he met the property qualifications, a wealthy planter who owned land in more than one county could choose to run from the one in which he was most popular. Also, local offices, being appointive, were held by the planters, thus these were the men with political experience whose capacities for leadership were known. Finally, the cultural

45 Statutes at Large (Hening), IV, 475-478; VII, 517-530; VIII, 305-318.

46 "Men could buy land from the government at 5 shillings for fifty acres or from speculators at 3 pounds or less per 100 acres."

47 Sydnor, p. 32.

48 Statutes at Large (Hening), VIII, 306.

49 See pages 9-10, 11.
and educational eminence of the gentry contributed to make them objects of respect and admiration.

For their part, the gentry had to retain the confidence of the electorate. If the planters served satisfactorily on the vestry or as justices of the peace, they could generally expect to be elevated to the Assembly. Once in the House, the Burgesses knew they could count on being returned as long as they served the needs of the people by attending to such matters as docking entailed estates, providing compensation for injuries, and constructing roads, bridges, ferries, etc. Consequently, the two most important of the standing committees were established to assure the voters that the government was adequately representing their interests — the Committee of Propositions and Grievances to receive complaints and the Committee of Privileges and Elections to insure honest elections. Because of the representative nature of the legislature and their esteemed status, the Virginia legislators knew they could depend on the support of their constituents, and this, according to Leake, gave the House of Burgesses an unusual capacity for decisive action.50

Taken in general, Virginia’s electoral system as it had developed by the eighteenth century was a blend of democratic practice with aristocratic leadership, which provided a fairly stable government. A concise summary of the operation of this system is provided by Charles Sydnor:

The function of the gentry was to provide candidates and often a measure of guidance as to which of these candidates to elect.

50Leake, p. 75.
The function of the rank and file of the freeholders was to decide which of the several gentlemen to send to the House of Burgesses and in the process to act as a check on any autocratic tendencies in the gentry.\footnote{Sydnor, p. 77.}

This was the social and political environment that shaped the life of Carter Braxton. Born into a family of great rank and wealth, he began his existence with a blueprint providing the course which custom and tradition indicated his future years should follow. As a member of the upper class he was expected to lead a life of elegance, good manners, and sociability. He was supposed to be an educated man and could hardly escape active participation in the economic and political affairs of his colony. Accounts of Braxton's life testify that he entered willingly into this predetermined role, and the events of his early life offer no evidence to contradict these assertions.

Little detail is known about Braxton's youth aside from the fact that he never knew his mother and lost his father at the threshold of adolescence. However, despite these tragedies, every indication is that young Carter enjoyed an abundance of material comforts and pleasures, and circulated among the best of Virginia society. The famous Speaker of the House of Burgesses and Treasurer of the colony, John Robinson, was his guardian\footnote{See Braxton's marriage bond filed in Middlesex County Clerk's Office, July 16, 1755, published in William and Mary Quarterly (First Series), IV (October, 1895), 119.} and his father's ample estate contained enough slaves to cater to his needs and desires. Undoubtedly, his time was occupied with innumerable parties and gala events, such
as the ball given to celebrate his brother's seventeenth birthday and the lavish house parties hosted by his uncle Landon Carter, some of which lasted three days.\textsuperscript{53} The picture that emerges is one of a rather pampered boy who lacked the stabilizing guidance of parental care, but who was thoroughly immersed in the luxurious complacency of an aristocratic existence. The effect of this coddled upbringing, as has been said, was to imbue him with a "faith in the inherent goodness of things as they were."\textsuperscript{54} It would be foolish to disregard the significance of such an attitude for his adult life.

One hallmark of a cultured Virginia gentleman was his learning, thus education also played a part in Braxton's youth. His father provided guidance in this area before his death and no doubt kept a tutor on the Newington estate or else sent his sons to a tutor on a nearby plantation. In any case, George Braxton's concern for education was expressed in his will, which stated that "my desire is that my sons be kept at the College or under some good Tutor till they come of full age."\textsuperscript{55} Adhering to their father's desire, the two Braxton boys attended William and Mary College subsequent to their father's death. Carter graduated in 1755 at the age of nineteen and in later years served as a member of the college's board of visitors.\textsuperscript{56} While a

\textsuperscript{53}Ibid., VII (January, 1899), 151; see also Stanard, p. 123.


\textsuperscript{55}William and Mary Quarterly (Second Series), XIX (October, 1939), 320.

\textsuperscript{56}William and Mary Quarterly (First Series), II (July, 1893), 37; XXVII (April, 1919), 239-240; Horner, p. 125.
student at William and Mary, Braxton and his brother continued to enjoy the easy existence available only to the wealthy. The brothers were among the eight students out of a total enrollment of 115 privileged enough to have slaves with them to wait upon their every whim.\(^{57}\)

Braxton abandoned his bachelorhood the same year that he was graduated from William and Mary and, as expected of the Virginia gentry, attached himself to a prominent family. The mate of his choice was Judith Robinson of Middlesex County, daughter of wealthy Christopher Robinson and a relative of Speaker John Robinson.\(^{58}\) The marriage bonds were posted on July 16, 1755, with John Robinson signing as Braxton's guardian.\(^{59}\) Undoubtedly, this marriage enhanced the fortune and reputation of both husband and wife. Judith bore her husband two daughters but unfortunately died as a result of giving birth to the second on December 30, 1757.\(^{60}\)

After the death of his wife, Braxton journeyed to England where he remained until 1760. Virtually nothing is known about his activities in England, although it is generally agreed that the trip was

\(^{57}\) William and Mary Quarterly (First Series), VI (January, 1898), 187-188.

\(^{58}\) John Sanderson, Biography of the Signers to the Declaration of Independence (Philadelphia: R. W. Pomeroy, 1823), VI, 181.

\(^{59}\) William and Mary Quarterly (First Series), IV (October, 1895), 119.

\(^{60}\) Stella Pickett Hardy, Colonial Families of the Southern States of America (Baltimore: Southern Book Co., 1958), pp. 84-85; Sanderson, VI, 181.
made "for the purpose of improving his mind and manners." One account cited by Frederick Horner maintains that he was in residence at Cambridge. It is probable, then, that the primary reason for visiting the mother country was one common to many Virginia planters – to witness first-hand the society emulated by him and his peers at home and to acquire the prestige of having been in the mother country. The increased sophistication gained from such an experience would greatly increase his reputation. Very possibly an additional function served by the journey was economic in nature. Shortly after his return to Virginia, the young widower revived the commercial career started by his father and grandfather. It would not be surprising if he had utilized his time abroad to cement connections with British merchants. Also, evidence shows that Braxton was in possession of some English estates in the early 1780's, so it is possible that he invested in land during his stay in England.

Less than a year after returning from England, Braxton took another wife, and this marriage, like his first, was a union of two very elite families. The date of the wedding was May 15, 1761, and the bride was Elizabeth Corbin, daughter of Richard Corbin, who was


62 Horner, p. 165.

63 John Power to Carter Braxton, printed in the Royal Gazette, September 26, 1781. See also "Love vs. Braxton and Ham," Reports of Cases Argued and Judged in the Court of Appeals of Virginia (ed. by Daniel Call, Richmond, 1854, third edition), V. 537-538.
not only a member of the Council but also the King's Receiver-General of the customs in Virginia. Braxton's wealth jumped considerably because of this match since Corbin gave 1000 pounds sterling as his daughter's marriage portion. Besides assuring her husband's position among the foremost of the Virginia gentry, Elizabeth was a life-long companion and provided him with more than a few children. Stella Hardy has found evidence of six but says there could be more about whom information is lacking; other writers have set the number at sixteen.

With his new wife, Braxton set out to enjoy the life of a gentleman planter. The couple moved into an estate named Mantua in King and Queen County while another estate, Elsing Green, on the Pamunkey River in King William County was being remodeled. Braxton apparently didn't like the remodeled Elsing Green, for he sold it in 1763 after living there a while and constructed a new mansion at Chericoke, a few miles farther up the Pamunkey. At Chericoke, he reigned over the vast domain inherited from his father and added considerably to it by such purchases as the 1500 acre estate in King William County bought from Thomas Mann Randolph in 1765. In King

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64 Sanderson, VI, 181-182.
65 Virginia Magazine of History and Biography, XXX (January, 1922), 85.
66 Hardy, pp. 84-85; Sanderson, VI, 181-182; Goodrich, p. 419; Dwight, p. 322.
67 Virginia Magazine of History and Biography, XXXII (January, 1924), 3; Bagby, pp. 73-75; Horner, p. 125.
68 Statutes at Large (Hening), VIII, 161.
William County alone he possessed three or four large plantations upon which he grew tobacco and Indian corn. 69 Farther inland he had more land, including an interest in a 12,000 acre tract "with plantations sufficient to work forty or fifty hands." 70

Braxton occupied much of his time during the 1760's and 1770's with the business of managing and expanding his numerous plantations, and he can be found advertising in the newspaper for a run-away slave or recommending a servant to a fellow planter such as George Washington. 71 In addition to the ordinary tasks of a planter, he also involved himself deeply in the social life of colonial Virginia. He enjoyed the friendship and respect of relatives and friends, who chose him to be godfather to their children, to serve as trustee for the sale of impoverished estates, and to execute wills. 72 The education of his children was provided by the best tutors available. 73 His hospitality and style of living have been described, no doubt accurately, as typical of the wealthy Virginia gentry - elegant and

69 Sanderson, VI, 180.

70 Virginia Gazette (Furdie and Dixon), April 17, 1774.


73 Richard Adams to Thomas Adams, August 12, 1771, Virginia Magazine of History and Biography, V (October, 1897), 135.
lavishly expensive.\textsuperscript{74}

By all indications, Carter Braxton appeared to be filling more than adequately the economic and political role assigned him by virtue of his birth and inheritance. Educated, wealthy, and respected, he seemed assured of a lifetime of unqualified success according to the standards of the time. However, it was not enough for a Virginia aristocrat to spend his entire life in the selfish enjoyment of great wealth, pleasant company, and material luxury. He was also obligated to provide responsible leadership in the political life of his colony. In order to carry out this function with distinction, more was required than the equipment provided by inheritance. The ability to influence men, a concern for the common good, and a thoughtful conception of the principles of good government are qualities associated with responsible and effective public service. Because of his social and economic pre-eminence, Braxton was automatically possessed of the opportunity to become one of the leading statesmen in Revolutionary Virginia. How well he performed in this area is the subject of the following chapters.

\textsuperscript{74}Sanderson, VI, 182-183; Goodrich, p. 419; Dwight, p. 322.
CHAPTER II

COLONIAL POLITICIAN AND MERCHANT

Due to the destruction of most of the records for King William County, there exists no evidence to prove that Braxton followed the course usually taken by Virginia politicians, serving at the local level before proceeding to the House of Burgesses.\(^1\) It is certain, however that he could not have devoted much time to local politics before his election to the Assembly since he was in England from the year he came of age until 1760 and was sent the very next year to the House of Burgesses by the voters of King William County. Apparently his influence and the reputation of his family were enough to qualify him for immediate access to the colonial legislature. Nevertheless, Braxton did not escape his county, for he can be found on every list of the justices of the peace for King William that has survived for the years 1757-1775, serving in 1764, 1766, 1771, 1773, and undoubtedly in most of the remaining years as well.\(^2\) Unfortunately, there is no evidence to indicate how active he was as a justice of the


peace, and questions pertaining to his attendance at the county court and possible special appointments must remain unanswered. He also served on the vestry of St. John's Parish and was sheriff of his county in the early 1770's.\(^3\)

By far the most important event in initiating Braxton's political career was his election to membership in the House of Burgesses for the General Assembly of 1761-1765. If he were to make a name for himself as an outstanding leader, this was the arena. The four year assembly consisted of seven sessions, but the name of Carter Braxton appears in the House Journals for only three of them. Where his legislative activities are mentioned, they appear to be mostly of a limited and routine nature. In the first session, he served on only two committees, both of which were appointed to amend bills for the docking of entailed land to enable them to pass the second reading.\(^4\) In the fourth session, November 2, 1762 to December 23, 1762, his duties consisted of carrying one bill to the Council for approval.\(^5\) Despite the fact that his close friend and former guardian, John Robinson, was Speaker of the House, Braxton was not appointed to a standing committee until the last session, when, on October 31, 1764, he was placed on the Committee of Propositions and Grievances.\(^6\)

On December 21, 1764, the last session of the 1761-1765

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\(^5\) Ibid., p. 136.

\(^6\) Ibid., p. 230.
Assembly adjourned until May 1, 1765. After it re-assembled on the latter date, Braxton was given the most important assignment so far in his legislative career. The issue was a scheme to establish a Loan Office for the purpose of relieving planter indebtedness due to a chronic shortage of currency. Virginia's expenditures in support of the French and Indian War had necessitated heavy taxation and the emission of paper money. Furthermore, the price of tobacco had been declining since 1760, and even the most wealthy felt the monetary squeeze. A recourse to further emissions of paper as a means of alleviating the economic crisis was eliminated in 1763 when Parliament, due largely to pressure from British merchants who despised the depreciated treasury notes, prohibited the use of any colonial currency issued after September 1, 1764 as legal tender for debts and forbade any extension of time for the retirement of existing legal tender paper. This attack on cheap money forced the Virginia planters to seek other methods to help them out of their plight.

One such method was proposed on May 24, 1765 when the House of Burgesses passed a series of resolutions providing for a Loan Office to supply needed currency. The plan was to borrow 240,000 pounds sterling from British merchants at five per-cent interest to be repaid by an impost duty on tobacco. 100,000 pounds of the borrowed money were to be used to retire paper still in circulation, and the

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8Mays, I, 151-152.
remaining 140,000 pounds were to be deposited in the Loan Office to provide the stock for the issuance of notes at five per-cent interest to citizens with "permanent security."

Opposition from the Council was expected, thus a committee of six men was appointed to confer with the Council and hopefully convince them of the proposal's merits. Braxton was a member of this committee. Despite the efforts of the committee, upper house opposition was not overcome, and the scheme was killed on May 28, 1765.

At first glance it seems rather strange that Braxton, with his mediocre legislative record, should be given such an important responsibility as his Loan Office assignment. One explanation is that his status and connections with important members of the Council were expected to make his recommendations influential. After all, Braxton was one of the wealthiest men in the colony, and his father-in-law was on the Council and also Receiver General. Richard Corbin was opposed to the Loan Office, but possibly his daughter's husband could change his mind.

Another probable reason for Braxton's inclusion on the negotiating committee concerns the activities of John Robinson in his double capacity as Speaker and Treasurer of the Colony. Because of the serious money shortage, Robinson had surrendered to the needs of his

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10. Ibid., pp. 350-351.
troubled friends and, over the course of several years, loaned them over 138,000 pounds in Virginia currency.\textsuperscript{13} Unfortunately, approximately three-fourths (100,761 pounds) of this amount was supplied from the Treasury.\textsuperscript{14} As paper money came back to the Treasury, Robinson re-issued it to his friends in return for promissory notes instead of destroying it as the law provided.\textsuperscript{15} The result of such a practice, of course, was a huge deficiency in the Treasury as well as financial ruin and serious political repercussions for the Speaker-Treasurer if he should ever be exposed. The establishment of a Loan Office would have provided a solution to Robinson's difficulty, since it would have been a simple matter to transfer the debtors' obligations to the Loan Office and thereby clear him of any implication of dabbling in public funds for private purposes.

There exists no concrete evidence that the Loan Office was originally conceived of primarily to cover up for Robinson's indiscretions, although it is possible and has been argued by some historians.\textsuperscript{16} Regardless of the original intention, however, it would be very surprising indeed if Robinson had not ardently desired the passage of the measure and exercised all his political power to see it through successfully. It is probably no coincidence that five of

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\textsuperscript{13} Ibid., p. 186.
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\textsuperscript{14} Ibid.
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\textsuperscript{15} Statutes at Large (Hening), VII, 468.
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the six men on the committee appointed to confer with the Council were indebted to the Speaker, some for rather large amounts. Braxton's debt of 3,848 pounds was one of the largest in the entire colony. Furthermore, it is highly unlikely that he was ignorant of the Treasurer's misconduct, considering the close social and family relationship between Robinson and Braxton, whose brother was also provided with over 3,000 pounds before his death in 1761. Thus, it appears that Braxton received his first major legislative assignment for the purpose of rescuing a close friend and generous benefactor from public disgrace and financial ruin.

The failure of the Loan Office scheme meant that Robinson's generosity with public funds could not remain a secret indefinitely. Although rumors of careless management of the Treasury had been circulating for some time, it was not until after the Treasurer's death on May 11, 1766 that the enormous indebtedness of the Robinson estate became public knowledge. This disclosure gave rise to a scandal and contributed to an internal power struggle in the House of Burgesses that had significant implications for the colony's political future.

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17 A list of the debtors and the amount of the debts can be found in Mays, I, 358-369. The committee members are named in the Journals of the House of Burgesses, 1761-1765, 350-351. In addition to Braxton, Lewis Burwell owed 6,274 pounds, Archibald Cary 3,975, Edmund Pendleton 1,020, and Benjamin Harrison 150. Only John Fleming was debt free.

18 Mays, I, 359.

19 Ibid.

Robinson and his associates from the James River area of the Tidewater had long dominated Virginia politics, a domination which was deeply resented by men from other regions. The opponents of the "James River crowd" were led by Richard Henry Lee and Patrick Henry, who had for some time been demanding an investigation of the Treasury and had led the fight against the proposed Loan Office. Thus, Lee and Henry stood to gain in political stature from the Treasury scandal, while Robinson's close allies, such as Braxton, were more than a little embarrassed. The net result of the affair was to strengthen the anti-Robinson forces, who had the previous year shown their growing vitality by engineering the narrow passage of the Stamp Act Resolves. This increased influence found expression on November 12, 1766 when the House of Burgesses, by a vote of 66-29, resolved "that the offices of Speaker of the House of Burgesses and Treasurer of this colony shall not be united in the same person."

The controversy brought about by Robinson's misuse of public funds dragged on until the Treasury deficiency was removed in 1781, during which time Braxton occasionally involved himself in behalf of the Robinson estate. He was among those who agreed to serve as surety for the estate's bond, which was set at the unusually high figure of


23Mays, I, 186.
250,000 pounds. He also participated in a few of the attempts to persuade the estate’s debtors to erase their obligations, a task which often proved very difficult because of the chronic economic crisis. An example of this activity concerns Braxton’s colleague in the House of Burgesses from King William County throughout most of the 1760’s, Bernard Moore, who eventually was forced to surrender all of his property in order to wipe out his 8,500 pound debt. Moore had apparently tried to clear up his accounts while Robinson was still alive, and just two weeks before the Speaker’s death he drew on Braxton for a small sum. However, he found it impossible to make much of a dent in his debt and a year later wrote "God knows my case is desperate enough." It was indeed, and in June of 1770 Braxton was serving on a committee in the House of Burgesses for a bill to vest Moore’s entailed lands in trustees to be sold. Subsequently, Braxton served as one of the trustees. The administrators took over the sale of additional land, and when no purchaser was found, Moore’s entire holdings were liquidated by a lottery which Braxton helped manage.

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25 Mays, Pendleton, I, 364.

26 Braxton to Major Harry Gaines, April 28, 1766, Pierpont Morgan Library, New York, New York.

27 Mays, Pendleton, I, 205.

28 Journals of the House of Burgesses, 1770-1772, p. 33.

29 Boyd, Jefferson Papers, I, 59-60.

30 Mays, Pendleton, I, 205-206.
Braxton did not have to make such substantial sacrifices to erase his own debt - he paid most of it in depreciated paper currency, the remainder being withheld by the Treasurer from his legislator's pay.  

Braxton had been re-elected to the House of Burgesses by the voters of King William County and thus was a member of the General Assembly of 1766-1769 which had to contend with the Robinson affair. However, he was not a member of the committee appointed to examine the state of the Treasury, and there is no evidence that he played a leading role in the activities of the House regarding the controversy. Instead, his political career seems to have returned to its usual undistinguished state despite a slight increase in the number of committee assignments. During the first session, November 6 to December 16, 1766, he was appointed to the Committee of Propositions and Grievances and the Committee of Trade, but the Journal contains no other references to him. In the second session, March 12 to April 11, 1767, another attempt was made to establish a Loan Office in which Braxton served in the same capacity as before. The Robinson affair had intensified the economic crisis, especially for Robinson's debtors, and Braxton undoubtedly joined with many others in desiring a quick means of obtaining more money. Nevertheless, the bulk of his energy continued to be devoted to more routine business.

33 Ibid., pp. 15-16.
34 Ibid., pp. 123-128.
He was on a committee to amend a bill for docking an entailed estate, carried it and another similar bill to the Council, served on a committee to draw up proposals for constructing a light house in conjunction with Maryland, and was appointed to a committee "to examine the enrolled bills." 35 His legislative activity in the third and last session of this assembly, March 31 to April 16, 1768, decreased markedly and consisted only of considering a petition to improve the garden of the public jail. 36

King William County once again returned Braxton to the House of Burgesses for the General Assembly which began on May 8, 1769, where he assumed his customary positions on the Committee of Propositions and Grievances and the Committee of Trade, and also received an appointment to the newly created Committee for Religion. 37 The journal does not mention Braxton's name again, but the Assembly only lasted for ten days, being dissolved on May 17 by Governor Botetourt in retaliation for the Burgesses' growing resentment of British imperial policy, which had been tightening constantly since the end of the French and Indian War in 1763.

In an effort to raise needed funds for the maintenance of the empire, Parliament had begun for the first time to look upon the colonies as a source of revenue. Such measures as the Sugar Act of 1764, the Stamp Act of 1765, and the Townshend Duties of 1767 provoked

36 Ibid., p. 159.
37 Ibid., pp. 190-191. See also Leake, p. 53.
bitter resistance by the Americans, who accused Parliament of acting unconstitutionally by taxing the colonies without their consent. Taxation, the argument went, was a function of the colonial assemblies, the only bodies in which the colonists enjoyed representation. The issue of Parliamentary interference in colonial affairs was intensified by the passage of legislation which did not directly involve taxation, such as the Currency Act of 1764, the Quartering Act of 1765, and the customs reforms of 1766-1768. By 1769 the colonies were approaching, but had not yet reached, a constitutional position which denied all Parliamentary authority and maintained that the only connection with the mother country was through the Crown.

Specifically, the dissolution of the House of Burgesses on May 17, 1769 concerned a series of resolutions passed on May 16 claiming the sole right of taxation and protesting the recent decision of Parliament to remove criminals to England for trial. The next day the House approved an address to the Crown opposing the latter policy, whereupon the governor immediately dissolved it. In protest to the dissolution, the Burgesses adjourned to the house of Anthony Hay and on May 18 organized an Association devoted to the non-importation of British goods and manufactures until the repeal of the Townshend duties. Braxton was among the eighty-nine men who joined this Association, although there is no evidence that he played a leading

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39 Ibid., pp. xxix-xliii.
40 Ibid.
role in its formulation.

The next official meeting of the House of Burgesses began on November 7, 1769, with Braxton again representing King William County. He continued to serve on the same three of the six standing committees (Religion, Trade, and Propositions and Grievances), and was appointed to a committee to draw up a bill to insure that the Pamunkey Indians would receive fair rent for their lands in King William County. 41

The journal also records that he was granted a leave of absence on December 1 because of illness; 42 however, it is unlikely that he lost his health due to overwork in the legislature, as has been asserted. 43 Braxton's responsibilities were not that onerous. At any rate, he was back in his seat by December 12, after which his name is not to be found in the journal before the day of adjournment on December 21.

The Assembly reconvened on May 20, 1770 and met until June 28, during which time Braxton worked on the bill to vest Bernard Moore's land in trustees as well as on two other bills to dock entailed estates. 44

There was one additional session of this General Assembly which sat from July 11, 1771 until July 20, 1771, but there is no indication in the journal or anywhere else that Braxton even attended.

Carter Braxton's political career in the House of Burgesses, which had now covered a continuous span of over ten years, was inter-

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41 Ibid., pp. 228–229, 239–240.
42 Ibid., p. 308.
43 Chace, p. 18.
raptured in the early 1770's while he served as Sheriff of King William County, and he did not return to the Assembly until June of 1775. During his first decade as a legislator, Braxton did not distinguish himself as one of Virginia's active and talented political leaders. Although his appointments to the standing committees increased with time, there is no evidence that he played a prominent role on any of them. He was never made chairman and was not once chosen to report a bill or an amendment out of a standing committee. Furthermore, aside from his connection with the Loan Office schemes, he was very infrequently appointed to special committees of importance. Only once was he placed on a committee to draw up a bill, once selected to examine the enrolled bills, once asked to help compose proposals for an intercolonial project, and one time named to a committee to consider a petition. His primary functions were to serve on committees (six of them) to revise bills docking entailed estates to enable them to pass the second reading and to carry bills (three of them) to the Council for approval.

More importantly, at a time when British colonial policy was being called into question, Braxton does not appear to have been involved in the controversy. His name is not to be found in the journals of the House of Burgesses, nor is it mentioned by any prominent contemporary, in connection with such important issues as the Stamp Act and the Townshend Duties. The most that can be asserted with

45 According to Virginia's election laws, a man could not be elected to the House of Burgesses while serving as Sheriff nor for two years following the termination of his appointment. Statutes at Large (Hening), VIII, 316-317.
certainty is that Braxton disagreed with certain aspects of British policy. His attempts to promote the Loan Office schemes of 1765 and 1767 indicate an opposition to the campaign against paper money, and his signature on the non-importation agreement of 1769 signifies at least a passive participation in the growing protest against increased British interference in colonial affairs. Still, if Carter Braxton was destined to become one of Virginia's outstanding Revolutionary statesmen, there is little in his early political career to justify such a prediction.

Braxton's political life was probably influenced and was most certainly overshadowed by his economic activities. Not only was he occupied with the business of his own plantations, but he also was greatly concerned with expanding the commercial career begun by his father and grandfather. Evidence of these business dealings is sparse; nevertheless, certain facts can be ascertained. As early as 1762 he had formed a connection with the noted firm of Willing and Morris of Philadelphia and used this association to develop further his own trading interests. On April 23, 1762, Braxton wrote to Messrs. Tod and Swan, merchants in Guadalupe, and sought to involve himself more extensively in the "West India Business" by reminding them that he was recommended by Willing and Morris and asking for "frequent intelligence of your markets and commodities."46

An interesting example of Braxton's desire to expand his mercantile adventures was his attempt to strike up a correspondence with

Nicholas Brown and Co. of Rhode Island. In January of 1763, he had traded with one of Brown's ships for over half of the cargo and on February 1 he sent a letter proposing that the relationship be made more permanent. He offered to serve as Brown's agent in Virginia for a five per-cent commission and to provide the company with tobacco, corn, and flour. 47 In this same letter he suggested that rum would be the New England product in greatest demand in Virginia, but he advised them to "clear it out as West India and enter it here as such" to save half the duty, a good example of colonial means of avoiding the Molasses Act of 1733. Finally, Braxton expressed interest in the slave trade, urging that such cargoes be consigned to him "on the best terms you can." Receiving a favorable reply in September, he wrote again on October 16 agreeing to lower his commission to two and a half per-cent and offering tobacco, which was to be smuggled out "free of duty if your Skipper will take it," in exchange for slaves. 48 In spite of this correspondence, however, Nicholas Brown and Co. apparently felt that a connection with the enterprising merchant would be too costly and risky, for they did not take advantage of Braxton's services even though they continued to trade with Virginia. 49

From all indications, Braxton's commercial ventures were


49 Hedges, p. 75.
already quite extensive by the time the Revolution broke out. The primary commodity with which he dealt was, of course, tobacco, which he bought and sold both on his own account and as a commissioned agent for established mercantile concerns. However, he undoubtedly dealt in many other commodities as well, as his correspondence with Nicholas Brown indicates. He constructed and operated mills and in 1759 began a practice that was to occupy much of his time and effort during the Revolution by supplying provisions to a military force—this time to the Catawba Indians for their service in the French and Indian War.  

Another important aspect of Braxton’s business activities during this period concerned land. In 1764 he had an interest in a land controversy between the Brooke family and a Mr. Madison, which he was willing to defend in the General Court. More revealing of his extensive involvement in real estate is his letter of March 10, 1768 to Colonel William Cabell in which land values and potential purchases were discussed at length. He also had speculative interest in western lands, for his name was among those of Richard Corbin, John Blair, and others attached to a petition submitted to Governor Dunmore.

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50 Braxton to William Cabell-Amherst Co., March 10, 1768, Emmet Collection, New York Public Library.

51 Journals of the House of Burgesses, 1770-1772, p. 91.

52 Braxton to , March 2, 1764, Miscellaneous MSS, New York Public Library; Edmund Pendleton to Mr. Rose, July 9, 1764, Virginia Magazine of History and Biography, XV (July, 1907), 105.

53 Braxton to William Cabell-Amherst Co., March 10, 1768, Emmet Collection, New York Public Library.
on April 25, 1772 for a grant of 59,000 acres "beginning at the mouth of Louisa River, along said river to Ohio River."\(^{54}\) That Braxton was regarded as somewhat of an expert in land values by his contemporaries is indicated by the correspondence between George Washington and John Parke Custis. In 1777, Washington suggested that Custis seek the advice of General Nelson, Colonel Braxton, and George Webb regarding the proper rent to be charged for an estate, and two years later Washington referred to a shrewd Braxton purchase by reminding Custis of "your unfortunate sale of the York Estate to Colonel Braxton for 20,000 pounds which I suppose would now fetch him 100,000 pounds."\(^{55}\) John Paul Jones was also aware of Braxton's reputation. Thus, when Jones desired to own a "small landed estate" on the Mattaponi River in Virginia, he requested Braxton to make the purchase for him.\(^{56}\)

Braxton's real estate business figured prominently in a dispute which disrupted the vestry of St. John's Parish in King William County and which also reveals much about his strength and influence in his home county. The dispute involved Braxton's desire to sell land and came to a head in February of 1772 when a petition calling for the

\(^{54}\)Calendar of Virginia State Papers and Other Manuscripts (ed. by William P. Palmer, Richmond, 1875-1893), I, 265.

\(^{55}\)George Washington to John Parke Custis, September 28, 1777, Writings of Washington, IX, 280-281; Washington to Custis, August 24, 1779, Writings of Washington, XVI, 165.

dissolution of the vestry was placed before the House of Burgesses.\textsuperscript{57} The petition was sent to the Committee for Religion, which held hearings on the matter and on March 10, 1772 presented the testimony along with their recommendations to the House.\textsuperscript{58} According to this testimony, dissension among the vestry reached serious proportions in the fall of 1770. It had been determined that the glebe was insufficient for the support of the minister, the Reverend Henry Skyring, and that new land must be purchased. The vestry, however, could not decide which land to purchase - that of vestry member Thomas Claiborne or that of Braxton, also a member of the vestry - and proceeded to split into two factions over the matter. The Claiborne faction was in a minority but managed to break up the vestry by refusing to do any business.

During the course of the following year, three vacancies occurred on the vestry, and the Claiborne group saw an opportunity to gain the advantage. Holt Richeson testified that a meeting was held at Claiborne's home in the fall of 1771 at which time Claiborne revealed a plan to stack the vestry with men "who, if they were chosen, would join them, and then the lower gentlemen would have a stronger party than the upper, and they should be able to do as they pleased."\textsuperscript{59} Claiborne, according to Richeson's testimony, also mentioned that he had an execution to file against one of Braxton's allies, Thomas

\textsuperscript{57} Journals of the House of Burgesses, 1770-1772, p. 164.
\textsuperscript{58} Ibid., pp. 225-232.
\textsuperscript{59} Ibid., p. 228.
Moore, and by waiting to act upon it until the next meeting of the
vestry could probably prevent Moore's attendance and thus weaken the
Braxton forces. This strategy to supplant the powerful Braxton clique
failed, for when the vestry met on December 27 to lay the parish levy,
two of Claiborne's men refused to attend, even when they were sent
for. Moreover, the plan to remove Thomas Moore was frustrated by
the fact that Braxton recently had been appointed Sheriff and refused
to make the anticipated arrest "as the said Moore came up to do the
Parish business." 61

The events of December 27 pushed Braxton's anger beyond the
boiling point. According to the testimony of Fendall Southerland,
"he declared he never would meet in that vestry again, and that it
was high time for a dissolution; that he would draw a petition for
the people to sign for that purpose, which he did." 62 After hearing
the testimony on the petition, the Committee for Religion, in their
recommendations to the House, admitted that party spirit existed
within the vestry but denied that this dissension interfered with the
parish government enough to warrant dissolution. 63 But the House dis-
agreed and overruled the Committee's resolutions by passing a dis-
solution bill on April 1, 1772, which quickly won the approval of the

60 Ibid., pp. 226-229.
61 Ibid., p. 228.
62 Ibid., p. 227.
63 Ibid., pp. 231-232.
Council and was signed into law by Governor Dunmore. It appears, then, that Braxton emerged victorious from the controversy, and there is no reason to believe that he carried through with his threat to withdraw from parish affairs. On the contrary, evidence indicates that he remained active for many years, since he served as the lay delegate from St. John's Parish to the first and second Conventions called in 1785 and 1786 to reorganize and govern the Protestant Episcopal Church after its separation from the parent church in England and disestablishment in Virginia.

The incident of the vestry dispute reveals a number of things about Carter Braxton, the colonial politician and businessman. First, it demonstrates the degree of power which his position and wealth provided him in King William County. He was without a doubt the most powerful man in his vestry and, as Sheriff and former Burgess, was also among the most influential men in the county. Second, it provides an insight into his attitude toward politics and his business interests. Braxton was willing to utilize his political strength in the vestry to promote his own economic gain, even if it meant convulsing the vestry in a bitter factional quarrel and possibly paralyzing parish government. Finally, it indicates the influence that he could exercise within the House of Burgesses. Even though he was not a member at the time, he turned successfully to the colonial

64 Ibid., pp. 285, 288, 316; Statutes at Large (Hening), VIII, 607.
legislature for help in solidifying his position at home. His influence among the Burgesses was such that the House overruled the recommendations of a major standing committee - a fairly uncommon phenomenon in local matters.

Considering Braxton's occupations as large planter, aggressive merchant, and land speculator, it is not at all surprising that he should feel the effects of the economic troubles that gripped Virginia during the 1760's and 1770's. His indebtedness to John Robinson indicates this as does much of his correspondence, such as a letter of March 10, 1768 in which he mentioned a want of money to purchase some desired land. As a result of the currency squeeze, his ability to obtain credit began to show signs of weakening. On July 20, 1771 he wrote to Thomas Adams and asked for help in persuading a mercantile house to honor bills which he had drawn on them. Slightly more than a year later, he complained to James Mercer that he lacked funds to meet certain of his obligations because his bills were not being honored. Braxton can certainly be included among the "wealthy" planters who still lacked capital currency.

The situation was not hopeless, however, for he still enjoyed ample credit. On January 5, 1773 he provided John Quarles, Jr., with

66 See Leake, p. 17.
67 Braxton to William Cabell-Amherst Co., March 10, 1768, Emmet Collection, New York Public Library.
69 Braxton to James Mercer, October 10, 1772, Emmet Collection, New York Public Library.
a letter of introduction to Ingles and Long of New York in which he instructed the merchants to "supply him with what he writes for, and I will be his security in the payment of it." In December of 1775 he was able to draw on Farrell and Jones, merchants in Bristol, and on Alexander McAulay and Co. for moderate amounts. Nevertheless, he was by no means free from difficulty and on the eve of the Revolution was in serious trouble. In December, 1775 he had to prevail upon his cousin, George Brooke of Mantapike, to provide security for some of his debts - debts which were never to be paid and were declared a cloud upon the title to Mantapike as late as 1825 by Chief Justice John Marshall. Indeed, his contemporaries would later explain his mercantile activities during the Revolution as an effort to relieve his "desperate circumstances" which existed at the start of the war.

Considering the economic climate of Virginia, the surprising aspect of Braxton's pre-Revolutionary career was not his indebtedness but his rather inactive political role in the House of Burgesses. The changes in British policy which occurred during the 1760's and

\[70\] Braxton to Ingles and Long, January 5, 1773, Braxton Papers, Historical Society of Pennsylvania, Philadelphia.

\[71\] Bill of exchange, June 22, 1775, Miscellaneous MSS, New York Public Library.

\[72\] Indenture, December 17, 1775, Braxton Miscellaneous, Virginia Historical Society, Richmond, Va.

\[73\] Virginia Magazine of History and Biography, X (July, 1902), 87-88.

\[74\] William Aylett to Richard Henry Lee, March 21, 1779, Lee Family Papers, University of Virginia, Charlottesville, Virginia; see also Edmund Pendleton to William Woodford, May 10, 1779, Pendleton, Letters and Papers, I, 282.
1770's, such as the attack on paper money, the Stamp Tax, and increased trade regulations, had a great impact on his economic life, and it certainly would have been to his interest to exert much time and energy in the attempt to restore a more agreeable (and profitable) relationship with the mother country. Yet, despite the grievances and an enormous opportunity for political leadership, Braxton remained in the background, and his name is all but missing from the public and private records which document the political life of the colony. His most significant function was in connection with the Loan Office schemes, where private considerations were especially immediate. His membership in the Association of 1769 indicates his sympathies but does not reveal any significant qualities of leadership - he was a joiner, not a leader.

It is not at all rash to conclude that, prior to the Revolution, Carter Braxton was much more a planter-merchant than an important political figure. He accepted the obligation expected of a wealthy planter and entered into a public life, but his political career remained on the periphery of his interests. His few papers and letters that have survived deal almost exclusively with private affairs and reveal nothing of his thoughts on public matters. Perhaps the effect of his spoiled childhood and aristocratic existence was to constrict his world view and focus his attention upon himself. Whatever the cause, Braxton had so far exhibited little noticeable respect or concern for events and people outside his own narrow circle. Where outside forces conflicted with his own interests, his attitude was to ignore or avoid them, as exemplified
by the almost casual disregard for trade regulations expressed in his correspondence with Nicholas Brown and Co.\textsuperscript{75} To what extent the momentous issues of the Revolution were to increase his political awareness and cause him to alter his priorities is yet to be seen.

\textsuperscript{75}See pages 36-37.
CHAPTER III

OUTBREAK OF REVOLUTION

The relationship between Great Britain and her thirteen American colonies had been steadily deteriorating since the early 1760's, although the first three years of the 1770's were relatively calm. Difficulties once again reached serious proportions in 1773 with Parliament's passage of the Tea Act and the consequent opposition of the colonists, which culminated in the Boston Tea Party on December 16, 1773. Virginia was thrust into the forefront of this latest controversy when Parliament retaliated against Boston by passing the Boston Port Act in March, 1774, which closed the New England city's harbor until submission to the will of Parliament was obtained. The issue of Parliamentary authority was now clearly drawn and the political leaders in Virginia lost little time in making their position known. News of the Port Act was published in the Virginia Gazette on May 19,¹ and five days later the House of Burgesses passed a resolution calling for a day of fasting and prayer to indicate popular support for the people of Boston.²

When Governor Dunmore heard of this resolution, he dissolved

¹Virginia Gazette (Purdie and Dixon), May 19, 1774.
²Journals of the House of Burgesses, 1773-1776, p. 124.
the House on May 26, whereupon eighty-nine Burgesses met the next day at Raleigh Tavern and signed their names to an Association which protested British policy, called for a boycott of products of the East India Company, and suggested the expediency of appointing deputies from the several colonies of British America, to meet in general Congress. On May 29 word spread through Williamsburg that dispatches had arrived from Maryland also urging united action and containing news of events in Boston, Philadelphia, and Annapolis.

In response to these dispatches, Peyton Randolph immediately rounded up the twenty-five ex-Burgesses who were still in town, and a meeting was held the next day in which support for an enlargement of the Association was promised and a convention to consist of the members of the late House called for August 1 in order to provide a wider base for determining the colony's policy.

Braxton played no role in these foreboding developments. The House which the Governor dissolved on May 26 had been elected in late 1771, when Braxton’s appointment as Sheriff kept him from being returned to the legislature, thus he could not have participated in the fasting resolution, nor was he among the men who signed the Associa-

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3Ibid., p. 132.


5Virginia Gazette (Purdie and Dixon), June 2, 1774.

6Ibid. See also Mays, Pendleton, I, 271; Douglas S. Freeman, George Washington (New York: Scribner’s, 1948-1957), III, 355-357.
tion in Raleigh Tavern. However, he was to re-enter the arena of colonial politics by serving as a delegate to the August Convention. When Governor Dunmore dissolved the House of Burgesses, much important business was left undone. Courts could not remain open since the old fee bill had expired and the legislature had not been given time to enact a new one. Furthermore, an Indian war was imminent and funds were needed to supply a military expedition. For reasons such as these, Dunmore felt compelled to re-assemble the House and on June 17, 1774, reluctantly ordered the issuance of writs for an election. 8

King William County subsequently elected Carter Braxton and William Aylett "by a great majority" to represent it in the colonial legislature and at the convention. 9 The election was decided on June 26, at which time the people of the county demonstrated their support of the recent steps to resist Parliament by providing "a genteel entertainment for the candidates, not permitting them to be at any expense: an example worthy of imitation." 10 Braxton could have no doubt regarding the prevailing sentiment of his constituency.

The convention met on August 1 as scheduled and sat until August 6. Delegates to the convention, while agreed that some form of protest had to be taken, were divided as to the specific measures. One group, including Richard Henry Lee, Patrick Henry, and George

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7 The signers of the Association are listed in Journals of the House of Burgesses, 1773-1776, pp. xiii-xiv.
8 American Archives, Fourth Series, I, 419.
9 Ryland, King William County, Virginia, p. 55.
10 Ibid.
Mason, advocated rather extreme measures such as a complete stoppage of trade, the closure of courts, and non-payment of British debts. The familiar "James River crowd," with Edmund Pendleton, Peyton Randolph, and Thomas Nelson, Jr., tended to support continued exportation and the payment of debts.\textsuperscript{11} Braxton was found in the latter group not only by force of habit, but also because he undoubtedly desired to profit from the tobacco crop of that year and, like a dedicated merchant, hesitated to see his credit ruined.

Despite these differences, the convention was able to arrive at a united stand by means of compromise. It agreed to the call for a general congress to consider the best method to obtain redress for Massachusetts and combat arbitrary taxation, but also expressed an "earnest desire . . . to make as quick and full payment as possible of our debts to Great Britain."\textsuperscript{12} It expanded the Association by recommending that non-importation begin after November 1, 1774, but held non-exportation in reserve, to be used only if a settlement of grievances was not obtained before August 10, 1775.\textsuperscript{13} In selecting delegates to the Congress, the convention included men of both camps.\textsuperscript{14} Of the seven men chosen for the mission, Braxton certainly preferred Richard Bland, Peyton Randolph, Benjamin Harrison, and Edmund


\textsuperscript{12} \textit{American Archives}, Fourth Series, I, 686-690; \textit{Virginia Gazette} (Furdie and Dixon), August 11, 1774.

\textsuperscript{13} \textit{Ibid.}

\textsuperscript{14} \textit{Ibid.}

It has been asserted that Braxton was the leading force in the Convention of 1774 behind the resolution to support the convening of the First Continental Congress. Douglas S. Freeman, in a biographical sketch of Braxton, wrote that "it was on his motion, in August, 1774, that Virginia moved the convocation of a general congress of the colonies." Freeman cited no evidence for this statement, but it was used by William Chace in his Master's thesis on Braxton as the basis for the extravagant claim that "when the Continental Congress first met in September, 1774, they had been literally called together by the voice of Carter Braxton." However, there is absolutely no evidence to prove that Braxton made the motion, and Freeman, himself, in his biography of Washington (written over forty years later) makes no mention whatsoever of the event. Due to the lack of any conclusive proof to the contrary, then, it must be concluded that Braxton played his usual passive role.

Braxton was also a delegate to a second convention, which met at St. John's Church in Richmond from March 20, 1775 to March 27, 1775. This convention was reluctantly called by Peyton Randolph.


16 Chace, p. 20.


because Governor Dunmore kept postponing the convening of the House of Burgesses. The House elected in the summer of 1774 was originally to meet on August 11, 1774, but, because of Dunmore's expedition against the Indians, it was prorogued four times until the first Thursday of February, 1775. 19 Then, in January, Dunmore, hesitant to meet with the disgruntled Burgesses, prorogued the House once again until May. 20 This last delay was too much, for Virginia, according to a resolution of the First Continental Congress, had to select delegates to a second Congress to meet in May, 1775. 21 Thus, in the absence of a legal assembly, another extra-legal body was resorted to.

From all indications, Braxton did not play an active role in the March Convention. He received no committee appointments, and his name is missing from all private and public accounts of the controversial proceedings. It can be assumed, however, that he continued to support his old allies against their opponents, chief of whom at the Convention was Patrick Henry. Henry introduced a resolution calling for the colony to arm itself in preparation for war and, during the ensuing debate, defended the proposition with his famous


20 Ibid., p. 169. The House subsequently was prorogued once more until the first Thursday in September, but was called into session earlier on June 1, 1775. Ibid., pp. 170-171.

"give me liberty or give me death" speech. 22 The resolution, supported by Jefferson, Washington, and Richard Henry Lee, was opposed by such men as Robert Carter Nicholas, Edmund Pendleton, Benjamin Harrison, and Richard Bland on the grounds that many counties were already raising troops and nothing but an intensification of the crisis would be gained by making such military maneuvers a matter of public record. 23 Nevertheless, Henry's oratory had its effect, and the resolution was passed by the narrow margin of 65-60. 24 Given Braxton's political connections, there is little doubt that he voted with the minority. Before the Convention adjourned, they also resolved to suspend the administration of justice and re-elected to Congress the same seven delegates who had previously served. 25

From the beginning of his political career through the March Convention of 1775, Carter Braxton was a relatively minor figure in Virginia politics. High in the social hierarchy of his colony and great in political potential, he had nonetheless remained in the background. Although present at most of the legal and extra-legal assemblies and conventions, his voice was seldom heard. His political allies, who were generally in control of the colony's affairs, relied

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23 Henry, Patrick Henry, I, 258; Mays, Pendleton, II, 4-6.

24 James Parker to Charles Stuart, April 6, 1775, Magazine of History, 1906, III, 158.

upon him more for support than for effective and imaginative leadership. However, events and circumstances were soon to change all this and catapult Braxton into the forefront of the Revolutionary movement in Virginia. Almost before he realized what was happening, he was to find himself deeply involved in positions of great responsibility which would require a dedication to public affairs that had heretofore been foreign to his experience and counter to his inclinations.

The first and most important such event occurred on April 20, 1775. Late that night, on orders from Governor Dunmore, the commander of the British naval vessel, Magdalen, had his men remove fifteen kegs of powder from the public magazine at Williamsburg and carry it back to the ship.\(^{26}\) Outraged reaction spread quickly throughout the colony, and men began assembling for an armed march on Williamsburg, convinced that Dunmore was attempting to disarm the colony for complete subjection to British tyranny. In the capital city itself, an aroused citizenry was pacified by Peyton Randolph and other leading gentry, who then approached the Governor for an explanation. Dunmore explained that he had been told a slave insurrection in a neighboring county was endangering the security of the magazine and promised to return the powder at once should it be needed.\(^{27}\) The report of an insurrection proved to be unfounded, and the Governor's motives were further suspected when he threatened to free the slaves and "reduce

\(^{26}\) *Virginia Gazette* (Dixon and Hunter), April 22, 1775.

\(^{27}\) *Ibid.*
the city of Williamsburg to ashes" if the colonists reacted with violence. 28

Meanwhile, some fourteen companies of light-horse continued to assemble at Fredericksburg. 29 They were dissuaded from marching, however, by the colony's leaders. On April 27, Peyton Randolph, writing for himself and the corporation of the city of Williamsburg, sent a letter to Fredericksburg via Mann Page, Jr., in which he related Dunmore's explanation and expressed the opinion that the Governor intended to return the powder but "will not be compelled to what we have abundant reason to believe he would cheerfully do, were he left to himself." 30 After writing the letter, Randolph left for Pendleton's home in order that the two could journey to Philadelphia together for the meeting of the Second Continental Congress. Before leaving for Philadelphia, Randolph and Pendleton, on April 29, composed another letter to the Fredericksburg troops urging caution. 31 Although not generally in agreement with the above two men, George Washington and Richard Henry Lee also counseled restraint. 32 Thus, Virginia's most prominent leaders of whatever political grouping were opposed to a

28 Journals of the House of Burgesses, 1773-1776, p. 231.


30 Peyton Randolph to Mann Page, Jr., April 27, 1775, Lee Family Papers, University of Va., Charlottesville, Va.


military response to Dunmore's seizure of the powder and subsequent threats, at least until Congress had time to deliberate upon the matter. As a result of such advice, the men at Fredericksburg decided to return to their homes.  

There was one important exception to the general consensus of moderation. Patrick Henry, no doubt spurred on by the failure of the Fredericksburg troops to act and by the account of Lexington and Concord published in the *Virginia Gazette* for April 29, set out for Williamsburg from New Castle on May 2 at the head of Hanover County's volunteer company.  

His intent was either to force the return of the powder or obtain compensation for it. Acquiring additional men on the way, Henry's force of over 150 men arrived the next day at Doncastle's Ordinary, a few miles from Williamsburg. News of the impending arrival of the armed company alarmed Governor Dunmore, who set up cannon along with forty sailors and marines before the Governor's Palace and dispatched his family to the safety of the British vessel *Fowey*, the captain of which promised to shell Yorktown should violence erupt in Williamsburg. Fortunately for all concerned, a serious clash was averted when, on May 4, the Receiver General, Richard Corbin, provided Henry with 330 pounds sterling as compensation for the gunpowder.  

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34 *Tyler, Patrick Henry*, p. 159; *Henry, Patrick Henry*, I, 279-280.

35 *Virginia Gazette* (Furdie), May 5, 1775.


That a peaceful settlement was possible under such explosive conditions was due in large part to the efforts of Carter Braxton, who served as the intermediary between his father-in-law Richard Corbin and Patrick Henry. An interesting account of what transpired was published in 1816 by the historian Louis Girardin. Girardin bases his narrative on details supplied by Braxton's widow, who "had no doubt often heard her husband recount his interviews with Patrick Henry."38 Girardin relates that Braxton, prior to meeting with Henry at Doncaster's Ordinary on May 3, had been present at Pendleton's home when Randolph and Pendleton drew up their joint letter dispersing the troops at Fredericksburg, and then states that

upon the strength of this precedent, he [Braxton] supposed that he could persuade Mr. Henry to do the same by his men - but Mr. Henry insisted upon it that the money should be returned before he would disband his troops. Upon this, Mr. Braxton proposed to go to Colonel Corbin if Mr. Henry would remain quiet at Doncaster's until his return. Mr. Braxton recalled to the recollection of Mr. Henry the many innocent persons who would suffer by his precipitate entrance into Williamsburg, as Dunmore had planted cannon at his palace, with a determination to fire on the town, the very moment that one hostile Virginian should enter it, while, at the signal of this event, the men of war lying at York had also determined to perpetrate the same atrocity. At last, Mr. Henry agreed to remain at Doncaster's and negotiate through the medium of Mr. Braxton. The latter accordingly repaired to the receiver general at Williamsburg, who informed him that he had lent what money there was in the office to Mr. Nicholas, the treasurer, but that to pay Henry's demand, he would give an order on Nicholas. Mr. Braxton replied that Mr. Henry preferred a bill, which the receiver declining to give, Mr. Nelson [Thomas Nelson] gave a bill on Philadelphia, and took the order on the treasurer for payment. Mr. Braxton and Mr. Nelson then returned to Mr. Henry at Doncaster's and with much difficulty prevailed upon him to take the bill as a payment for the powder, and disperse his

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his men to their several homes.\textsuperscript{39}

Girardin's account of the affair cannot be trusted completely, for Mrs. Braxton's memory of her husband's version is likely to have been somewhat faulty and biased in his favor, especially after thirty-five or forty years. Another account, also written many years after the event, was left by Henry's brother-in-law, Samuel Meredith, and can be utilized to balance Girardin.\textsuperscript{40} According to Meredith, who had been with Henry at Doncastle's Ordinary and had witnessed the interview between Braxton and Henry, the negotiations were not initiated by Braxton at all, but by Robert Carter Nicholas, who sent two separate messengers to Henry in an attempt to dissuade him and to discover his intentions. Henry informed Nicholas that he would settle for compensation based upon a valuation of the powder. It was soon after this information had been conveyed to Williamsburg that Braxton made his appearance at Henry's camp. But, unlike Girardin, Meredith leaves the impression that the visit was not Braxton's idea. Instead, Braxton was acting as an agent of Richard Corbin, who had sent his son-in-law, equipped with bills drawn by Corbin on Hanberry of London, "to make satisfaction for the military stores according to their valuation."\textsuperscript{41}

However, Henry was not yet ready to cooperate. He refused to accept Corbin's bills, even after Braxton offered to endorse them. Not until Braxton secured the additional endorsement of Thomas Nelson did

\textsuperscript{39}Ibid., pp. 13-14.

\textsuperscript{40}The Meredith document is published in George Morgan, \textit{The True Patrick Henry} (Philadelphia: J. B. Lippincott Co., 1907), pp. 205-207.

\textsuperscript{41}Ibid., p. 206.
Henry accept the bills. The reasons for Henry's obstinacy are given in Meredith's own words, written in the third person:

P. H. told Mr. Braxton that Dunmore had already gone on board the man-of-war, and was ready to protect and carry off any person or persons friendly to his views; that Corbin, his father-in-law, was agent of the Crown, and he, C. B., was the agent of Corbin, giving him thus clearly to understand that he was fearful the drawer and endorser of the bill might disappear with Dunmore; and thus the main object of the volunteers . . . would be defeated. Colonel Meredith is positive that the cool treatment Braxton received from P. H. arose altogether from suspicions entertained of B. by P. H., and that his suspicions had been excited by no other cause than the near connection existing between Braxton and Colonel Corbin . . . P. H., in a private conversation with S. Meredith, after C. Braxton retired, did not hesitate to declare to him the reason of his conduct towards Braxton and the nature and cause of his suspicions. He informed Mr. B. before he retired that he would take as endorser any responsible character of known attachment to the Revolutionary cause. On Carter B. mentioning Colonel Nelson, P. H. said he would receive him very willingly. Some time after, Colonel Nelson arrived at Doncastle's. Mr. B. was with him . . . The bills were endorsed by Colonel Nelson, received by P. H., and the troops, except the Hanover volunteers, dismissed.42

The Meredith account is probably more factually accurate than that presented by Girardin. For example, Girardin states that the bills received by Henry were Nelson's; whereas, Meredith maintains that they were drawn by Corbin and endorsed by Braxton and Nelson. Henry's receipt for the bills indicates that, in fact, they did come from Corbin.43 Also, Meredith's treatment, by assigning Braxton a secondary, although important, role seems to be more in harmony with Braxton's public character as revealed by his previous activities than does Girardin's, which attributes to Braxton qualities of initiative and statesmanship inconsistent with his past career. It is much more

42 Ibid., p. 207.
43 American Archives, Fourth Series, II, 540.
likely that Braxton was simply an agent of Corbin rather than the motivating figure behind the entire negotiations. Finally, Meredith surpasses Girardin in portraying the political realities of Revolutionary Virginia. Henry's distrust and suspicion of Braxton were quite consistent with the long-standing conflict between the political alliances to which each belonged. Braxton's previous close association with John Robinson and his family ties to Corbin would make him especially repugnant to Henry. Furthermore, it is quite probable, given Braxton's superficial involvement in the growing protest against British authority in Virginia, that Henry really did have little or no idea of where Braxton stood in the controversy.

Nevertheless, Girardin's account, distorted as it may be, does have value, for it provides an indication of the contemporary interpretation given to Braxton's actions. After all, he did perform a vital function by arranging the procedure which convinced Henry to accept Corbin's bills of exchange. In so doing, Braxton fulfilled the desire of the majority of the colony's political leaders by contributing to the preservation of peace and also served the Revolutionary cause by aiding indirectly in the effort to obtain compensation for the confiscated powder. Indeed, the tendency throughout the colony was to give him major credit for the peaceful resolution of the crisis, as indicated by an article in the Virginia Gazette which emphasized his role in saving the peace.\footnote{Virginia Gazette (Purdie), May 5, 1775.} The net result of the episode was to give an enormous boost to Braxton's reputation and to insure for him a
prominent place in the ranks of Virginia's Revolutionary personalities.

That the powder controversy served as a turning point in Braxton's political career can be shown by examining his unprecedented activity in the House of Burgesses during its final session of June 1 to June 24, 1775, nearly a year since the election had been called.\footnote{See pages 51-52.} He was appointed to the same three standing committees on which he had served in previous assemblies (Religion, Trade, and Propositions and Grievances), and also served as usual on a few special committees dealing with minor matters.\footnote{Journals of the House of Burgesses, 1773-1776, pp. 180, 237.} However, a number of his committee appointments clearly demonstrate the higher standing which he now enjoyed in the legislature. Twice in one week he was made chairman of a committee to draw up a bill, after which he brought the respective bills to the floor of the House where he steered them through the various readings.\footnote{One bill provided for the appointment of an Agent (Journals of the House of Burgesses, 1773-1776, pp. 217, 225, 226), and the other concerned the sale of the glebe of St. John's Parish in King William County (Ibid., pp. 219, 237, 249).} This compares with his previous ten years as a Burgess, during which time he never chaired any committee, never reported a bill out of committee, and only once served on a committee to draw up a bill.\footnote{See page 35.} Also, Braxton, along with Robert Carter Nicholas, Richard Bland, and James Mercer, was appointed to manage an important conference with the Council concerning a bill naming commissioners to ratify the peace treaty which Dunmore had wrung from the Indians the
Braxton's primary contribution to the last session of the House of Burgesses was his role in the continuing struggle with Governor Dunmore. The powder incident was at the center of the conflict, and Braxton, no doubt because of his involvement, belonged to both of the special committees set up to investigate the affair. The first committee was appointed on June 5 "to inspect the public magazine in this city, and inquire into the stores belonging to the same." After obtaining the Governor's permission to enter the magazine, the committee made its investigation and reported back to the House on June 13 that Dunmore, in addition to taking the powder, had rendered the muskets useless by removing the locks and that the magazine would be suitable for use after minor repairs were made. Three days later, the House resolved to draw up an address to Governor Dunmore informing him of the report's conclusions, notifying him that the magazine had been repaired, and urging him to restore the colony's defenses. James Mercer, Archibald Cary, and Carter Braxton were appointed to prepare the address, which was submitted and approved the next day. Braxton was then placed on the committee to deliver the address to the Governor.

The second committee on which Braxton served was appointed on

49 Journals of the House of Burgesses, 1773-1776, p. 278.

50 Ibid., pp. 189-190.

51 Ibid., pp. 201, 223-224.

52 Ibid., pp. 245-246, 249-250.
June 10 "to inquire into the causes of the late disturbances and commotions."\textsuperscript{53} Four days later, the committee submitted a report which held that Dunmore himself was the primary cause of the unrest. By confiscating the powder under cover of night, threatening to free the slaves and destroy Williamsburg, and imagining great personal danger to himself and his family from county militias, he had completely misinterpreted the state of affairs and needlessly alarmed everyone. The report concluded by affirming the colonists' allegiance to the British constitution and maintained that "a redress of grievances would establish tranquility and produce a reconciliation."\textsuperscript{54}

The investigations in which Braxton participated resulted in a decision made by a committee of the whole house on June 15 to compose an address to the Governor based upon the report of the Magazine Committee, the report of the Disturbance Committee, and a letter of December 24, 1774 from Dunmore to the Earl of Dartmouth.\textsuperscript{55} Occupying nine pages of the Journal, this address appeared before the House on June 19 and consisted of a lengthy justification of Virginia's dissatisfaction with Dunmore. It ranged over the entire list of grievances, accused the Governor of misrepresenting the intentions of the colonists, and concluded by calling upon Dunmore "to advise with your proper and constitutional Council in all matters of importance,\textsuperscript{56}"

\textsuperscript{53}Ibid., pp. 216-217.

\textsuperscript{54}Ibid., pp. 231-236.

\textsuperscript{55}Ibid., pp. 240-241. Dunmore's letter to Dartmouth denounced the colonists as lawless, disunited, and self-serving, \textit{Virginia Gazette Supplement} (Dixon and Hunter), April 29, 1775.
and not suffer yourself to be influenced by designing men."\textsuperscript{56} The House accepted the address \textit{nemine contradictente}, and Braxton was among those selected to deliver it to the Governor.\textsuperscript{57}

Braxton was also involved in matters not directly related to his work on the above-mentioned committees. On June 6 a copy of the Council proceedings was placed before the House concerning a rumor that Dunmore had ordered marines and sailors to occupy the Governor's Palace. Alarmed by the implications of this development, the Council had sent Richard Corbin and Robert Carter to the Governor, who denied giving any such orders or having any intention of doing so.\textsuperscript{58} Nevertheless, the mere existence of the rumor served to advertise the vulnerability of the public magazine; therefore, Braxton was ordered to notify Captain James Innes of the volunteer company of Williamsburg that he was to employ sufficient men to protect the remaining supplies within the magazine.\textsuperscript{59} Two weeks later, Braxton was again sent to Innes to thank him for carrying out his assignment.\textsuperscript{60}

Another event which greatly increased the tension between the legislature and Governor Dunmore was the latter's flight from Williamsburg on June 7 to take up residence on board the \textit{Fowey} at Yorktown because he felt conditions at the Palace were unsafe.\textsuperscript{61} Frequent

\textsuperscript{56}Journals of the House of Burgesses, 1773-1776, pp. 253-262.

\textsuperscript{57}Ibid., p. 262.

\textsuperscript{58}Ibid., p. 198.

\textsuperscript{59}Ibid.

\textsuperscript{60}Ibid., p. 271.

\textsuperscript{61}Ibid., p. 206.
exchanges took place between the two sides, but nothing was accomplished. The Governor refused to return to Williamsburg, restore the powder, or meet any of the colonists' demands; and the legislature refused invitations to meet with Dunmore at Yorktown and accused him of violating the constitution.62 By June 24, 1775, it was evident that a stalemate had been reached, and the House of Burgesses adjourned itself, never to meet again.63

Carter Braxton was a prominent figure in these fruitless negotiations, since he was on six of the eight delegations which the House dispatched to the Fowey to deliver its addresses.64 This role of messenger was an important one if the Governor was to be persuaded to return to the capital city, and Braxton appeared to have the proper qualifications to impress him favorably. Dunmore undoubtedly knew and probably respected him, given his position among the social elite of the colony and his relationship to Richard Corbin. More importantly, his part in restraining Patrick Henry's march on Williamsburg had given him the reputation as a successful mediator whom Dunmore was not likely to associate with violence, disorder, and radicalism. To send such a

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63 Ibid., p. 283.
64 On June 8 he delivered a House address urging Dunmore's return (Ibid., p. 208); on June 12, the answer to Lord North's plan of reconciliation (Ibid., p. 221); on June 17, two House addresses seeking redress of grievances (see pages 62-63) and one joint address from the House and Council asking that Palace arms be moved to the magazine (Journals of the House of Burgesses, 1773-1776, pp. 248, 250, 251); and on June 19, a House address defending the colonial position and seeking redress of grievances (Ibid., p. 262, see also pages 63-64).
person to the Powey as a representative of the legislature was bound to aid the negotiations.

The foregoing examination of Braxton's activity in the final session of the House of Burgesses reveals that his political career had suddenly undergone a remarkable transformation. For the first time, he found himself eligible for inclusion in the first rank of Virginia's public servants.65 Without a doubt, the prestige gained from his experience at Doncastle's Ordinary was the primary reason for Braxton's new role. The most important business of the Assembly was connected, either directly or indirectly, with the powder controversy, thus it is not surprising that Braxton was included in the deliberations. In addition, his new prestige entitled him to a more responsible involvement in routine legislative matters. No longer was there any doubt about his loyalty to the colonial cause or his ability to participate competently in the Revolutionary movement within his colony.

Braxton's efforts in the House of Burgesses increased confidence in his usefulness and won for him additional honors in the two conventions which comprised the effective government of Virginia for the remainder of 1775. Indeed, the contrast with the previous conventions, in which he apparently did little more than attend, is great. In the Convention which sat from July 17 to August 26, he was placed on the important committee responsible for raising and organizing "a sufficient armed force ... for the defense and protection of this colony," and was included on a committee to investigate an election.

in Berkeley County. He was not among those chosen on August 11 to represent Virginia in the Continental Congress, but when Richard Bland refused his appointment, Braxton failed by only one vote to replace him, losing to Francis Lightfoot Lee. One of the most important actions of the July Convention was to establish an executive body for the interim Government, the Committee of Safety, charged with directing the colony's military forces, commissioning officers, providing supplies, etc. That Braxton was one of the eleven men elected to the Committee of Safety on August 17 indicates the enhanced political status which he now enjoyed.

In the next convention, which lasted from December 1, 1775 to January 20, 1776, Braxton continued to participate actively. He was placed on the committee to consider the November 7 proclamation of Governor Dunmore, which declared martial law and freed the slaves of anyone who refused to bear arms under the royal standard. He also

66 The Proceedings of the Convention of delegates for the counties and corporations in the Colony of Virginia, held at Richmond Town, in the county of Henrico, on Monday the 17th of July, 1775 (Williamsburg: Alexander Purdie, 1775), pp. 7, 8.

67 Ibid., pp. 27, 33.

68 Statutes at Large (Hening), IX, 49.


70 The Proceedings of the Convention of delegates held at the town of Richmond in the Colony of Virginia, on Friday the 1st of December, 1775, and afterwards, by adjournment, in the city of Williamsburg (Williamsburg: Alexander Purdie, 1776), p. 6.
chaired two important committees, one related to the manufacture of salt and the other to establish "a certain mode of punishment for the enemies of America," and served on two committees to investigate elections. However, as far as Braxton was concerned, the most significant event of the December Convention occurred on December 15 when he was elected to the Continental Congress to fill the vacancy left by the death of Peyton Randolph.

Braxton's election to Congress climaxd a very successful year for his political career. In the early months of 1775, he was a relatively minor figure whose exact sentiments regarding the differences with the mother country were unknown even in his own colony, but by the end of the year, he was preparing to depart for Philadelphia to join the most influential leaders of Colonial America in determining a united stand against Great Britain. The most noteworthy characteristic of this rapid rise to glory was that he had done nothing particularly outstanding to deserve it. Neither bold action, stirring oratory, persuasive penmanship, nor an ability to handle complex legal and constitutional questions can explain Braxton's good fortune. Instead, the reason behind his sudden popularity was nothing more than his success in serving the ends of his powerful political friends. And this success was not necessarily the conscious achievement of a driving political ambition, but resulted more from a favorable combination and accumulation of circumstances.

71 Ibid., pp. 4-5, 67-68, 76.
72 Ibid., pp. 18-19.
Braxton had always supported the powerful politicians from the James River area against challenges to their dominant position - challenges which often involved Patrick Henry. After the powder crisis, in which Braxton's part in restraining Henry bolstered the predominant belief in tactics of moderation and conciliation, it appeared to men like Peyton Randolph, Speaker of the House of Burgesses, that Braxton's services could be utilized more extensively in the attempt to maintain the stability of Virginia's political structure and to preserve the power balance intact. After all, Braxton was one of the wealthiest and most firmly established planters in Virginia society and could therefore be relied upon to attract a significant following. Consequently, he was favored with many important assignments in the subsequent meeting of the House of Burgesses, where a satisfactory performance of his assigned duties gained him additional respect. Throughout this process, he continued to reflect the majority hope for peaceful reconciliation, but he also was inevitably becoming more deeply involved in the machinery which was shortly to effect the Revolutionary withdrawal from the British Empire.

Braxton's increased involvement in Virginia politics carried over into the July Convention and resulted in his election to the Committee of Safety, headed by Edmund Pendleton. Here too, he distinguished himself by following the lead of his more prominent allies (in this case Pendleton), thus helping to entrench the more moderate political forces in power. An example of Braxton's performance on the Committee of Safety concerns Patrick Henry once again. The July Convention had made Henry Commander-in-Chief of Virginia's military forces,
but when the Committee of Safety felt it necessary to send a regiment to Norfolk in the autumn of 1775, Henry was passed over and the assignment given to William Woodford.73 George Morgan, in his biography of Patrick Henry, maintains that Braxton was responsible for this disregard of Henry's military authority and was simply getting even for the rude treatment he received at Doncaster's Ordinary; however, as David Mays points out, it is doubtful that Braxton held that much strength in the Committee.74 A more credible interpretation is that Pendleton was the dominating personality and won over the rest of the Committee not only for political reasons but also because of Henry's lack of military experience. At any rate, Braxton maintained his customary allegiance with predictable results for his political future.

Braxton's election to Congress, then, was more a result of proven political loyalties than of exceptional accomplishment. The delegation elected on August 11, 1775, was fairly evenly balanced between the two main political groupings, the old guard being represented by Peyton Randolph, George Wythe, and Richard Bland and those of a less cautious persuasion by Richard Henry Lee, Thomas Jefferson, and Thomas Nelson, Jr.75 But when Bland refused the appointment, a very close contest ensued between the two groups for his replacement. George Mason reported that "a strong party was formed, at the head of

73 Pendleton, Letters and Papers, I, 122-123. The order was signed by Edmund Pendleton, John Page, Richard Bland, Dudley Digges, William Cabell, Carter Braxton, and John Tabb.
74 Morgan, pp. 221-222; Mays, Pendleton, II, 55.
75 The Proceedings of the Convention...of July, 1775, p. 27.
which were Col. Henry, Mr. Jefferson and Col. Carrington, for sending me to the Congress at all events," but Mason declined and recommended that they push Francis Lightfoot Lee instead.\textsuperscript{76} The moderates supported Braxton but lost by one vote.\textsuperscript{77} Thus, after the death of Peyton Randolph, it was especially important for the moderates to elect one of their own if they were to maintain a significant voice in the delegation. Braxton, who had proven he could attract a large number of votes, was their choice - a man of the highest social standing in the colony who could be depended upon to carry on in the Randolph tradition. That he was selected to provide a moderating balance in the Virginia delegation is indicated by a letter of March 15, 1776 written by Joseph Reed to George Washington: "It is said the Virginians are so alarmed with the idea of independence, that they have sent Mr. Braxton on purpose to turn the vote of that colony, if any question on that subject should come before Congress."\textsuperscript{78} The question that now arises is whether Braxton could retain his popularity when the forces of moderation surrendered to a sentiment favoring independence.

\textsuperscript{76}George Mason to Martin Cockburn, August 22, 1775, quoted in Kate M. Rowland, The Life of George Mason, 1725-1792 (New York: G. P. Putnam's Sons, 1892), I, 206.

\textsuperscript{77}See page 67.

\textsuperscript{78}Writings of Washington, IV, 455.
CHAPTER IV

INDEPENDENCE

When Carter Braxton presented his credentials and took his seat in the Second Continental Congress on February 23, 1776, the war with Great Britain was well under way. Congress had been in session since May 10, 1775 and had assumed the responsibility for the successful prosecution of the war. A continental army had been organized with George Washington in command, paper currency had been issued, requisition quotas for the various colonies to supply men and money had been established, and important committees had been appointed to correspond with the friends of America and to arrange for the importation of the materials of war. In short, the extra-legal assembly which Braxton entered had acquired much of the character of a national government but was handicapped by political differences, sectional rivalries, and a lack of clearly defined constitutional authority.

Because of the pressing urgency of supervising and coordinating

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the war effort, Congress wasted no time in putting the new member from Virginia to work. On the very day of his arrival, Braxton was chosen as the sole representative of his colony on a committee "to consider of further ways and means of promoting and encouraging the manufacture of salt-petre, sulphur, and gunpowder." During the next five months of his service in Congress, he continued to be fairly active in committee work pertaining to the political, economic, and military administration of the Revolution. A brief summary of his committee activities will provide an indication of his contribution and reveal the diversity of issues with which he was concerned.

Nearly half of Braxton's committee assignments involved the tedious task of examining and evaluating correspondence relating to routine military matters. On March 1, George Wythe, Braxton, and Benjamin Franklin comprised a committee to examine a letter from the New Hampshire Committee of Safety and to consider a petition from the same colony asking that a regiment be stationed at Portsmouth. He was at the head of a three man committee set up on April 12 to consider a petition from Colonel James Easton. On April 18, letters from George Washington, Rev. Samuel Langdon, and James Warren, the paymaster-general, were referred to George Read, George Clinton, and Braxton; and four days later, more letters from General Schuyler, General Washington, the Maryland Committee of Safety, the committees

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3 Journals of the Continental Congress, IV, 176.

4 Ibid., p. 179; Letters of Members (Burnett), I, 378.

of inspection at West Augusta and Lancaster, Dr. Robert Boyd, and the commissioners going to Canada were handed to a committee composed of Richard Henry Lee, John Adams, John Jay, Braxton, and Thomas Johnson. On May 7, Braxton was placed on a committee with Samuel Adams and James Duane to examine letters from Washington, John G. Frazer, prisoners at Hartford, and Le F. of St. Eustace.

Finally, on June 4, a petition from Colonel Turbutt Francis was turned over to Joseph Hewes, Benjamin Harrison, William Livingston, George Wythe, Robert Livingston, Thomas Lynch, and Carter Braxton.

Besides being occupied with these tiresome but necessary duties, Braxton also participated in matters of more obvious importance. He aided in the effort to suppress Loyalist activities by chairing a committee of three, including John Jay and George Wythe, appointed "to bring in a resolution, whereby persons resident, having property in America, who assist any of the enemies of these United Colonies in the captures of vessels or goods, may be made liable to make good the damage to the sufferers." He assisted in the attempt to solve financial problems by serving on a committee to combat the counterfeiting of continental bills of credit and on a committee charged with the difficult task of raising ten million dollars. Another assignment

6 Ibid., pp. 291, 298.
7 Ibid., pp. 330-331.
8 Ibid., p. 415.
9 Ibid., p. 284.
10 Ibid., IV, 321, V, 423.
consisted of membership on a committee consisting of one representa-
tive from each colony "to consider of ways and means of establishing
expresses between the several continental posts."\textsuperscript{11} Also, he was
chairman of a three man committee, including James Wilson and Ben-
jamin Harrison, "to settle a cartel for exchange of prisoners" and
served on one other such committee.\textsuperscript{12}

Braxton's contributions to the work of Congress consisted al-
most entirely in his committee activities. Very rarely did he exert
himself on the floor in support or in opposition of a particular
measure. Indeed, the only evidence of Braxton participating in the
debates of Congress is in notes kept by John Adams and concerns the
deliberations of a committee of the whole on John Dickinson's plan
for Articles of Confederation.\textsuperscript{13}

The most significant step taken by the Continental Congress
while Braxton was included in its membership was to declare indepen-
dence from Great Britain. Although Braxton eventually lent his sup-
port to the movement and signed the Declaration, he did so reluctantly
and with great hesitation. Not only did his nature resist any alter-
ation of the established order, but his political career owed its rise
to his allegiance to a policy of moderation and reconciliation, and
he had been sent to Philadelphia to strengthen that policy. But

\textsuperscript{11} Ibid., V, 419.
\textsuperscript{12} Ibid., pp. 446, 530.
\textsuperscript{13} John Adams, Diary and Autobiography of John Adams (ed. by
Lyman H. Butterfield, Cambridge, Mass.: Harvard University Press,
1961), II, 243. For Braxton's views on a confederation, see
pages 80, 82-83, 87-89.
sentiment throughout the colonies was changing, especially since the publication of Thomas Paine's *Common Sense* on January 9, 1776 and Parliament's passage of the American Prohibitory Act, a copy of which was placed before Congress in late February of 1776. Because of these and similar events, an increasing number of individuals became advocates of independence. As early as April 12, 1776, John Page informed Richard Henry Lee that in Virginia "almost every man, except the Treasurer [Robert Carter Nicholas] is willing to declare for independency," and even such firm allies of Braxton as Edmund Pendleton and Landon Carter were beginning to relax their resistance to a separation by May, although the latter continued to attack *Common Sense* for its excessive exuberance.  

Braxton was confused by this shift in opinion. He had never devoted much serious thought to political and constitutional matters; instead, he had always accepted the system as it was and had worked

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14 For a discussion of the effect of *Common Sense*, see Jensen, *The Founding of a Nation*, pp. 667-669. Also, Washington, in a letter to Joseph Reed on April 1, 1776, stated that "by private letters, which I have lately received from Virginia, I find *Common Sense* is working a powerful change there in the minds of many men." *Writings of Washington*, IV, 454.


within it, gradually entrenching himself in the dominant power group in his colony and thereby finding himself drawn into the Revolutionary struggle with the mother country. Still, there was always the hope that, once the specific grievances were settled, things would eventually return to normal. By the spring of 1776, however, it was not enough merely to support the efforts of his political clique to restore a former condition. Relatively isolated from political trends at home, Carter Braxton was now forced to make a decision of the greatest importance involving a fundamental change in the institutions with which he had always identified and which he had never questioned. His reaction was first to entertain doubts and misgivings, then to postpone the decision by attaching conditions, and finally to accept independence as a fact of American life.

The progression of Braxton's thoughts on separation from Great Britain is revealed in two letters to Landon Carter and in his published pamphlet, Address to the Convention of the Colony and Ancient Dominion of Virginia. In the first letter, written on April 14, 1776, he indicated feelings of confusion and inadequacy, expressed a desire for advice, and hinted that he feared he might be losing support at home:

In this much elevated station to which I feared I was unproperly called by my country, it has been my desire to seek the advice and opinion of my friends that I might with better judgment determine on the important matters that daily occur. In this number Nature gave me a right to rank you and my knowledge taught me to expect your wisdom and experience would be a luminary in the present maze of politics, the intricacies and windings of which I own often puzzles my understanding. To assist in finding a clue by which my country may be safely and honorably directed through this labyrinth shall be my peculiar study and attention. If in this pursuit I differ in sentiment
with some of my countrymen, I flatter myself their charity will prevent any injurious imputations on the motives that influence my actions. 17

In referring to independence in the April 14 letter, Braxton took a rather ambivalent position. He warned that "it is in truth a delusive bait which men inconsiderately catch at, without knowing the hook to which it is affixed," but he immediately qualified this statement by asserting that "it is an object to be wished for by every American, when it can be obtained with safety and honor." 18 He then proceeded to enumerate the conditions necessary to insure America's "safety and honor" and maintained that when the prerequisites were met, "then am I for an independent state and all its consequences, as they will I think produce happiness to America." 19 However, he could still feel safe, for he saw little chance that the necessary conditions would be met in the foreseeable future and expressed confidence that most others felt as he did. Thus, before mentioning the benefits of a proper separation, he stated, probably hopefully, that "upon reviewing the secret movements of men and things I am convinced the assertion of independence is far off." 20

The conditions which Braxton felt must exist prior to a declaration of independence were three in number. First, all possibilities of a negotiated reconciliation must be exhausted, and one avenue still


18 Ibid., p. 298.

19 Ibid., p. 302.

20 Ibid.
remained open. The American Prohibitory Act, besides attempting to bring America to her knees, also contained a provision authorizing the King to appoint commissioners to come to America, and before breaking away from the British Empire, the colonies should "await the terms offered by commissioners." Braxton's hope, of course, was that the commissioners would arrive soon and present terms acceptable to both sides, thus eliminating the necessity for independence. The chances of such an occurrence, unfortunately, were extremely remote, for the act specifically stipulated that the commissioners, if even appointed, would be empowered only "to receive submissions and grant pardons" and not to direct flexible negotiations. Nevertheless, hope was kept alive by rumors that commissioners were on the way, and a delay in making the fateful decision could thus be justified.

The second condition concerned the ability of the American colonies to stand alone against Britain. Braxton felt that an alliance with a naval power was absolutely essential for success. Moreover, if America's integrity was to be preserved, such an alliance should be concluded before independence was declared - particularly if the ally was to be the most likely candidate, France, of which Braxton was deeply suspicious. According to the April 14 letter,

22 Braxton to Carter, April 14, 1776, Lee Transcripts, Virginia Historical Society, IV, 298.
24 Ibid.
America is in too defenseless a state for the declaration, having no alliance with a naval power nor as so essential to the prosecution of the war, without which I know we cannot go on much longer. It is said by the advocates for separation that France will undoubtedly assist us after we have asserted. Would such a blind precipitate measure as this be justified by prudence, first to throw off our connection with Great Britain and then give ourselves up to the arms of France? Would not the Court so famous for intrigues and deception avail herself of our situation and from it exact much severer terms than if we were to treat with her beforehand and settle the terms of any future alliance.²⁵

Finally, Braxton was convinced that independence should be preceded by the formation of "a grand continental league . . . and a superintending power also . . . sufficient to withstand the power of Great Britain or any other."²⁶ Moreover, the establishment of a confederation would prevent the colonies from fighting among themselves after British rule was overthrown. Border claims, differences in ideology, "and a variety of other matters" divided the colonies, and if a central government were not provided for, "the Continent would be torn in pieces by intestine wars and convulsions. Previous to independence all disputes must be healed and harmony prevail."²⁷

Also in this same letter to Landon Carter, Braxton revealed his reluctance to join the movement for independence by attacking the motives of many of the proponents of separation. Provincial in his loyalties and elitist in his outlook, he listened with apprehension to the rhetoric about human rights and equality, much of which came from

²⁶Ibid., pp. 297-302.
²⁷Ibid.
the New England delegates. These leveling theories were repugnant to
the Virginia aristocrat, who desired nothing more ardently than a
restoration of former conditions and a return to business as usual.
He was therefore suspicious of those who rejected reconciliation and
accused them of using the Revolutionary struggle as an excuse for
overthrowing the proven principles of monarchy and replacing them with
the chaotic principles of democracy. In Braxton's view,

the truth of the matter is there are some who are afraid to
await the arrival of commissioners, lest the dispute should be
accommodated much against their will even upon the admission of
our own terms. For however strange it may appear I am satisfied
that the eastern colonies do not mean to have a reconciliation
and in this I am justified by public and private reasons. To
illustrate I will beg leave to mention them. Two of the New
England colonies enjoy a government purely democratical the
nature and principle of which both civil and religious are so
totally incompatible with Monarchy, that they are ever living in
a restless state under it. The other two though not so popular
in their frame bordered so near upon it that monarchical in-
fluence hung very heavy on them. The best opportunity in the
world being now offered them to throw off all subjection and
embrace their darling democracy they are determined to accept
it.  

Braxton's letter of April 14 miscarried in the colonial post,
thus he wrote again to his uncle on May 17, taking care this time to
dispatch the letter by private hands. This second letter repeats
the same three conditions described above, but without the protesta-
tions of doubt and uncertainty. Unaware that the Virginia Convention
had resolved two days before to instruct the delegates in Congress to

28 Ibid., pp. 300-301.

29 Braxton to Carter, May 17, 1776, Lee Transcripts, Virginia
Historical Society, IV, 303.
propose a separation, Braxton continued to hope for reconciliation at the hands of the still non-existent commissioners and to attack the advocates of immediate independence. Indeed, he now felt bold enough to include his political enemies at home with those from New England. In referring sarcastically to "the wise men of the East and some from the South," he no doubt had in mind his foe of many years, Richard Henry Lee, who had written to Landon Carter as early as April 1 in terms favorable to independence.

In his May 17 letter, Braxton was also more specific in spelling out his ideas regarding a confederation. He repeated his contention that "a continental league was surely indispensable and so was a union of the colonies," but he now went on to safeguard Virginia's interests by arguing in favor of proportional representation so that "the wealth of the great colonies might not be disposed of by men who represent scarcely any colony at all, and who with all the pedantic impudence will harangue us for hours upon their importance."


Despite his concern for his colony, however, he was still willing to allow the central government a fair degree of authority, including the power to regulate trade. Enclosed with the letter was a pamphlet written by Braxton which describes his views on colonial sovereignty versus central authority:

Let a Congress, therefore, be appointed, composed of members from each colony in proportion to the number of souls; to convene at any place that may be agreed upon, as often as occasion may require. Let them have power to adjust disputes between colonies, regulate the affairs of trade, war, peace, alliances, &c.; but they should by no means have authority to interfere with the internal police or domestick concerns of any colony; but confined strictly to such general regulations as, though necessary for the good of the whole, cannot be established by any other power.  

In addition to being more positive in his opinions regarding the prerequisites for independence, Braxton had changed his estimate of when an imperial rupture might occur. Just a month before, he was convinced that "the assertion of independence is far off," but now he was writing as if the dreaded step could not be postponed much longer. The event which changed his mind concerned the resolution of Congress on May 10, 1776 urging the individual colonies to establish new governments. He had no objection to the resolution itself, "as I had long foreseen the necessity of taking up government in our colony particularly," but he strongly disapproved of a preamble drafted by John Adams, Edward Rutledge, and Richard Henry Lee and

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34 American Archives, Fourth Series, VI, 753-754; Virginia Gazette (Dixon and Hunter), June 15, 1776.
attached to the resolution on May 15 after intense debate as being dangerously close to independence. The most controversial section of the preamble stated:

And whereas, it appears absolutely irreconcilable to reason and good conscience, for the people of these colonies now to take the oaths and affirmations necessary for the support of any government under the crown of Great Britain, and it is necessary that the exercise of every kind of authority under the said crown should be totally suppressed, . . . therefore, resolved, . . . .

Braxton's reaction to the adoption of the preamble and his opinion of the consequences thereof found full expression in the May 17 letter. The most important purpose of the letter was to convey you a very important declaration and recommendation from the Congress, which you will say falls little short of independence. It was not so understood by Congress but I find those out of doors on both sides the question construe it in that manner. The assumption of government was necessary and to that resolution little objection was made, but when the Preamble was reported much heat and debate did ensue for two or three days. At length, I think by 6 to 4, it was determined to be accepted and accordingly published. Maryland withdrew after having desired in vain a copy of the proceedings and their dissent; and gave us to understand they should not return nor deem our farther resolutions obligatory, until they had transmitted an account of their proceedings to their Convention and had their instructions how to act or conduct themselves upon this occasion. This event is waited for with impatience and while it is in agitation the assembly of this province will meet and it is not impossible but they may join in this extraordinary proceeding. What then will be the consequence God only knows.

It was seen and known that these and other colonies could not consist with their instructions come into this measure and all knew that they would be recalled if commissioners did not soon arrive or if when arrived their terms were not free and honorable. In this case America with one united voice would have joined hand in hand to repel the haughty invaders and to have rejected with disdain their future superiority. But the

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37 For a discussion of the debate on the preamble, see Burnett, The Continental Congress, pp. 157-161.

38 Journals of the Continental Congress, IV, 357-358.
wise men of the East and some from the South thought it a reprehensible delay which might give a turn to their favorite plan and defeat those pursuits they had so nearly completed and the plan for which they had so wisely and so long laid down in their own minds.

It may and I presume will be objected to the preamble that it is not altogether candid nor true. For it is well known and has even been in print, that the same Captain who brought an account of the twelve thousand Hessians going to Boston with the other armaments for different parts of America also said that twenty-seven commissioners were coming over at the same time and that the people of England had expressed great uneasiness at the number of forces coming over against us which nothing could satisfy but an assurance that the persons appointed would undoubtedly make peace. To suppress this and insert the other in my judgment was not candid.

Nor was it right to insert the word part of an act without giving the substance of the whole, which I own is bad enough, but not so bad as the part handed out to the people.

Deception is what at all events we should avoid, as we are about to determine the fate and fortunes of millions who have placed the most influential confidence in us. That a separation will take place is almost evident.

Although Braxton's instincts inclined him toward postponement of independence and possible reconciliation, he was beginning by mid-May to adjust his mind to an early separation. His attempt to accept the inevitable is implied by the opening paragraphs of the pamphlet he enclosed with his May 17 letter to Carter, in which, for the first time, he assumed reconciliation to be beyond reach. This Address to the Convention of the Colony and Ancient Dominion of Virginia,

39 The reference here is probably to William Temple, who brought word from Arthur Lee in Europe that troops were sailing from Ireland and notified Congress on his own authority that twenty commissioners, headed by Lord Howe and General Amherst, were also on the way. See Burnett, The Continental Congress, p. 146.

40 The reference here is to the American Prohibitory Act. Braxton apparently felt the provision authorizing commissioners should have been publicized more widely.

Braxton's only published political writing, was intended to suggest a proper form of government for the colony and began with an explanation of the necessity for framing a new constitution. British oppression had called up "the virtuous opposition of the people," resulting in a relaxation of "the tone of government." This relaxation was bearable as long as there was hope "that justice would be done to our injured country," enabling the "same laws, executed under the same authority," to regain their former respect. But British tyranny has continued unabated "and thereby separates us farther from the reconciliation we so ardently wished," and it now becomes the duty of each colony "to assume the reins of Government, and no longer suffer the people to live without the benefit of law." Before long, Braxton would have the opportunity to apply, however reluctantly, this same line of reasoning to a formal statement of separation from British rule.

To summarize Braxton's struggle with the issue of independence, it can be said that he was at first shocked at the idea. Rather than surrender immediately to such a radical move, he remained loyal to the only system of government he knew and trusted, and clung desperately to the futile hope that the mysterious commissioners would suddenly appear and effect a reconciliation. To combat the growing sentiment in favor of a separation, he impuned the motives of its advocates and grasped

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42 *Ibid.*, p. 307. The pamphlet, published by John Dunlop of Philadelphia, was reprinted in two installments in the *Virginia Gazette* (Dixon and Hunter), June 8 and June 15, 1776, and can also be found in *American Archives*, Fourth Series, VI, 748-754.

43 *American Archives*, Fourth Series, VI, 748.
at the logical arguments that independence could be secure only after the formation of a naval alliance and the establishment of an effective confederation. The momentum of events, however, eventually caused him to accept the inevitability of independence, although he continued to plead that the time was not yet ripe. Finally, realizing that his opposition would be overruled by a majority of the Virginia delegates in Congress, 44 faced with the fact that his colony had instructed its representatives to support a separation, and aware that he was rapidly losing his political reputation at home, 45 Braxton discarded his reservations and affixed his signature to the declaration.

One of the conditions advocated by Braxton to insure a successful separation had been the establishment of a "continental league," yet he apparently did not involve himself very actively in the efforts of Congress to adopt Articles of Confederation after independence had been declared. His name appears only once in any account of the deliberations on the subject, although it should be remembered that this is the only record of Braxton in debate during his entire tenure in Congress. 46 A committee "to prepare and digest the form of a confederation" had been appointed on June 12, 1776, and the resulting document, drafted by John Dickinson, was taken into consideration by a committee of the whole on July 22, where it was

44 The other six delegates (Richard Henry Lee, Francis Lightfoot Lee, Thomas Jefferson, George Wythe, Thomas Nelson, Jr., and Benjamin Harrison) had all become supporters of separation before Braxton.

45 See pages 102-111.

46 See page 75.
discussed nearly every one of the following twenty days.\footnote{Journals of the Continental Congress, V, 433, 600. See also Burnett, The Continental Congress, pp. 213-229.} On July 26, the topic of debate was the provision granting Congress the authority of "regulating the trade and managing all affairs with the Indians."\footnote{John Adams, Diary and Autobiography (Butterfield), II, 243.} According to notes kept by John Adams,

\begin{quote}
Rutledge and Lynch oppose giving the power of regulating the trade and managing all affairs of the Indians, to Congress. The trade is profitable they say.
Gwinnett is in favor of Congress having such power.
Braxton is for excepting such Indians as are tributary to any State. Several nations are tributary to Virginia.
Jefferson explains it to mean the Indians who live in the Colony. These are subject to the laws in some degree.
Wilson. We have no right over the Indians, whether within or without the real or pretended limits of any colony.\footnote{Ibid.}
\end{quote}

Very little of Braxton's views on a central government are exposed by his remarks in the debate. However, it is evident that he was neither an ardent states' righter nor a dedicated nationalist. He did not reject the Indian provision outright on principle, as did Wilson, or on economic grounds, as did Rutledge and Lynch. Instead, it appears that Braxton took a middle position. As revealed by his comments the previous May,\footnote{See pages 82-83.} he had no objection to Congressional regulation as long as the essential sovereignty of Virginia was protected. Without expressing a definite position on the extent of Congressional powers, he managed to convey the motivating force behind Virginia's involvement in the Revolution - that in matters of
internal polity the ruling class of planters should be free to govern as it had for more than a century and a half.

During Braxton's term in the Continental Congress, events of significance were also unfolding back in Virginia. The Convention assembled on May 6 and nine days later resolved unanimously "that the delegates appointed to represent this colony in General Congress be instructed to propose to the respectable body to declare the United Colonies free and independent States."51 The passage of this resolution not only spurred the movement for independence but also raised the necessity of replacing the royal government in Virginia with new forms; consequently, the Convention resolved the same day "that a committee be appointed to prepare a declaration of rights, and such a plan of government as will be most likely to maintain peace and order in this colony, and secure substantial and equal liberty to the people."52

Although in Philadelphia, Braxton participated in the framing of a constitution through his pamphlet, Address to the Convention. Following a common practice of the time, he did not attach his name to the document but instead identified himself as "a Native of the Colony;"53 nevertheless, there is little doubt of his authorship. His contemporaries associated him with it, and Braxton himself, in the May 17 letter to Landon Carter, announced that "I had thrown my


[52] Ibid.

[53] American Archives, Fourth Series, VI, 748; Virginia Gazette (Dixon and Hunter), June 8, 1776.
thoughts together on that subject [a constitution] for your Convention, a pamphlet containing which I send you and beg your opinion of it."\footnote{Braxton to Carter, May 17, 1776, Lee Transcripts, Virginia Historical Society, IV, 307.} Furthermore, the language used and the sentiments expressed are characteristic of Braxton.

Besides demonstrating Braxton's unwilling readiness to dispense with British authority,\footnote{See pages 85-86.} the pamphlet also reveals his great reluctance to deviate very much from the type of government with which he was familiar. The Braxton family had prospered under the British Constitution, and Braxton regarded excessive innovation as a real threat to his economic and social position. In addition, he was by no means a political philosopher by nature, and he forecast disaster if theoretical speculation rather than past practice should determine the form of the new government:

Upon these occasions the inclinations of men, which are often regulated by what they have seen and experienced, ought to be consulted. It cannot be wise to draw them further from their former institutions than obvious reasons and necessity will justify. Should a form of Government directly opposite to the ancient one under which they have been happy, be introduced and established, will they not, on the least disgust, repine at the change, and be disposed even to acts of violence in order to regain their former condition? Many examples in the history of almost every country prove the truth of this remark.\footnote{American Archives, Fourth Series, VI, 749.}

For Braxton, then, the proper constitution for Virginia should be patterned after the English system, "because by that model ours was constructed, and under it we have enjoyed tranquility and
security." Following the example of Locke and Montesquieu, he further defended the English Constitution by praising its suitability for the preservation of liberty and stability. By the time "the happy edifice was at length completed, under the auspices of the renowned King William, in the year 1688," the English had successfully constructed a blend of the major forms of government in which monarchical, aristocratic, and democratic features were balanced off against one another to prevent a loss of liberty "either to the single man, the few, or the many." The greatness of England was due to this distribution of power and the laws arising therefrom, and Braxton reminded his readers that Virginia's greatness sprang from the same sources:

This Constitution and these laws have also been those of Virginia, and let it be remembered, that under them she flourished and was happy. The same principles which led the English to greatness animates us. To that principle our laws, our customs, and our manners, are adapted; and it would be perverting all order to oblige us, by a novel Government, to give up our laws, our customs, and our manners.

The cause of the Revolution, therefore, was not the inherent inadequacy of the British Constitution, but the destruction through the years of the balance of power so delicately established in 1688. The King, "beset with uncertainty and war," had gradually built up "an interest that might support him in possession of his Crown." By thus creating a court party within the legislature, he

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57 Ibid.
58 Ibid., p. 750.
59 Ibid., p. 751.
thereby established a moneyled interest, which was followed by levying of taxes, by a host of tax-gatherers, and a long train of dependents on the Crown. The practice grew into system, till at length the Crown found means to break down those barriers which the Constitution had assigned to each branch of the Legislature, and effectually destroyed the independence of both Lords and Commons.60

In order to correct this evolved defect in the Constitution, the solution for the Virginia Convention was obvious - simply restore the separation of powers:

Men are prone to condemn the whole because a part is objectionable; but certainly it would, in the present case, be more wise to consider whether, if the Constitution was brought back to its original state, and its present imperfections remedied, it would not afford more happiness than any other. If the independence of the Commons could be secured, and the dignity of the Lords preserved, how can a Government be better formed for the preservation of freedom? And is there anything more easy than this? If placemen and pensioners were excluded a seat in either House, and elections made triennial, what danger could be apprehended from prerogative?61

Thus, Braxton felt that the pure English Constitution, as he chose to interpret it, was the ideal form of government. He also realized that it would be virtually impossible for the Convention to establish a limited monarchy for Virginia, "yet no good reason can be assigned why the same principle, or spirit, may not in a great measure be preserved."62 The monarchical principle was needed to balance the democratic forces, which required "a regard for the public good independent of private interest." The spirit of a monarchy would provide this public concern by leading the people "to the

60 Ibid., p. 750.
61 Ibid.
62 Ibid., p. 751.
pursuit of honor," giving them "an interest in the greatness of their Princes," and causing them to "unite in giving strength and energy to the whole machine" because of "a desire of glory, rank, and promotion."63

Braxton regarded the challenges to the monarchical spirit as the greatest threat to his program of resurrecting and transplanting the English Constitution of 1688. These challenges emanated from the same sources that were plotting for a declaration of independence and were symptomatic of the dangerous egalitarian theories which accompanied the Revolutionary upheaval. Braxton's pamphlet cautioned the Convention to be wary:

The systems recommended to the colonies seem to accord with the temper of the times, and are fraught with all the tumult and riot incident to simple Democracy - systems which many think it their interest to support, and without doubt will be industriously propagated among you. The best of these systems exist only in theory, and were never confirmed by the experience even of those who recommend them. I flatter myself, therefore, that you will not quit a substance actually enjoyed, for a shadow or phantom, by which, instead of being benefited, many have been misled and perplexed.64

In attacking democratic theories, Braxton was directing his arguments against one person in particular, the Massachusetts "democrat," John Adams. Adams, at the urging of George Wythe and Richard Henry Lee, had published anonymously his Thoughts on Government, and the pamphlet was circulating widely throughout Virginia.65 The basis of Adams' pamphlet was the contention that a republic was the best

63 Ibid., p. 749.
64 Ibid., p. 751.
form of government because it was based upon the principle of virtue, a principle upon which the happiness of man depended. 66 Here was the subversive New England influence entering his colony and spreading the democratic doctrine of republicanism, and Braxton could not let this assault upon the established aristocratic institutions of Virginia go unchallenged.

Braxton's first line of attack on Adams' plan was to deny the underlying assumption that a dependence upon the principle of virtue was an adequate foundation for good government. In making this assumption, Adams had erred by failing to distinguish between private and public virtue. Private virtue contributes to the happiness of the individual only because of "the rewards promised by such conduct. In this he acts for himself, and with a view to promoting his own welfare." 67 But public virtue contradicts the selfish nature of man, since it is predicated upon "a disinterested attachment to the public good, . . . which, though sometimes possessed by a few individuals, never characterized the mass of the people in any state." 68 A republican (democratic) government, being founded on public virtue, is therefore unrealistic, for it provides its citizens with no adequate motivation to consider the public good.

In order to be successful, a republic must undertake the impossible task of insuring that public virtue predominates among its

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67 American Archives, Fourth Series, VI, 751.

68 Ibid.
citizens. This task involves the preservation of absolute equality, for the existence of any inequalities will cause private interests to obscure public concern. People must not "desire to be great" because ambition "would destroy that equality on which the security of the government depends." Nor should a man be rich, "lest he be tempted to indulge himself in those luxuries which . . . might occasion envy and emulation." If a person should become popular, "he must be neglected, if not banished, lest his growing influence disturb the equilibrium." The inevitable result of sacrificing individuality to equality would be a stagnant society, since "to this species of government everything that looks like elegance and refinement is inimical, however necessary to the introduction of manufactures and the cultivation of arts and sciences." Given these limitations, a successful republic could be possible only "in countries so sterile by nature as to afford a scanty supply of the necessaries, and none of the conveniences of life." Obviously, Braxton's motive for reducing Adams' theory of government to such a simplistic formula was to defend his own favored position in Virginia society. Because republicanism is practicable only in the poorest of countries, it "can never meet with a favorable reception from people who inhabit a country to which Providence has been more bountiful." To enforce equality and deny the enjoyment of

69 Ibid.
70 Ibid.
71 Ibid., p. 752.
luxuries to the inhabitants of richer countries, like Virginia, would be to invite the hostility and resistance of the wealthier citizens, who, like Braxton, comprised an elite group within the society. Indeed, Braxton seemed to be promising his own resistance to a republican constitution when he warned that individuals will always claim a right of using and enjoying the fruits of their honest industry, unrestrained by any ideal principles of Government, and will gather estates for themselves and children without regarding the whimsical impropriety of being richer than their neighbors. These are rights which freemen will never consent to relinquish; and after fighting for deliverance from one species of tyranny, it would be unreasonable to expect they should tamely acquiesce under another.

One of the first staples of our country, you know, is esteemed by many to be one of the greatest luxuries in the world, and I fancy it will be no easy matter to draw you into measures that would exclude its culture, and deprive you of the wealth resulting from its exportation.\(^{72}\)

Up to this point in his pamphlet, Braxton did little more than defend the existing social, economic, and constitutional system in Virginia. In praising the English Constitution and attacking schemes which seemed to deviate too far from it, he revealed an opposition to change and a desire to keep things as they were. Thus, he was very conservative in his intentions. However, if the spirit of a monarchical constitution was to be preserved without the machinery of a monarchy, and if the principle of separation of powers was to withstand the democratic tendencies of a dominating representative assembly, then some alterations in the structure of Virginia's government were necessary. It would not be sufficient merely to eliminate British rule; a replacement for the balancing function of the Crown.

\(^{72}\)Ibid.
would have to be established. Consequently, when Braxton made his specific recommendations to the Convention in the last part of his pamphlet, he proposed some significant, even radical, changes from the colonial forms.\(^3\)

Consistent with his general statements, Braxton's plan of government was careful to avoid excessive democracy. A two-house legislature was proposed, the lower house (the Assembly) to consist of the "usual number of representatives" elected by the people, apparently in the usual manner, every third year. On the other hand, the upper house (the Council of State) would include twenty-four men chosen by the Assembly "out of the colony at large," who would retain their appointments for life. Allowing the lower house to determine the composition of the upper house was calculated, of course, to prevent the direct election of both chambers, and the life tenure for members of the Council of State was intended to reduce the possibility of even an indirect popular influence being exercised too often by the representatives in the Assembly. Furthermore, the powers of the aristocratic Council of State were not to be subordinate to the democratic Assembly, and included the ability not only to approve but also to initiate legislation as well as the responsibility to mediate differences between the legislative and executive branches.

The attempt to counteract democratic forces by institutionalizing the monarchical spirit of the English Constitution can also be seen in Braxton's suggestions for the executive branch. Although

\(^3\) Ibid., pp. 752-753.
the Governor was to be chosen by the Assembly, he was to remain in office "during his good behavior," thus presumably serving the function of a substitute King. However, in order to guard against the possibility of the Governor becoming tyrannical, as happened with the English King, the two legislative chambers were given the joint power to remove him for misconduct. The Governor was to have a Privy Council of seven men to advise with, but Braxton did not specify the method by which the Privy Council should be selected, leaving the impression that the Governor would be free to choose his own advisers. In addition to executing the laws, the Governor, with the advice of his Privy Council, was to appoint the judges of the Courts of Common Law and Chancery, but the "other great officers of State" were to be chosen by the Assembly.

One of the primary goals of the government proposed by Braxton was to insure an adequate separation of powers. This was to be accomplished by preventing, as much as possible, any overlapping of function and by reducing the opportunities for any branch of government to interfere with the activities of any other. Thus, the Governor was not subjected to periodical re-appointment and was not given any power of veto over legislation, while the legislators were prohibited from serving on the Privy Council or accepting any "post of profit in the Government," with the exception of the office of Treasurer. The judges of the Courts of Common Law and Chancery were given their independence by holding their offices during good behavior and by being excluded from membership in either house of the legislature.
The provisions for such a careful division of powers comprised Braxton's greatest departure from the colonial structure. In the colonial government, the Governor's Council had served as the upper house of the legislature, but Braxton's plan called for the creation of an entirely new lawmaking body, the Council of State, in order to separate the legislative from the executive. To make the separation complete, the Governor's ability to veto laws was taken away. The Colonial Council, along with the Governor, had also comprised the highest court in the land, but Braxton proposed that the highest judges should be distinct from the executive or legislative personnel. Other significant innovations included the effort to balance the popular influence of the Assembly by giving the Council of State an equal role in the lawmaking process and the attempt to prevent executive tyranny by allowing for the impeachment of the Governor by the legislature. Thus, while Braxton was conservative in his desire to preserve the spirit of the colonial government, he did not hesitate to tamper with its forms.

After outlining a frame of government for his colony, Braxton concluded his pamphlet by arguing the necessity of an effective confederation,\(^7^4\) while at the same time affirming Virginia's political and territorial integrity. Obviously opposing the position supported by such men as Patrick Henry and Thomas Ludwell Lee that Congress should formulate uniform state governments,\(^7^5\) he argued that Congress should

\(^7^4\) See page 83.
have no authority "to interfere with the internal police or domestic concerns of any colony." He was also against the design "of seizing all unappropriated lands in Virginia for the use of the continent." Instead, he urged that Virginia settle all conflicting claims to her western territory and then sell the unappropriated land to help pay "the vast burden of taxes we shall incur in this war." In making the later suggestion, it is probable that Braxton was also considering his commercial interest in western lands.

On June 29, 1776, after considering the various alternatives, the Virginia Convention adopted the constitution that was to define the government until 1830. A comparison of this document with Braxton's plan reveals a greater similarity in structure than in spirit. Braxton's recommendations regarding division of function were followed rather closely by the creation of a new upper house (the Senate) to consist of twenty-four members, an independent status for the judiciary, the prohibition of the Privy Councilors from sitting in either house of the legislature (the General Assembly), and the failure to give the Governor any power of veto. Also, innovation was guarded against by the preservation of existing suffrage requirements and the

76 American Archives, Fourth Series, VI, pp. 753-754.
77 Ibid., p. 754.
78 Ibid., p. 1598.
omission, as in Braxton's plan, of any provision for amendment.

Nevertheless, despite these areas of agreement, Braxton's most important ideas were largely ignored by the members of the Convention. His main concern was to combat the forces of republicanism, but the major thrust of the adopted plan was definitely republican in nature, since the bulk of sovereignty was deposited in the lower house (the House of Delegates) of the General Assembly, which was to be elected annually instead of triennially as Braxton had suggested. The Delegates, one from each county, dominated the lawmaking process by possessing the sole authority to initiate legislation, which the Senate could subsequently approve, amend, or reject.80 Even the Senate's limited role would not restrain republicanism because the upper house was also an elected body, one Senator being chosen by the people every four years from each of twenty-four districts.81 Worst of all, the Governor would be unable to balance the democratic tendencies of the legislative branch. He was subject to annual election by the General Assembly, prohibited from serving more than three consecutive terms, and fenced in by eight Privy Councilors selected by the legislature. Although the new constitution, with its reliance upon the lower house, was calculated to enable Virginia's government to function much as it had under the predominating influence of the House of Burgesses and was, in a sense, more "conservative" than Braxton's plan, Braxton was no

80 Money bills were an exception to Senate's power to amend and could only be wholly approved or rejected.

81 The election of Senators was to be by rotation, one-fourth of the membership being elected each year.
doubt disappointed that it was virtually devoid of his cherished monarchical spirit.

The fact that Braxton's strongest feelings regarding the proper type of government were ignored by the Convention is indicative of the political difficulties which plagued him throughout much of 1776. Until the end of 1775, his views were shared by many of the most powerful political figures in the colony, who found him a valuable ally in resisting the increasing challenge to their leadership. Unfortunately, Braxton continued to affirm the same positions when he was in Congress, while his associates at home were adjusting their political views to the realities of the Revolutionary situation. Thus, Braxton was dragging his feet on the issue of independence and defending the monarchical features of the British Constitution during the months when independence was becoming an acceptable policy and the British monarchy a hated institution. The inevitable consequence of this apparent inability to adapt was a decline in his popularity.

The first evidence of Braxton's sagging reputation among his political associates concerns the election of Convention delegates held in King William County in April, 1776. Carter Braxton and Richard Squire Taylor were declared the winners, but the election was unusual and was to cause a minor controversy in the upcoming Convention. The unusual aspect of the election lay in the fact that, according to the original poll, Braxton placed third. His former colleague in the House of Burgesses, William Aylett, led the list with seventy-eight votes, Richard Taylor tallied seventy-three, and Braxton managed to
secure only thirty-nine votes. However, Aylett had withdrawn from the contest in favor of Braxton before the closing of the polls, but this action did not occur soon enough to prevent Aylett's plurality. Still, the sheriff accepted Aylett's withdrawal, leaving Taylor and Braxton to head the list.

Braxton's poor showing in the election does not mean that he had lost the support of his constituency in King William County; instead, it evidently resulted from a misunderstanding on the part of the voters, who thought Braxton was ineligible due to his membership in the Congress. Aylett himself expressed this view in a letter written to Richard Henry Lee on April 20 in which he related the events surrounding the election. According to this letter, Aylett had arrived at the court-house just before the polling began and corrected the misunderstanding. He urged the election of Braxton on the grounds that it would harm Virginia "for a member who represented the whole colony to lose the confidence of his particular county" and suggested that Taylor, who had never been a Burgess or a Convention delegate and thus would suffer no loss of dignity, offer himself as a sub-delegate and release his pledged support to Braxton. The letter continued as follows:

This proposition exceedingly pleased the people who were greatly embarrassed, as they had many of them not only promised Mr. Taylor but solicited him to offer under the supposition that Colo. Braxton could not be chosen, however Mr. Taylor would not consent to it, and the poll was opened. Mr. Taylor had secured his election and my presence gave me the advantage of Colo.

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82 American Archives, Fourth Series, VI, 1527.
83 Ibid.
Braxton. They kept up a majority in my favor from the beginning, though appeared exceedingly unhappy at the situation of Colo. Braxton, and as Mr. Taylor was but second many overtures were made in the most pressing manner that he should resign, and come in as sub-delegate, but the affair was carried too far, he would not consent, and just before the close of the poll, finding the people exceedingly unhappy at Colo. Braxton's situation and being so myself, I proposed to them though first on the poll that I would resign, and as they had given me such humble proof of a continuance of their confidence, and as it appeared more from accident than inclination that Colo. Braxton was so circumstanced, that I would serve them as sub-delegate. This was received with great thanks and acclamations, and so the matter ended to the entire satisfaction of every individual. I verily believe had the poll been taken over again, he [Braxton] would hardly have lost a vote and had I studied my lifetime I could not have taken so popular a step.\(^8\)

Soon after the Convention assembled on May 6, it became evident that the election was not resolved "to the entire satisfaction of every individual." On May 9, the Committee of Privileges and Elections reported that the certificates of election from King William County gave evidence of a valid election, but later that same day it was reported to the Convention that the sheriff "hath returned a delegate as duly chosen ... who had a lesser number of votes than two other candidates," and the election was referred back to the Committee of Privileges and Elections for further investigation.\(^8\) The Committee heard testimony on the matter and reported back to the Convention on May 18. Even though the reported testimony supported the version presented in Aylett's letter and was extremely favorable to Braxton, the Committee recommended that Braxton's election be rejected. The recommendation was accepted by the Convention, and Aylett and Taylor

\(^{8}\) William Aylett to Richard Henry Lee, April 20, 1776, Lee Family Papers, University of Virginia, Charlottesville, Va.

\(^{8\text{a}}\) American Archives, Fourth Series, VI, 1515-1516.
were recognized as the duly elected delegates. 86

Two days later, the Convention was informed that Aylett "had accepted a military post of profit in the continental army, by which his seat in this Convention is become vacated." 87 This information was referred to the Committee of Privileges and Elections for verification, and on May 22 the Committee resolved that Aylett had indeed vacated his seat, following which the Convention ordered a new election to replace Aylett. 88 The Convention Journal does not record the results of this second election, but a certificate dated June 13, 1776 in the Virginia State Library indicates that Braxton was the winner. 89 Thus, he regained his seat in the Convention regardless of the opposition, although his presence in Philadelphia precluded his attendance.

The unseating of Carter Braxton on May 18 reveals that sizeable opposition to him was building up among Virginia's political leaders. Had the Convention been behind Braxton, it could very easily have accepted Aylett's resignation at the time of the April election, as did the sheriff, and disregarded his plurality. Instead, it was willing to ignore the obvious preferences of the King William County voters and disown one of the colony's representatives in Congress. Braxton's political enemies were mounting a rather successful campaign

86 Ibid., p. 1527.

87 Ibid., p. 1531. Aylett was appointed Deputy Commissary-General to the Continental Forces in Virginia on April 27, 1776. Journals of the Continental Congress, IV, 315.

88 American Archives, Fourth Series, VI, 1534-1535.

89 See footnote 16 in The Papers of James Madison (ed. by Hutchinson and Rachal), I, 169.
against him, finding effective ammunition in the seemingly "un-American" sentiments coming from Philadelphia.

One such piece of ammunition was probably the April 14 letter which Braxton had written to Landon Carter, expressing feelings of inadequacy and denouncing the advocates of a premature independence. 90 This letter, sent with another of a similar nature to "my friend Bob [Robert Carter Nicholas?]," never reached their destination, which caused Braxton to worry that they might have fallen into the wrong hands. Writing of this to his uncle on May 17, he expressed dismay over the incident "because I had written with freedom for your private inspection upon some facts not intended for the public eye" and resolved not to use the untrustworthy colonial post in the future. 91

That these letters were intercepted by Braxton's opponents and used against him in the Convention is indicated by another letter which he wrote to Landon Carter on October 17, 1776 telling of his attempts to salvage his damaged reputation in the newly convened House of Delegates. He defended himself "by giving the original letters to the members to read, after which they unanimously agreed that I had been treated very ill, and they did not fail to suggest the true source and to express their astonishment at the deceptions under which they had labored at the last Convention." 92 In relating his vindication to his

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90See pages 77-81.


92Braxton to Landon Carter, October 17, 1776, Lee Transcripts, Virginia Historical Society, IV, 309.
uncle, Braxton also revealed that the attacks against him were led by his old political enemies in the Lee family: "Even H[enry] Lee, the avowed author of much scandal, has signed a paper by which he has confessed his errors and misdoings and recanted from the prejudices he had conceived." 93

It is quite likely, then, that Braxton's opinions on independence, as expressed in his April correspondence and interpreted by the Lees, played a major role in his rejection by the Convention on May 18. However, his reputation was to sink still lower before it would again rise, due largely to the unfavorable reception of his Address to the Convention. His plan of government did have its supporters, notably Robert Carter Nicholas and Landon Carter,94 but in general a defense of aristocracy and monarchy, combined with an attack on the principles of republicanism, was not destined to win him friends while people were in the process of justifying their repudiation of a monarch on the grounds of natural rights, human equality, and representative government. Whereas some of Braxton's specific recommendations could be incorporated into the new Constitution, his untimely tactic of praising the British form of government could only do him harm by raising questions concerning his devotion to the American cause.

Although his pamphlet was published anonymously, it was widely assumed that Braxton was intimately connected with it, and his traditional political opponents most certainly took advantage of the

93 Ibid.

94 See Hilldrup, p. 243; see also the entry for June 14, 1776 in The Diary of Landon Carter, II, 1050, in which Carter expresses the same sentiments as Braxton.
opportunity afforded them to denounce him. On May 12, 1776, before
the pamphlet had arrived in Virginia, Richard Henry Lee wrote to Edmund
Pendleton from Philadelphia that "this contemptible little tract, be-
trays the little knot or junto from whence it proceeded. Confusion of
ideas, aristocratic pride, contradictory reasoning with evident ill
design, put it out of danger of doing harm, and therefore I quit it."95
In a letter of May 20, Patrick Henry informed Lee of the pamphlet's
arrival in Virginia, "ushered in, I'm told, by a colleague of yours,
B: , and greatly recommended by him. I don't like it. Is the
author a Whig? One or two expressions in the book make me ask."96

On the same day that he wrote to Richard Henry Lee, Henry also
wrote to John Adams of the pamphlet's doubtful whiggish and mentioned
Braxton's name in connection with the "silly thing."97 Adams replied
to Henry on June 3 and agreed that the pamphlet was "too absurd to be
considered twice."98 He also referred disparagingly to the proponents
of the pamphlet's views and stated concisely the nature of the op-
position to such as Braxton:

The dons, the bashaws, the grands, the backstairs, the sachem,
the nabobs, call them by what name you please, sigh, and groan, and
fret, and sometimes stamp, and foam, and curse, but all in vain.

95Richard Henry Lee to Edmund Pendleton, May 12, 1776, Lee
Family Papers, University of Virginia, Charlottesville, Va.; published
in Letters of Richard Henry Lee (Ballagh), I, 190.

96Patrick Henry to Richard Henry Lee, May 20, 1776, Tyler,
Patrick Henry, pp. 204-205; Campbell, History of Virginia, p. 647;
Henry, Patrick Henry, I, 411.

97Patrick Henry to John Adams, May 20, 1776, Works of John Adams,
IV, 201-202; Henry, Patrick Henry, I, 413.

98John Adams to Patrick Henry, June 3, 1776, Works of John Adams,
IX, 386-388; Henry, Patrick Henry, I, 415-416.
The decree is gone forth, and it cannot be recalled, that a more equal liberty than has prevailed in other parts of the earth, must be established in America. That exuberance of pride which has produced an insolent domination in a few, a very few, opulent, monopolizing families, will be brought down nearer to the confines of reason and moderation than they have been used to. 99

The culmination of hostility to Braxton within the Convention came on June 20, 1776, when he was dropped from the delegation to Congress. On this date, the Convention resolved to reduce the number of delegates from seven to five beginning on August 11, and then proceeded to re-elect everyone except Braxton and Benjamin Harrison, both of whom were identified with the James River group opposed by Patrick Henry and the Lees. 100 One reason given for the cutback was economy, 101 but the primary motive was probably political in nature. 102 At any rate, the fact that Braxton and Harrison were eliminated instead of two others certainly reflects the exceptional influence of the Lee-Henry faction with members of the Convention.

There can be little doubt that Henry was behind the movement to diminish Congressional representation. In the letter to Richard Henry Lee of May 20 in which he attacked Braxton's pamphlet, Henry also

99 Ibid.

100 American Archives, Fourth Series, VI, 1582.


102 Edmund Randolph wrote to Jefferson in Philadelphia on June 23, 1776 that "before the day of balloting arrived, no small pains were taken to effectuate this business: and I am in doubt, whether the reduction of your number to five proceeded more from a desire of saving the wages of the other two, than excluding Harrison." Jefferson Papers, I, 407.
expressed the desire "to give you colleagues of kindred sentiments," and William Fleming wrote Jefferson on July 27 that the motion to reduce the delegation was made by "the governor," an obvious reference to Henry, who had been elected to that office by the Convention on June 29. Fleming went on to enumerate the specific political offences committed by Harrison and Braxton which led to their exclusion. Harrison's influence in Congress was supposed responsible for the appointment of a Dr. Rickman as Physician and Director-General to the Continental Hospital in Virginia; whereas, the Committee of Safety had recommended a Dr. McClurg for the post. As for Braxton, Fleming mentioned the pamphlet and indicated the extent to which the hapless aristocrat had fallen by stressing the effect of rumors concerning the behavior of his wife:

Mr. Braxton's address on government made him no friends in convention; and many reports were propagated in Williamsburg (upon what grounds I know not) respecting the extreme imprudent, and inimical conduct of his lady, which, with many people, affected his political character exceedingly, of which Fitzhugh and some other of his friends informed him by letter, before we left town.

Edmund Pendleton also wrote Jefferson about the reduction in the number of delegates and placed the event in a context of "intrigue and canvassing." He was unable to "speak of it with certainty, but am

104 American Archives, Fourth Series, VI, 1599.
not otherwise able to account for the unmerited, cruel degradation of my friend Colonel Harrison, who in my opinion yields to no member of the Congress in point of judgment or integrity." However, it is interesting that Pendleton did not speak of Braxton in such favorable terms. Apparently, even Braxton's political allies, though willing to use him to strengthen their party, were not so eager to defend him:

"As to my friend Braxton they have been ever at him, and whatever his own sentiments and conduct may have been, his connections furnished a plausible foundation for opposition, and I was not surprised when he was left out." Nevertheless, Pendleton, eager to restore the political balance in Virginia, was still looking forward to welcoming both Braxton and Harrison back home, "as we shall have those gentlemen here to assist in watching and breaking the spirit of party, that bane of all public councils." 107

As mentioned previously, the low level of Braxton's popularity in the Convention very likely influenced him in his decision to sign the Declaration of Independence, even though the conditions which he deemed necessary for such a step had not been met. The resolution of May 15 instructed him to support a separation and complying with his instructions was one way to combat the adverse reports being circulated about him in Virginia. His signature on the Declaration would do much to eliminate suspicion regarding his loyalty and commitment. Thus, although it is not known exactly when he departed the Congress for home, he probably was still in Philadelphia on August 2 when an

107 Ibid.
engrossed copy of the Declaration was brought in. 108

Once back in Virginia, Braxton made every effort to redeem his reputation. The House of Delegates, consisting of the same membership as the previous Convention, assembled for the first time on October 7, and he reported to Landon Carter that "my first pursuit in this session was to contradict the reports of me that had so powerfully prevailed, and to show their falsity." 109 By relying on his new status as a signer of the Declaration of Independence to expose the misuse to which his intercepted letters had been put, he succeeded in discrediting his opponents, particularly Henry Lee, 110 and received the satisfaction of hearing the Delegates resolve unanimously on October 12 "that the thanks of this House are justly due to Thomas Jefferson and Carter Braxton, esquires, for the diligence, ability, and integrity, with which they executed the important trust reposed in them as two of the delegates for this country in the General Congress." 111 In returning the thanks of the House, Braxton seized the opportunity to strike a further blow at his enemies and "took the liberty to touch upon the scandalous reports that had been handed here with some references as to their authors and their designs and this I

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108 See Letters of Members (Burnett), II, lxix. His committee appointments and remarks in debate preclude the possibility of his leaving much earlier.


110 See pages 106-107.

assure you has not a little opened the eyes of men.' "

Benjamin Harrison was also exonerated, but in a more concrete fashion than Braxton. Harrison defended himself before the House with the aid of Richard Bland and Braxton, 113 and on October 10 not only received the unanimous thanks of the House but was also returned to Congress with only five dissenting votes to replace Jefferson, who had resigned because of the illness of his wife. 114 Evidently, Harrison's disgrace had not been as devastating as Braxton's, for Braxton was never again to be entrusted with a Congressional appointment, even though an opening occurred less than two months later. 115

The restoration of the prestige of Carter Braxton and Benjamin Harrison resulted from a re-alignment of the power relationships in the Legislature. In the Convention of 1776, the influence of such men as Patrick Henry, Richard Henry Lee, Thomas Ludwell Lee, and Henry Lee had reached an unprecedented height, but in the first session of the House of Delegates, the James River party felt assured that the balance was returning to normal. On October 11, 1776, Edmund Pendleton wrote to William Woodford, who had resigned his military post because he


113 Braxton maintained that his defense of Harrison had "a very good effect," Ibid., p. 310. See also Edmund Pendleton to William Woodford, October 11, 1776, Letters and Papers, I, 202-203.


115 George Wythe resigned as a delegate to Congress to assist in the revision of laws and was replaced by Mann Page on December 4, 1776. Journal of the House of Delegates, pp. 62, 100-101, 109.
felt slighted in being passed over for promotion,\textsuperscript{116} that the insult had been due to political conditions which no longer existed: "I wish you was here awhile to see the change of things, a party who were supposed to guide every thing last Convention, seem lost."\textsuperscript{117}

Braxton also reflected this new optimism in his October 17 letter to Landon Carter by gloating over the loss of influence of the leaders in the opposing party. Obviously pleased with his triumph regarding the intercepted letters, he mentioned Henry Lee by name and later referred to two orators (probably Patrick Henry, who was now in a weak position as Governor, and Thomas Ludwell Lee, who failed to secure a prominent post in the new government\textsuperscript{118}), who were no longer a serious threat in the following terms:

Upon the whole it does appear to me as if the two suns that had shone with so much influence lately in our political hemisphere, were much in their decline and as the interests of this poor country seem so indispensably to require it, I hope they will both soon set to rise no more. It is not sufficient that men have the art of oratory to please unless they have the good sense to direct others to persevere with propriety and free from private views, the true glory and safety of their country. Temper, candor, and good order, are the characteristics of this assembly, and our country have much to hope from their efforts.\textsuperscript{119}

Still, Braxton realized that his political difficulties were far…

\textsuperscript{116} Perhaps Henry was getting even with Woodford for the decision of the Committee of Safety in the autumn of 1775 to ignore Henry's status as Commander-in-Chief and send Woodford to Norfolk. See pages 69-70.

\textsuperscript{117} Pendleton to William Woodford, October 11, 1776, Letters and Papers, I, 202-203.

\textsuperscript{118} Hilldrup, pp. 273-274.

\textsuperscript{119} Braxton to Landon Carter, October 17, 1776, Lee Transcripts, Virginia Historical Society, IV, 310-311.
from over. Not only might he expect renewed opposition from the Lees, but he was also aware of the lack of complete confidence from his own allies. He concluded the above letter to his uncle with a revealing digression in which he regretted, but only momentarily, that his life had not been dedicated more to public affairs and less to the pursuit of selfish ends:

Amidst all this business I have for myself this peculiar misfortune to lament, that it is not in my power to contribute so much to the good of the public as seems to be expected from me. It is now then that I regret the misappropriation of my junior days, and that they were not devoted more to study and business. Will the loss of a father in the early period of my life apologize for this neglect. I fear not considering the means were still in my own hands. My reflections are leading me too far into melancholy which I must forbid. 120

In spite of his protestations of public honor and his professed hatred of "scandalous reports," Braxton was unable to contain his bitterness over the treatment given him while in Congress and, before the end of the year, was himself participating in similar attempts to undermine the reputation of certain Congressional delegates. His targets were the Lee brothers, Richard Henry and Francis Lightfoot. The roles were now reversed, but the tactics were the same. One of Braxton's attacks on the character of the Lees was reported by Thomas Ludwell Lee in a letter of December 6, 1776, to his brother, Richard Henry Lee. 121 Shortly after Edmund Randolph had returned from

120 Ibid., pp. 311-312.
Philadelphia, Braxton told upon the young man's authority how Congress had condoned the piracy of an American vessel loaded with goods for the Continental forces by "an Eastern Privateer." According to the story, "the New England delegates all supported this villain, and on a division of our delegates, you, and our brother, were on the pirate side, Harrison and Wythe on the opposite; Nelson being then absent." Lee wrote that Braxton's narration "passed in a full company at Mr. Campbell's" and was accepted as the truth by most of those present, including Edmund Pendleton, the Speaker of the House of Delegates.

Lee assured his brother that Braxton's account did not go unchallenged. Philip Mazzei questioned Randolph about the accuracy of the story, after which Randolph turned "white, and blue, and green, and red, his visage lengthening extremely; swore he was abused, and grossly misrepresented." Randolph and Mazzei then went immediately to Mr. Campbell's and confronted Braxton, who "said he had misunderstood him, and returned to the house with all the marks of a confounded, detected, self-condemned villain." After Braxton's exit, Mazzei warned Randolph, in language indicative of the hostility separating Virginia's political figures, that "these are a pack a damned, empty, profligate knaves, you are young, let me advise you to keep on your guard against them; they care not who they sacrifice provided they may gratify the damned, malignant, deadly hate which they bear to all the friends of liberty and virtue."122

The incident at Mr. Campbell's clearly reveals the highly

122 Ibid.
charged political atmosphere which characterized Virginia during the Revolution. Carter Braxton might denounce the Lees for their political behavior and attempt to give the impression of ethical superiority, but he was apparently no less guilty than they. Nor was Braxton to be taken too seriously when he stated on October 17 that he felt remorse for having neglected a proper study of public affairs during most of his life. Indeed, for the remainder of 1776, private affairs seem to have regained their priority over public service in his ranking of values.

On October 24, 1776, the House of Delegates granted him a leave of absence "until Wednesday next," and on November 15, he obtained another leave "until Monday se'nnight." Finally, on December 19, he wrote Landon Carter that his mind was so harassed by the combination of private and public business "that I have come to a resolution to quit the Assembly rather than suffer it again," and the House Journal for that same day records that he was given a leave of absence for the remainder of the session. Having given the better part of two years to politics with less than favorable consequences for his reputation, Braxton evidently was eager to return to his mercantile enterprises. An examination of his commercial conduct during the war years reveals an attention to business as usual, which would eventually involve him in additional controversy.

CHAPTER V

WARTIME COMMERCE AND CONTROVERSY

Evidence of Carter Braxton's mercantile adventures during the Revolution is sketchy and incomplete; nevertheless, surviving correspondence and papers do provide an indication of the nature and great extent of his commercial involvement. While the details of specific transactions are lacking, it is certain that Braxton devoted his entire fortune and most of his time to trading in virtually every commodity with any individual or organization that would form a connection with him. He bought and sold on the accounts of both Congress and the Virginia government, he served as agent for large private concerns, and he traded on his own account, employing many agents in diverse locations.

The most significant commercial connection entered into by Braxton was with the firm of Willing, Morris and Co. of Philadelphia, a successful trading company founded on May 1, 1757 by Thomas Willing and Robert Morris.¹ Braxton had done business with Willing and Morris

before the Revolution, and while in Philadelphia as a Congressional delegate he availed himself of the opportunity to formalize an agreement to carry on joint ventures with the company. This agreement originated in August of 1776 with a contract drawn between Philip Merckle of Curacao (a Dutch island in the West Indies) and Braxton, Willing, and Morris by which Merckle was to exchange military stores and other merchandise for tobacco. Many other transactions in which Braxton was jointly and equally involved with Willing and Morris were carried on by correspondence until early 1778 when the mercantile firm was dissolved. After the expiration of the company, Robert Morris continued his connection with Braxton until August of 1780.

During the four years from August, 1776 to August, 1780 Braxton found himself involved in a wide range of economic activities as a correspondent of the Philadelphia merchants. According to the agreement, his general responsibility was to make contracts for the purchase and sale of goods. Upon delivery, the purchased goods became the joint property of the merchants, and upon their sale, proceeds

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3. Manuscripts relating to lawsuits between Morris and Braxton, Braxton Papers, Historical Society of Pennsylvania.

4. Ver Steeg writes that Willing, Morris, and Co. ceased to exist in the final days of 1777, although the decision was not announced publically until July 23, 1778. (Ver Steeg, Robert Morris, p. 26). According to Braxton, Morris directed him to close his accounts with the company in April, 1778. (Lawsuit manuscripts, Braxton Papers, Historical Society of Pennsylvania.)

were divided accordingly. For his services as agent, Braxton charged a five per-cent commission on both purchases and sales. Funds for purchasing goods were advanced by both parties. In accordance with these practices, Braxton purchased tobacco from various Virginia planters and entered into transactions with various mercantile firms for the purchase of military stores, beef, flour, pork, linens, etc.

Besides buying and selling goods, Braxton also purchased a number of ships in league with Willing, Morris and Co., Robert Morris, and others. The exact number of vessels in which Braxton had an interest can not be determined, but it was at least eleven or twelve. Not only were these ships used to transport cargo, but some, such as the Phoenix and the Spitfire, were outfitted as privateers to prey on enemy shipping.

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6 For information on the operation of the Braxton-Morris connection, see lawsuit manuscripts, Braxton Papers, Historical Society of Pennsylvania; Carter Braxton vs. Willing, Morris, and Co., Reports of Cases Argued and Judged in the Court of Appeals of Virginia (ed. by Daniel Call, Richmond, 1854, Third Edition), IV, 288-305.

7 Among those from whom Braxton purchased tobacco were William Fleming, Thomas Jefferson, Thomas King, Charles Carter, Mr. Corbin, Mr. Fontaine, Mr. Mallory, Thacker Burwell, Lewis Burwell, Zachery Clarke, and Nicholas and Jacob Falcon. See lawsuit manuscripts, Braxton Papers, Historical Society of Pennsylvania; Jefferson Papers, II, 4.

8 Among the companies with which Braxton dealt were Lory, Plumbard and Co., Peter Whitesides and Co., Pleasants, Shore and Co., and Webb and Co. See lawsuit manuscripts, Braxton Papers, Historical Society of Pennsylvania.

9 Among the vessels in which Braxton had an interest were the Phoenix, the Wolfe, the Content, the Braxton, the Hannah, the Union, the Portsmouth, the Pemuney, the Spitfire, the Washington, and the Pomonack. See lawsuit manuscripts, Braxton Papers, Historical Society of Pennsylvania.

10 Ibid.
Braxton’s relationship with Robert Morris placed him in contact with other correspondents and agents of the Philadelphia merchants, thus providing the opportunity for additional commercial adventures. Indeed, Braxton’s own enterprises were so interwoven with those of Morris that it is often difficult to determine whether he was acting independently or jointly. One such connection arising from the Morris association was with the Baltimore merchant, Jonathan Hudson.\footnote{Hudson was a correspondent of Willing, Morris and Co. who entered into a full partnership with Morris in 1778 after Willing and Morris ended their partnership. Ver Steeg, pp. 14, 15, 30.}

Judging from surviving correspondence, Braxton was more heavily involved with Hudson than with anyone else from the summer of 1777 to the spring of 1778, purchasing ships, trading in textiles, salt, and tobacco.\footnote{Carter Braxton to Jonathan Hudson, July 7, 1777, American Book Prices Current, XXXVI (1930), 611; Braxton to Hudson, August 1, 1777, American Book Prices Current, LXX (1964), 776; Braxton to Hudson, August 14, 1777, American Book Prices Current, XXXIX (1933), 568; Braxton to Hudson, November 13, 1777, Enneat Collection, No. 5792, New York Public Library, New York City; Braxton to Hudson, November 20, 1777, Pierpont Morgan Library, New York City; Braxton to Hudson, November 29, 1777, Braxton Papers, Historical Society of Pennsylvania, Philadelphia, Pa.; Braxton to Hudson, December 5, 1777, American Book Prices Current, XIV (1908), 618; Braxton to Hudson, March 21, 1778, American Book Prices Current, XXXV (1928), 671; Braxton to Hudson, April 28, 1778, American Book Prices Current, XXXV (1928), 671.}

Silas Deane was another Morris associate with whom Braxton did business. Deane, while serving in France as an agent of Robert Morris, an associate of Benjamin Franklin, and a purchasing agent and diplomat for Congress, participated in numerous activities of a questionable nature which were to embroil him in controversy before the end of the Revolution. He traded with the enemy, used public funds for private
purposes, speculated in the London stock exchange, and allowed secret American diplomatic correspondence to find its way into British hands via his personal secretary, Edward Bancroft, a clever double-spy.\(^{13}\)

There is no doubt that Braxton was involved to some extent in the commercial operations of the Morris-Deane-Franklin group.\(^{14}\) In January of 1777, Morris wrote Deane that "tobacco is to be sure a fine price in Europe and I hope we shall benefit thereby before long, both for the public and in some degree for ourselves also."\(^{15}\) In accordance with such advice, Silas and his brother Simeon organized a commercial establishment in Virginia and purchased tobacco from Braxton in 1778 and 1779.\(^{16}\)

Carter Braxton was not the only correspondent that Robert Morris had in Virginia. Another important agent for Willing, Morris and Co. was Benjamin Harrison, Jr., Braxton's political ally in the Virginia


\(^{14}\) In the midst of the controversy over Deane's activities, Richard Parker, a Virginia lawyer and merchant, went so far as to refer to Braxton as Deane's "greatest patron." See Richard Parker to Richard Henry Lee, March 12, 1779, Lee Family Papers, University of Virginia, Charlottesville, Va.


\(^{16}\) Ver Steeg, p. 11; Thomas Humphreys to Silas Deane, September 10, 1778, Deane Papers (Collections of the Connecticut Historical Society, Hartford, Conn.: Connecticut Historical Society, 1930), XXIII, 135-136; Simeon Deane to John Holker, March 22, 1779, Ibid., 143-144.
legislature and colleague in Congress. Given their similar political and mercantile connections, it is to be expected that the two Virginians would cooperate in matters of commerce. Unfortunately, there is no surviving evidence of specific joint ventures; however, it is known that letters for Braxton were sometimes left with Harrison, that Morris instructed Braxton to act in concert with Harrison in 1777 to purchase tobacco for Congress, and that Braxton borrowed money from Harrison on at least two occasions - once in December of 1776 and again on June 20, 1777. Thus, it is apparent that they did not operate in total isolation from one another, although the exact nature of their relationship remains a mystery.

In addition to the above-mentioned individuals, Braxton utilized many other Morris connections for his private trade, a practice which resulted in a hopeless confusion of records and contributed greatly to the difficulties encountered by Braxton and Morris in settling their accounts with one another. In the West Indies, the pivot point for trade with Europe, there was William Bingham at Martinique,

17 Ver Steeg, pp. 14, 15, 33-34, 190.
18 Braxton to ?, June 19, 1777, Braxton Papers, Historical Society of Pennsylvania.
19 Morris to Braxton, March 18, 1777, extract quoted in lawsuit manuscripts, Braxton Papers, Historical Society of Pennsylvania.
20 Lawsuit manuscripts, Braxton Papers, Historical Society of Pennsylvania.
21 See pages 219-222.
who was also in the employ of Congress. In France, John Ross tended the interests of the Morris enterprises and also corresponded directly with Braxton. Samuel Beall, with whom Morris formed a partnership in 1780 after the dissolution of Willing, Morris and Co., participated with Braxton in 1777 in the purchase of a cargo from Spain. In 1777 and 1778, Braxton's agents were sent to Charlestown to do business with John Dorsius, a Morris agent handling West Indian transactions.

Braxton's relationship with Robert Morris and his tendency to exploit connections arising therefrom reveals the aggressiveness with which the Virginia merchant pursued his commercial activities during the war years. Throwing himself wholeheartedly into his business, he dispatched ships in every conceivable direction and eagerly seized each opportunity to expand his trade, often with less than meticulous attention to detail. A good example of Braxton's reckless mercantile

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22 Ver Steeg, p. 14; Lawsuit manuscripts, Braxton Papers, Historical Society of Pennsylvania.

23 Ver Steeg, pp. 19-20, 35; Carter Braxton to John Ross, December 26, 1778, published in Royal Gazette, New York, February 3, 1779; Braxton to Arthur Lee, October 12, 1779, published in Virginia Gazette (Dixon and Nicolson), October 23, 1779. In papers dealing with a suit between John Ross and Carter Braxton in November of 1786, the statement is made that between 1777 and 1780 "there were dealings to a considerable amount" between the two, Allen Caperton Braxton Papers, University of Virginia, Charlottesville, Virginia.

24 Ver Steeg, p. 35.


26 Ver Steeg, pp. 15, 29; Lawsuit manuscripts, Braxton Papers, Historical Society of Pennsylvania.
enthusiasm is contained in a letter written on September 10, 1779 to
Thad Mumford:

Capt. Jenny having by this time I presume returned from his
voyage I shall esteem it a great favor if you will find out from
him the merchant in Guadalupes to whose care was intrusted our
tobacco, and procure his letter or order in my favor for the
receipt of it. We did hear the merchant's name was Fishtask, but
he has refused to answer our letters upon the subject.

If you send a vessel this way for your tobacco and wish to
send any goods in her Capt. Rand will inform you what are most
likely to yield a profit. I would wish to join you in chartering
a large vessel of 200 hogsheads to come here and load with tobacco
and go from hence to France or Holland if to be had at one third
freight and a vessel of force could be procured. Her return might
be fixed or not upon our account. If to us, the freight should
be very light on return cargo. Proper goods sent here would so
far exceed the first cost as to go some way in loading a vessel.
Capt. Rand has been some time in my employ and has so far
deserved my confidence that I have entrusted him to go and pur-
chase a vessel, such a one as he may approve, to load here if he
judges it best, or if not to load for Tenerife [one of the Canary
Islands, owned by Spain] for a load of Wines, etc. The subscrip-
tion for this adventure is not filled unless Mr. Morris agrees to
take a half in it. The Captain has directions to offer you a
part and to consult you upon the adventure and obtain your advice
which I hope you will give. A return for any favors shown him
will always be considered as obligating on me.

Many vessels are daily brought into your parts and sold very
cheap and probably many to be chartered. I conceive a very
profitable trade might be pursued by chartering them to come here
with goods and load for France with tobacco or to return to you
with it, if the price is answerable.
At present tobacco falls from 16 to 20 pd. per hundred - few
purchasers at that - little wheat made - great crop of corn which
is now bought at 40/per bushel - goods of all kinds very high.
Rum 10 pounds - Taffia 6 pounds - brown sugar 100 pounds per
sent: molasses 3 pounds per gallon - coffee same as brown sugar -
for further particulars I refer you to Capt. Rand. 27

Braxton's calculating mind was constantly alert to new and more
profitable avenues of commerce. For example, much of his European
trade was channeled through the West Indies, and he hit upon the idea

27 Carter Braxton to Thad Mumford, September 10, 1779, Mis-
cellaneous Manuscripts, New York Public Library, New York City.
that it would be safer for Dutch carriers to be utilized between the islands and European ports. He proposed this scheme in January of 1779 in a letter to Campbell, Beale and Co., a firm located in the West Indies. After informing Messrs. Campbell and Beale that "few captures have been made where the property, although American, was proved to belong to subjects of Holland," Braxton stated that

it is our intention very shortly to send a person to Holland to procure goods, charter vessels, and send them on to you, the goods to be either there sold, or sent on here as we shall direct, and to purchase tobacco with you, to load the vessels back to Holland. Is this not practicable? To me it appears evident, and yet I am amazed no person before has pointed out the business.28

The use of Dutch carriers was not the only idea that Braxton suggested to Campbell, Beale, and Co. He was also willing to consider the importation of British goods into America. According to his plan, articles of trade would be shipped from Great Britain to the West Indies and then to America. Trading with the enemy in time of war was not reprehensible to Braxton; instead, he justified it on practical, economic grounds:

cannot goods be sent from England to Antigua [a British possession in the West Indies], there received and sent on to Eustatia, from thence either shipped here, or not, as was adviseable? Is any man in Antigua to be got worthy of confidence to negotiate such business? British goods would command on the first cost, much more than any other, and they are so much to be preferred, that America now winks at every importation of their goods. If they are not brought in this way, they will in some other, and the only difference is, that in this way we should get them cheap, while in another we pay an immense advance, which is only prejudicial to us, and not advantageous to them.29


29 Ibid.
That Braxton was prepared to do business with the British during the midst of the War for Independence clearly indicates the intensity of his mercantile motivation. As in the years before the Revolution when the apparent prospects of high profit induced him to ignore trade regulations, so it was during the Revolution when the expectation of commercial benefits overruled his allegiance to the principle of economic independence from Britain. The signer of the Declaration of Independence was not bothered by the contradiction between his recorded support of political independence and his participation in perpetuating economic dependence, and he was indifferent to the possibility that the latter might endanger the former. Indeed, for him there was no inconsistency. He had reluctantly signed the Declaration of Independence only under the crushing force of political circumstances, and now economic considerations were to dictate the direction of his trade. Braxton had always been a slave to the immediate circumstances surrounding him. He had always been more interested in his private affairs than in public matters.

Braxton was not alone in his devotion to utilizing the opportunities for increasing his wealth. The problem of private interest versus public good was common to all merchants of the Revolution. Moreover, the problem was compounded by the necessity of Congress to utilize the knowledge and connections of large-scale merchants to insure an adequate procurement of supplies as well as by the lack of a well-established administrative apparatus to cope with cases involving
possible conflicts of interest. Consequently, the attitude of many merchants was business as usual. Robert Morris, while chairman of the Commercial Committee of Congress, wrote Silas Deane that people "may conjecture by and by that private gain is more our pursuit than public good, ... however, I shall continue to discharge my duty faithfully to the public, and pursue my private fortune by all such honorable and fair means as the times will admit of, and I dare say you will do the same." 31

It is impossible to determine the extent of Braxton's commerce with the British during the Revolution; however, there can be little doubt that it was fairly extensive. A hint of his involvement is provided by a letter written to Braxton in 1781 by his agent in London, Jack Power:

I am happy to hear of your successful commerce, and I wish it was in my power to contribute to its increase, but before I shall be able to do so, I must be supplied with remittances much more considerable than I have hitherto had. ... I had an interview with Hugh Connor of this place, agent for Hore and Co. and Richard Cahill, and laid before them the amount of bills received, and also assurances I had of further and ready supplies, in hopes of being able to engage the event, but Hore and Co. were unwilling to trust to the casualties to which remittances are at present liable and have therefore protested their draft and what they and Mr. Cahill means to do with the other two I do not at present know. 32


31 Robert Morris to Silas Deane, June 29, 1777, The Deane Papers (New York Historical Society), II, 82.

It would be interesting to know how much, if any, of the purchases Braxton made in Britain were sold in turn to support the American military forces, and what profits were made on such deals, but this information, unfortunately, is not available. It is quite possible, however, that transactions of this nature occurred, for much of Braxton's trade was with government. He enjoyed a close relationship with both Congress and the Virginia government, selling goods to them and supplying them with money. Thus, the governments were able to obtain needed supplies and funds, and Braxton was provided with the opportunity to expand his commerce.

Braxton's mercantile relations with Congress began on November 10, 1775, when he was authorized "to purchase for the use of the United States, all the salt petre which may within twelve calendar months be produced" from places in Virginia selected by Congress to manufacture the product. Subsequent dealings with Congress stemmed largely from his connection with Robert Morris, who, as the leading member of the Secret Committee of Commerce until 1778, was able to throw much public business Braxton's way for the mutual benefit of both. For example, Braxton was appointed in December of 1776 to purchase tobacco for the continent and in March of 1777 was advanced $40,000 of public money by Morris for this purpose; whereupon, Braxton's agent, Gabriel Penn, bought the tobacco and loaded it on the ship Virginia. The following summer, Congress ordered a tobacco


34Lawsuit manuscripts, Braxton Papers, Historical Society of Pennsylvania.
cargo on board the Virginia to be consigned to Roderique, Hortelez, and Co.,35 and Braxton was given $33,333 "for the purpose of fitting out the ship Virginia for the sea."36

Another instance of Braxton receiving Congressional business because of his private connection with Robert Morris took place in the spring and summer of 1777. On March 29, 1777, a resolution of Congress instructed William Aylett, Deputy Commissary-General to the Continental Forces in Virginia, that he must purchase the required amount of flour and offered the means for Aylett to comply: "Mr. Robert Morris consents, on his part, to transfer to Mr. Aylett, for continental use, a quantity of flour, purchased in Virginia by Mr. Morris and Carter Braxton, Esq. to whom Mr. Aylett is desired to apply for a release of his part of the concern."37 Acting on these instructions, Aylett negotiated a price with Braxton and reported the results in a letter to Congress on June 29, 1777.38 After considering the letter, Congress agreed on July 18 to give Braxton the agreed upon price for 3,000 barrels of flour.39

In addition to the above transactions, Braxton also cooperated with Jonathan Hudson in providing supplies for the military forces.

35 Roderique, Hortelez, and Co. was a French company organized to provide supplies to the American military forces.
37 Ibid., VII, 208.
38 William Aylett to Congress, June 29, 1777, Papers of the Continental Congress, item 78, I, folio 99, National Archives, Washington, D.C.
He wrote to Hudson on July 7, 1777 concerning purchases made for the
army and again on August 14, 1777 to discuss the purchase of vessels
to transport military stores. One of these vessels, the brig
Braxton, in which Morris also had a part, was detained by British
frigates and severely damaged by lightning while carrying 117 hogs-
heads of United States tobacco; and Congress, having chartered the
ship, was liable for the damage. According to a report of the Com-
mittee of Commerce, "the owners of said brig including Braxton, Morris,
and Hudson being offered a price for this vessel and cargo as she
lies, which they think will make them compensation, offer to discharge
the Continent from the charter, provided the committee sell them the
117 hogsheads of tobacco on board the said brig, at five pounds
Virginia currency per cent." Congress resolved on September 18, 1778
to accept the proposal, enabling Braxton and his associates to acquire
a large cargo of tobacco very inexpensively.

Braxton's commercial relations with the Virginia government
began about the same time as his dealings with Congress and appear
to have been more extensive. On December 19, 1775, he sold an ammuni-
tion wagon to the state and exactly one month later furnished the
Quarter Master with 163 pounds of corn. For the remainder of 1776

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40 Braxton to Jonathan Hudson, July 7, 1777, August 14, 1777,
American Book Prices Current, XXXVI (1930), 611, XLV (1939), 280.
41 Journals of the Continental Congress, XII, 926.
42 Ibid.
43 State Auditor's Papers, December 19, 1775, January 19, 1776,
published in Virginia Magazine of History and Biography, XXVI (July,
1918), 292, XXVII (January, 1919), 66.
and 1777, he arranged his transactions with William Aylett, who was
Commissary of Stores for Virginia until December of 1777 in addition to
his Congressional appointment as Deputy Commissary General to the Con-
tinental Forces in Virginia,\textsuperscript{44} and carried on much of the resulting
trade in league with Robert Morris. Aylett wrote to William Armistead
on August 1, 1776 that he was negotiating the price of linens that
Braxton had to sell,\textsuperscript{45} and on September 17, 1776 Braxton wrote Aylett
a long letter, excerpts of which reveal much about the nature of his
purchases and sales with the Virginia government:

At present permit me to engage a little of your time upon
some matters I wish to be executed in Williamsburg and for which
purpose have Mr. Norris to go down. The Country has about two
hundred barrels of Pork at Cumberland and perhaps might be induced
to sell some to me for my vessels upon your application. Will
you do me the favor to apply to the proper board and get me an
order for a few barrels it to be sold and send it to me.\textsuperscript{46} Can
you engage me 500 Ws bakers biscuits and forty Ws candles by the
last of this week when Capt. Meridith shall have orders to
call on you for them. Must I get a permit for the departure of
my vessel and from what board and under what form or regulations.
I hope it may be done without my presence. . . .

You said you were in expectation of getting the money for my
tallow, that for the beef and some more from Bland than what was
due to Scourby, any or all of it will be very acceptable until I
can get a supply from Mr. Morris of Philadelphia, for whom in part
I act. . . .

\textsuperscript{44} See notes by Earl G. Swem on Aylett letters published in
\textit{Tyler's Historical and Geneological Quarterly, I} (October, 1919), 87.

\textsuperscript{45} William Aylett to William Armistead, August 1, 1776, \textit{Tyler's
Quarterly, I} (October, 1919), 90.

\textsuperscript{46} Aylett apparently complied with this request, for the Council
Journal for November 14, 1776 ordered that Braxton be supplied with
"fifteen barrels of Pork from Cumberland Town, he paying the appraised
value thereof for the use of the public." \textit{Journals of the Council of
the State of Virginia} (ed. by H. R. McIlwaine, Wilmer L. Hall, and
George H. Reese, Richmond: The Virginia State Library, 1931-1967),
I, 238.
The affair of the wheat really amazes me when I reflect on it. In my memo I mention giving you an order for 5854 bushels of wheat and in my pocket book I have set down the same quantity. I fancy the mistake must have happened in this way. On one side of my book is the exact number of bushels for which you have an account, on the other leaf is the quantity delivered by me at West Point and Col. Brooke, and the error must have been not to turn over and set down his 190 and my 375 both of which added to yours makes the total 5854.

The Country has a brig at Cumberland which was bought for service but afterwards laid by, what will the Council take for her sails. Pray ask them and if I approve the price perhaps I may take her.

What will you give for my crop of wheat? 47

This type of activity with the State Government seems to have continued unabated throughout the war years and included all types of items. In April of 1777 the transaction concerned salt, 48 and the following November he and Jonathan Hudson sold cloth to the army. 49 In the spring of 1778, Braxton loaned $16,000 to the state for the use of Maurice Symonds, agent for Virginia in Charlestown. 50 During 1780 and 1781, he supplied cartridge boxes, 51 rum, 52 blankets, 53

47 Braxton to William Aylett, September 17, 1776, Tyler's Quarterly, I (October, 1919), 92-94.
48 Journals of the Council, I, 381-382.
50 Journals of the Council, II, 77-78, 122.
52 Journals of the Council, II, 257.
and horses. To pay for such purchases, the State dispensed large sums of money to Braxton. On January 19, 1776 the auditors paid him 163 pounds, on May 12, 1780, two warrants were issued for 1500 pounds each, on November 1, 1780, Virginia owed him 23,758 pounds, in March, 1781, he received three warrants totaling 8100 pounds, and on June 10, 1783, the Solicitor reported that Braxton had a claim on the State for "36,500 and 51,000 pounds of upper James or York River tobacco with interest from the first of November, 1780 at five per cent."

In all of his mercantile dealings, both public and private, Braxton found it necessary to employ his own agents, who generally received a commission of two and a half per-cent. These agents were numerous and could be found wherever he traded. In order to handle his foreign trade, he seems to have relied heavily on his Morris connections, such as John Ross, although there were a few that appear to lie outside of the Morris circle, such as Jack Power in London, who handled Braxton's remittances and managed his English estates. In Virginia, he

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54 Journals of the Council, II, 280, 303, 310.
55 State Auditor's papers, December 19, 1775, published in Virginia Magazine of History and Biography, XXVI (July, 1918), 292.
56 Journals of the Council, II, 257.
57 Calendar of the Virginia State Papers and Other Manuscripts (ed. by William P. Palmer, Richmond, 1875-1893), I, 385.
59 Ibid., III, 267.
60 Lawsuit manuscripts, Braxton Papers, Historical Society of Pennsylvania.
61 Ibid. See also, Jack Power to Braxton, published in Royal Gazette, New York, September 26, 1781.
employed many individuals to buy and sell for him. There were Gabriel Penn and Charles Irving, besides which "I kept at Richmond Mr. Pendleton for my agent - at Suffolk Mr. Driver - at Hanover-Town Mr. Clarke, and in Surry Mr. Falcon besides sundry close at West Point." Undoubtedly there were others as well, situated in such places as the Carolinas and the West Indies.

The above examination of Braxton's commercial activities during the Revolution reveals a very extensive involvement. Unfortunately, the result of his complex entanglements was counter to his expectations. The state of Braxton's finances was most precarious prior to the Revolution, and he undoubtedly regarded the opportunities afforded by war-time trade as a means to restore his economic stability. However, as the years passed it became evident that he was headed toward financial ruin.

A number of factors were responsible for his commercial failure, including those which contributed to the difficulties of all merchants such as a rapid depreciation in currency, increased prices, and the constant threat of British troops and ships. But Carter Braxton was subject to an additional risk. Not only was he a zealous merchant, he was also a prominent political figure with influential enemies who were eager to seize every opportunity to damage his reputation in order to contain his political effectiveness or to use him to get at others, such as Silas Deane or Robert Morris. A sensitive politician would

62 Luideman manuscripts, Braxton Papers, Historical Society of Pennsylvania.

63 See page 44.
have realized this vulnerability and would have taken care to act with
great discretion and caution; whereas, Braxton allowed his mercantile
ambitions to take precedence over political considerations. As a
result he indulged in a number of questionable practices which at-
tracted a storm of controversy, irreparably damaged his economic empire,
and seriously threatened his political prestige.

Among the first serious difficulties to confront Braxton were
the charges of profiteering and unethical conduct. It is doubtful that
he charged higher prices than many other merchants, but it is equally
certain that he was capable of driving a hard bargain. Nobody knew
this any better than William Aylett, who, in buying goods for both
Virginia and the Continent, was often frustrated in his attempts to
lower Braxton's prices. In a letter to William Armistead, Aylett
complained that "I received this day a letter from Mr. Braxton in-
forming me that linens and all other goods have raised at least fifty
per cent since ours were purchased, so that he need not be afraid of
selling his at the prices he has put upon them." Again in 1777
Aylett clashed with Braxton over the price of flour to be purchased
from Robert Morris and Braxton. In a letter to Congress of June 29,
Aylett claimed that Braxton demanded an excessive rate 25/ per
hundred until Morris persuaded him to accept 15/ per, which price Aylett
agreed to even though he thought the flour should sell for no more

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6 William Aylett to William Armistead, August 1, 1776, Tyler's
Quarterly I (October, 1919), I, 90.
than 12/ per hundred.65

However high Braxton desired his profits to soar, he realized that there was a limit to the prices that could be asked for army provisions without incurring government retaliation. He expressed this concern in a letter written on November 29, 1777 to his business associate in Baltimore, Jonathan Hudson:

I am sorry to find you think we lost so much by my sale of the cloths. For my part I thought they were well sold and it would be well for the United States if all merchants would content themselves with such profits which I esteem great and you now see the effect of the exorbitant demands.66

The "effect of the exorbitant demands" referred to by Braxton was a law passed by the Virginia legislature the day before he wrote to Hudson. This law was intended to control profiteering and empowered the Governor and Council to appoint commissioners with the authority to appropriate from merchants certain items needed by the army, to have the value of the seized goods determined by appraisers, and to draw upon the Treasurer for funds with which to re-imburse the merchants.67 Convinced that such legislation would severely hamper his own style of trade, Braxton was alarmed by the passage of the law and critical of those fellow merchants he believed responsible. To Hudson he wrote that "these laws will put a total stop to all future


67Statutes at Large (Hening), IX, 375-378. Among the goods specified were woolens, linens, shoes, and stockings.
speculations and your States that are so blocked up and have no import
must suffer amazingly, but as you set the example you cannot be of-
fended."68

Although Braxton's desire for high profits was tempered by the
fear of government regulation, he continued to press for the greatest
returns possible, and the methods he utilized embroiled him in a
number of disputes with his business associates. In February of
1778, Braxton involved himself, Morris, and Hudson in a contract with
Norton and Beale to purchase salt with tobacco, but apparently
violated the contract by paying part of the obligation with depreciated
currency instead of tobacco without consulting his partners. Probably
wishing to protect their credit, Hudson then withdrew from the ven-
ture and Morris later disclaimed responsibility, both advocating
that the transaction was fraudulent.69 The following year, Braxton
antagonized Simeon Deane by delivering tobacco of inferior quality to
that agreed upon and, when pressed to provide the stipulated "best
upland tobacco," he increased the price.70

Braxton's business practices did much to earn him the reputation
of a rather unscrupulous merchant who was suspected of growing rich
at the public expense. By 1779, William Aylett, who had so warmly
supported Braxton at the King William County election in April,

68 Braxton to Jonathan Hudson, November 29, 1777, Braxton Papers,
Historical Society of Pennsylvania.

69 Lawsuit manuscripts, Braxton Papers, Historical Society of
Pennsylvania.

70 Simeon Deane to John Holker, March 22, 1779, Deane Papers
(Connecticut Historical Society), XXIII, 143-144.
1776,⁷¹ had turned against him, believing that "he has made immense sums by his destructive speculations."⁷² Undoubtedly, Aylett's opinion resulted, at least in part, from his dealings with Braxton in purchasing goods for Virginia and the United States. Also, Braxton's long time political enemies, the Lee family, were convinced that he and his associates were reaping huge profits "with their own or the public funds."⁷³ These suspicions, compounded by political animosity, motivated Richard Henry Lee to embark upon a campaign to discredit Braxton in the public eye.

Lee's first attack on Braxton concerned tobacco purchased for Congress in the spring of 1777 by Gabriel Penn, an agent of Braxton's in Amherst County, Virginia.⁷⁴ Lee claimed that Braxton and Penn were guilty of a breach of trust by misusing public funds and paying an excessive price for the tobacco, and Congress took note of these charges on December 14, 1778 by recording that "a letter, of 5, from Richard Henry Lee, Esq., was read, enclosing a letter of the 12 November, from William Cabell, with sundry depositions relative to the purchase of tobacco by Mr. Carter Braxton and Mr. Gabriel Penn."⁷⁵

⁷¹ See pages 102-104.
⁷² William Aylett to Richard Henry Lee, March 21, 1779, Lee Family Papers, University of Virginia.
⁷⁴ See page 135.
⁷⁵ Journals of the Continental Congress, XII, 1216.
The precise chain of events which generated Lee's accusations is not clear, but statements made a decade later by Braxton and Robert Morris, who supplied the public money for the transaction, provide some insight into what occurred.

Braxton maintained that he and Penn were innocent of any misconduct; instead, they were simply the victims of unfortunate economic conditions. Rapid depreciation and the consequent refusal of planters to sell at the original price necessitated increased expenditures. Braxton's version of the transaction and the resulting controversy is as follows:

From a comparison of all these different letters it will evidently appear I was authorized to purchase tobacco for the public, and that I had deputed Mr. Penn to effect this purchase with bonds of mine and with money to be sent up to him. From the accounts of the prices of tobacco furnished the ship Virginia it will appear, she had near 400 hogsheads of tobacco which is charged at 20/., 25/., 30/., and 32/6. per cent which may be seen by a reference to her accounts.

Mr. Penn upon my orders made his contracts in February 1777 at 22/6 per cent which was known to be on Continental account, for the people not having their tobacco down had not delivered the notes and made only contracts. When tobacco rose which it did very shortly, the people refused to comply with them and after much altercation were released by Mr. Penn except as to a few who had honor enough to deliver their crops.

Col. William Cabell finding the people released by Mr. Penn and that Congress would thereby suffer greatly complains of it to Mr. Lee a member of Congress. Upon this, complaints go to Mr. Morris and he writes me not to release them. Mr. Cabell insists on justice to the public from Mr. Penn. By order of Congress depositions are taken and the affair fully inquired into. The result was, that Mr. Penn had done as best as he could and was not culpable.\(^76\)

As far as Richard Henry Lee was concerned, however, Braxton and Penn were guilty of misconduct. Lee no doubt refuted Braxton in the

\(^{76}\) Lawsuit manuscripts, Braxton Papers, Historical Society of Pennsylvania.
same manner as Morris did in the late 1780's, when the matter re-emerged as part of a lawsuit between Morris and Braxton.\textsuperscript{77} Morris pointed out that Braxton had admitted to using his own bonds to contract for part of the tobacco and accused him of using Congressional funds to secure these bonds for himself, with the intention of using them to purchase the tobacco at a sizable profit. Moreover, Morris charged that Braxton refused to buy any tobacco until he had the bonds, forcing Congress to pay more money for inferior tobacco. Such practices involved the use of public money for private gain at the expense of the United States. The issue, as stated by Morris, was simple:

Without inquiring therefore, whether at the time Mr. Braxton conceived it to be public or private money, he certainly knew that sending up bonds into Amherst, for a tobacco purchase, instead of the money was by no means a proper mode of doing the business. Much less was it justifiable to refuse the best tobacco offered to him in May and exchange the public money for his own bonds in June. But since he contends that these bonds were to be invested in tobacco for the public use, let us suppose that the transaction had been stated at the time to the public; would there not have been great and just complaint? Would it not have been considered as a breach of trust in the public agent? Must it not inevitably have occasioned great delay in the purchase, to offer bonds instead of money? Would not such delay both accumulate the expense of the ship Virginia, then waiting for her cargo, and increase the risk of her destruction by the enemy?\textsuperscript{78}

Although Congress took no official action against Braxton and Penn in response to the charges lodged by Lee, there is no evidence

\textsuperscript{77}See pages 219-222.

\textsuperscript{78}Lawsuit manuscripts, Braxton Papers, Historical Society of Pennsylvania. Morris went on to state that Braxton's scheme resulted in a loss of money and complained that Braxton made up his loss by drawing upon Morris's funds, which, of course, Braxton denied.
that Braxton was ever again entrusted with the business of the United States. As stated before, Robert Morris, as the leading member of the Commercial Committee, was responsible for much of Braxton's mercantile dealings with Congress. In November of 1777, Morris obtained at his own request a temporary leave of absence from Congress and thereafter exercised less influence over the activities of the Committee, leaving Congress permanently in November of 1778.79 Morris's departure left a void in the leadership of the Commercial Committee, which Lee and his partisans were obviously anxious to fill.

That Lee's efforts to discredit Braxton were also part of a maneuver to gain influence in the Commercial Committee is indicated by the intense rivalry which existed between the Lee family and the mercantile interests represented by Robert Morris and his associates, whom the Lees suspected of misusing public money for speculative purposes. The dispute centered on charges of misconduct raised by Arthur Lee, brother of Richard Henry and one of the American commissioners in France, against Silas Deane, another of the commissioners and a Morris agent.80 Deane countered the accusations by falsely charging that Arthur Lee was guilty of prematurely leaking information of the

79 Ver Steeg, p. 28.

proposed Franco-American treaty to the British through his secretary, John Thornton. The controversy soon reached embarrassing proportions, and both men were recalled from France, Deane in late 1777 and Arthur Lee in the spring of 1779.

Richard Henry Lee, then, was using the Braxton-Penn affair as part of the Lees' political war with Morris and Deane, which would be aided greatly by destroying Morris's domination of the Commercial Committee. He was fairly successful in this attempt, for the Committee was completely re-organized on December 14, 1778, the same day that the exposure of the Braxton-Penn affair was recorded in the Journal. At least two of the five members on the new committee were Lee supporters (Henry Laurens and Francis Lewis), insuring that Lee's enemies could effectively be blocked from any further trade with Congress. Moreover, Lee did his best to see to it that Braxton would benefit no more from public money. Throughout 1779 he kept his campaign against Braxton and Penn alive in the Committee by writing at least three letters to Laurens urging that Congress punish them for


82 Journals of the Continental Congress, IX, 1008-1009, XIV, 713.

83 Ibid., XII, 1216-1217.

84 In January of 1779, Laurens and Lewis charged that Morris had received compensation from the public treasury for private commercial losses.
their misconduct.  

Thus, the first significant blow to Carter Braxton's war-time mercantile ambitions had been struck. After 1778, he was to do no further business with Congress. However, a much more damaging setback to his reputation and commercial career occurred in the early months of 1779, resulting again from his indiscreet commercial activities. In late 1778 and early 1779, Braxton had written three letters to business correspondents abroad in which he freely discussed his mercantile intentions and candidly expressed his sentiments on the war. These letters were sent from Virginia to St. Eustatia on board the schooner Willis, which was captured by the British and brought into the port of New York; whereupon the intercepted correspondence was published in the Royal Gazette on February 3, 1779. Consequently, his private sentiments were exposed to public scrutiny, subjecting him to further attacks concerning his character and loyalty.

The first of the captured letters, written to John Ross on December 26, 1778, reveals Braxton's dissatisfaction with the French alliance and his fear that a prolonged war would be disastrous to trade. His primary concern seems to have been his commercial interests, which would be served only by an immediate peace:

I wish you had been more communicative upon politics, giving your mind freely of the situation of the war; much depends in trade on proper foresight in this matter with regard to America, you find by her alliance with France she is so closely fixed to

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85 Richard Henry Lee to Henry Laurens, June 6, June 13, and October 15, 1779, Letters of Richard Henry Lee (Ballagh), II, 64, 71-72, 160.

86 Royal Gazette, New York, February 3, 1779.
her, that she cannot on any event separate herself; France having the ablest ministers in the world, know how to turn this to their advantage; the treaty given us now in print differs exceedingly from one published six months ago, and people are displeased to see themselves so much deceiv'd by designing men who have actually cheated them out of their first concurrence, till now they know not how to be redressed; Can you tell us if there were two treaties on foot in France, and if Mons. Gerard had power to alter it, which it is said has been done since his arrival at Congress. America being thus prostrate at the feet and devotion of France, it rests with Great Britain alone to say whether we shall have peace; their conduct, I presume, will depend solely on the dispositions of other Courts to support them, concluding on their inability to prosecute a war against America, France, and probably Spain; their measures are by this time agreed on, and we shall see from the King's Speech, whether he inclines to peace, or will be supported in a Confederacy against the House of Bourbon. In which latter event a general war must ensue and debts beyond the power of figures increased; our's is become already immense, insmuch that our taxes are laid this year at one and a half percent, on all property, valuing it at the present prices, which are 800 per cent. beyond their former and real value; even this will not prove equivalent to the wanted emissions and demands for money; articles of every sort are risen to immense heights; a barrel of corn sells now from five to eight pounds, wheat at 30s. per bushel, flour at seven pounds per cwt and many other things in the same proportion; tobacco has not risen with other articles, the price has kept at a stand for 6 months past, which is about 7 ½ per cwt, but will I expect soon rise very high, goods must partake with other things and will sell soon at 1500 per cent. and upwards - where is it all to end? will you not say in our destruction, and I fear you will say too truly, nothing but peace can prove our friend to relieve us from all these dreadful horrors. . . .

In the above letter, Braxton gave the impression that he had lost enthusiasm for the American cause and desired only that the struggle cease. This impression is strengthened in the second of the captured letters, written on December 27, 1778 to Messrs. George Clifford and Tyssett, merchants in Holland. Here he implied a belief in the futility of continuing the war and expressed a desire to resume

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87 Braxton to John Ross, December 26, 1778, Ibid.; also published in The Deane Papers (New York Historical Society), III, 128-129.
commercial relations with Britain:

I shall esteem myself happy to improve this clandestine correspondence, till the pride of Great Britain should be so humbled as to permit our free trade to all nations, and then we may extend it in any manner and to great lengths, by a firm and confident connexion between us. No doubt is made in America but that she will surely obtain her great object of independence, in a little time; of this I am not very sanguine, but expect the time is far distant for this acknowledgement. I know so much of the power of Great Britain and their national character, that if in this contest they are not deserted by their Continental allies, we are not yet in the meridian of the war: If their cunning has not failed them, they have certainly now formed a powerful confederacy against the House of Bourbon, and a general war will probably be the result. I doubt not their measures are by this time determined and put into execution; be this as it may, America is so determined that, I believe, she would rather be reduced to her original chaos, than relinquish that point she has solemnly declared for and so nobly bled. These being the sentiments of America, your vicinity to Britain affording you the event of their councils, you may readily pronounce whether peace or war is to be our portion. With respect to our future trade in case of peace, there is not a doubt but your nation and Great Britain would partake of three-fourths of it: For although we are reluctantly and I fear imprudently tied to France during the war, yet that being over, the people will break through every restraint or punctilio, to return to England for the goods they formerly purchased, after which they long and pine every day in the year. . .

The third intercepted letter, written on January 12, 1779 to Messrs. Campbell, Beale, and Co., shows that Braxton did not intend to await peace before trading with the British. Instead, it outlined a plan to begin shipping goods immediately from Britain to the British West Indies, from thence to the Dutch islands, and finally on to America.\textsuperscript{88} That he followed his intentions with the

\textsuperscript{88}Braxton to Messrs. George Clifford and Tyssett, December 27, 1778, \textit{Royal Gazette}, New York, February 3, 1779.

\textsuperscript{89}Braxton to Messrs. Campbell, Beale and Co., January 12, 1779, \textit{Ibid.} For excerpts from this letter, see page 126.
appropriate deeds is indicated by an intercepted letter written to Braxton by his British agent and published in the Royal Gazette in the autumn of 1781.\textsuperscript{90}

Taken together, the contents of the captured letters presented Braxton to the public as a selfish merchant whose patriotism was easily compromised by economic considerations, and this portrayal, by itself, would have been sufficient to earn him severe censure. Unfortunately for Braxton, the controversy received even more publicity than it would have attracted ordinarily, for he had devoted a good portion of his letter to John Ross to a stinging assault upon the character of the Lee family. In attacking the Lees, Braxton also advertised his support of Silas Deane in the raging dispute between Deane and Arthur Lee.\textsuperscript{91} The publication of the following excerpt from the letter to Ross was bound to link Braxton to the Deane party and draw him into another controversy with the Lees:

There have lately appeared in our papers, from Mr. Silas Deane, some severe strictures upon the conduct of the three Mr. Lees, the two in France and Richard Henry Lee here, and great indeed are the suspicions excited therefrom; although Mr. Lee has desired a suspension of the public opinion until his answer can appear, and Mr. Deane's trial in Congress take place, which now on that account will immediately be done, but would otherwise have been suffered to sleep undisturbed for many months; I am exceeding well acquainted with the character of the Lees, and know them to be actuated by such base principles, and full of such artifice and intrigue, that no new proof was necessary to fix my opinion. Perhaps this production and what we are to expect will follow from Mr. Deane, will determine the sentiments of people at large. I had long seen the impropriety of entrusting the secrets of

\textsuperscript{90} Jack Power to Carter Braxton, Royal Gazette, New York, September 26, 1781. See page 128.

\textsuperscript{91} See pages 142-143.
America with men of such characters, but it was not to be prevented. — Richard Henry Lee's interest in Congress, joined to that of the eastern states, was too great to be withstood; besides this, all the inflammatory news from Britain, and much falsity came through their hand, for which they were to be rewarded, and now it seems they relent and wish to carry things backwards, as if frightened with steps they had taken. Between false friends and designing foreign ministers I wish poor America may survive it long. For your amusement I send the Baltimore papers with Deane's first piece in it.  

Braxton's captured letters, then, provided the Lee partisans with the motivation to intensify their campaign against Braxton and the opportunity to gain support for their crusade against Silas Deane and his supporters. Richard Henry Lee heard of the letters by the end of February, 1779 and wrote Patrick Henry from Philadelphia that "the enemy have published some curious letters of Mr. Braxton's which they have intercepted. I am informed they will be republished here, and when they are I will send you the paper." In March, news of the letters spread throughout Virginia, and Lee's friends rejoiced at the advantageous use to which they could be put. Mann Page, Jr. expressed the opinion that "Mr. Braxton's intercepted letters ought to convince the world that the opposition to you and your family arises from private resentment only." William Aylett, who was "confident he is a Tory," hoped that the letters would "strip this wolf of his sheep's clothing." Richard Parker also wrote to Lee

92 Carter Braxton to John Ross, December 26, 1778, Royal Gazette, New York, February 3, 1779.


94 Mann Page, Jr. to Richard Henry Lee, March 16, 1779, Lee Family Papers, University of Virginia.

95 William Aylett to Richard Henry Lee, March 21, 1779, Ibid.
of the harmful effect on "Deane's greatest patron:"

Carter Braxton is in a fair way of coming into disgrace. Mr James Mercer who came to town yesterday, tells me he has seen that gentleman's intercepted letter and that he thinks it highly criminal. I want no additional proofs of his criminality. I have long since been satisfied he was a bad man.96

With the intention of heaping discredit on Braxton and the "Deanites," the Lees and their supporters, therefore, sought to utilize the letters as much as possible. On April 8, Richard Parker wrote Richard Henry Lee that he was attempting to have them published in Williamsburg with a strongly worded preface but "am afraid I shall have some difficulty to get them printed."97 Apparently, the Williamsburg publishers were unwilling to lend themselves to the Lee's condemnation of a man of Braxton's status, for Parker's edition of the letters never appeared,98 although Purdie's Virginia Gazette had previously published excerpts from the letters.99 Undoubtedly, Richard Henry Lee also relied upon the letters to keep alive his campaign against Braxton and Gabriel Penn.

The Lee's also received some unexpected assistance in disseminating the contents of the letters, for on March 18, 1779,

96Richard Parker to Richard Henry Lee, March 12, 1779, Ibid.

97Richard Parker to Richard Henry Lee, April 8, 1779, Ibid.

98It was rumored that Braxton's influence over the Williamsburg press extended to bribery, but there is no solid foundation for this rumor. See letter of Walter Jones quoted in the second paragraph below.

99See Richard Parker to Richard Henry Lee, March 26, 1779, Lee Family Papers, University of Virginia.
Meriwether Smith, certainly no friend of the Lee family, had them reprinted in Philadelphia. Smith prefaced the letters with a lengthy indictment of Braxton which accused him of acting out of "ambition and the love of money," charged him with prolonging the war "by avowing sentiments favorable to the views of Britain," and called upon him to "stand forth, black with hellish guilt, a monument of baseness."

In addition to reaping political capital from advertising the captured letters, the Lees felt constrained to reply publically to Braxton's attack upon them. The task fell to Arthur Lee, who wrote a letter to Braxton from Paris on May 22, 1779. This vindication was withheld from print until October, 1779 when its publication would coincide with the convening of the legislature. It was by no means certain, however, whether the vindication would ever see print, for Braxton was rumored to have undue influence over the printers in Williamsburg. Walter Jones, who evidently was entrusted with the responsibility of having it published, described his efforts in a letter to his brother in Northumberland County:

I mean as soon as possible to publish the vindication. But the printers in Williamsburg are not prepared to publish it soon. Clarkson indeed is said to be supported by Carter Braxton in money to conduct his business; the assembly is just about to convene, and an excellent opportunity will be lost of diffusing the intelligence contained in this vindication through the country. Richard Henry Lee has determined to procure if possible

100 In the fall of 1782, Smith participated in an attempt in the Virginia legislature to discredit Arthur and Richard Henry Lee by attacking their loyalty. See Journal of the House of Delegates, fall session, 1782 (Richmond: 1828), pp. 61-62, 71-72.

some manuscript copies to be sent to Williamsburg on Saturday next, but is much perplexed to get a scribe to assist him; he having a journey to perform, much business to do, and Mr. Laurens, from Congress, to entertain for some days. I have therefore undertaken to use my endeavors to get a copy done by my old friend Lucas, by Friday. 102

Jones's fears that the vindication would never reach the public because of Braxton's control of the press were groundless, and the Virginia Gazette of Dixon and Nicolson published Arthur Lee's letter on October 9. 103 The lengthy letter began with a reference to Braxton's fear, as stated in his intercepted letter to John Ross, that a prolonged war would play havoc with the American economy. According to Lee, Braxton should be condemned for the "indiscretion of committing to paper, sentiments so pernicious to the public." He must have known that Ross would probably "communicate this injurious picture of your country to his countrymen in Great Britain," where it would "invite the enemy to persevere in a war, the calamities of which you pretend to lament" and thereby threaten to "lay us prostrate at the feet of our enemies." Lee then asserted that, in spite of Braxton's efforts, America would not fall. "Such pusillanimity is contemptible, and will never reach people who have distinguished themselves by a firmness and valor which have rendered them the admiration of all Europe."

102 Walter Jones to Thomas Jones, October 3, 1779, Papers of the Jones Family of Northumberland County, XXIII, Library of Congress, Washington, D.C.

After portraying his opponent as a traitorous coward, Lee went on to defend himself and his brothers against Braxton’s accusations. Neither Deane nor Braxton had offered any proof that the Lees operated from base principles, and such charges must therefore stem from "calumny and ingratitude." However, if Arthur Lee’s brothers had conducted themselves as Braxton had in the John Robinson scandal of 1766, in forming a commercial connection with Robert Morris ("a man who had then much of the public money to play with") to profit from the war, in slandering dedicated public servants, and in exposing the "vulnerable parts" of his country to the enemy, then "I should have deemed their principles base, and their conduct criminal." Lee defended his actions regarding the premature release of information on the French alliance by telling Braxton that "your sagacity, it seems, discovered very soon that it was unsafe to trust the secrets of state with men of our characters. The same sagacity directed you to confide them to Mr. John Ross." Thus did Lee take the accusations thrown at him and hurl them back at Braxton.

Lee concluded his vindication by accusing Deane and Braxton of contradicting one another in their practice "of deceiving the people into a distrust of those men who prevent you from making your country the instrument of your vanity and avarice." For Deane, the French alliance "is our palladium, and therefore the Lees are enemies to it; with you it is our ruin and reproach, and therefore the Lees were the authors of it." Such inconsistencies, Lee continued, reveal the true nature of Braxton’s invectives, "but I trust our countrymen will regard them and their author with the contempt
they merit."

Braxton did not wait long before answering Lee's vindication. He wrote Arthur Lee on October 12, and the letter was published by the *Virginia Gazette* on October 23. Braxton's letter was much shorter than Lee's and consisted largely of a repetition of the unfounded charges that Arthur Lee was responsible for the British receiving advance information on the American treaty with France. This offense was much worse than Braxton's expression of private sentiments, for "it is treachery exalted into office, which alone must lay us prostrate at the feet of our enemies." Furthermore, the baseness of Arthur Lee's character was proven when, earlier in 1779, Congress recalled him from France. "America has fixed a stigma upon your character as their ambassador, which all the wretched shifts of personal attack and invective can never efface."

The remainder of the letter was devoted to a defense of Braxton and his associates. Referring to Silas Deane, Braxton stated that "you dared to attack the reputation of our best servant and vainly attempted his ruin at the just expense of your own." Braxton then praised the patriotism of John Ross by pointing out his financial investment in the American cause and charged that Lee's hatred resulted from the mercantile competition between Ross and William Lee, Arthur's brother. In refuting the attacks on himself, Braxton made no attempt to answer specific points but simply affirmed his honesty and patriotism:

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104 Carter Braxton to Arthur Lee, October 12, 1779, *Virginia Gazette* (Dixon and Nicolson), October 23, 1779.
My public conduct I am ready to submit to the decision of my country. My private character is registered before a tribunal far remote from your censure. My private opinions proceed from principles of freedom, not clouded by partial views of popular applause, self-interested objects, and family attachments, but solely directed to the rights of mankind and that universal Communion of sentiment without which liberty cannot exist. 105

The notoriety which Carter Braxton received from the publication of his captured letters and the consequent newspaper debate with Arthur Lee was bound to damage his reputation and adversely affect his political and mercantile careers. At the same time, it is doubtful if any except the most ardent Lee supporters looked upon him as a dangerous criminal conspiring to subvert the interests of the United States. Instead, most observers probably agreed with the sentiments expressed by Edmund Pendleton during the midst of the controversy in his correspondence with William Woodford:

Braxton is variously judged of for his letters published by the enemy, as the persons are his friends or the contrary who speak of it. I think he was imprudent to commit such a picture of a timid mind to paper which might be seen by the enemy, but do not see anything of criminality in the letters; I hear a certain family make as free with him at Philadelphia as he has done with them in the letters. I fear the enemy will think these disputes between a few great men of more consequence than they really are, and be induced to hold out a little longer. 106

However, while the altercations over the captured letters were raging, Braxton became involved in still another controversy which raised more serious questions regarding his criminality. This time, his difficulties related to the activities of a privateer, the

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105 Ibid.

106 Edmund Pendleton to William Woodford, April 1, 1779, Letters and Papers, I, 278; see also Pendleton to Woodford, April 26, 1779, Letters and Papers, I, 279-280.
Phoenix, of which Braxton was part owner. In September of 1777, the captain of the Phoenix, Joseph Cunningham, delivered to the Court of Admiralty in Boston a Portuguese vessel, Our Lady of Mount Carmel and St. Anthony, which he had captured. The fact that Portugal, although allied commercially to Great Britain, was a neutral nation presented a ticklish diplomatic and legal problem. John Rowe, an agent of Willing, Morris, and Co., wrote of the capture to Robert Morris, who also owned a share of the Phoenix, and stated the problem:

I never was so much at a loss how to act. I think it will be a perplexing affair. . . . You will judge how far the Portuguese are liable by being allies to Great Britain. We don't hear of the seizing of any American property either in their ports or at sea. 108

Robert Morris was also perplexed about the affair. Answering Rowe on October 27, 1777, he stated that "I will not as part owner receive any part of or benefit from this capture" unless a just condemnation should result from trial in a Court of Admiralty. He also expressed doubt that Braxton could be responsible for such a blunder:

I cannot help thinking that Capt. Cunningham's conduct in seizing this snow if she is really and truly Portuguese property is extremely reprehensible for I do not believe that Mr. Braxton could or would give him orders to capture such property at a time when no resolves of Congress authorized it but even if he has such orders, those who gave them are much to blame and I do suppose the transaction will appear in this light to all

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107 John Rowe to Robert Morris, September 29, 1777, Papers of the Continental Congress, item 44, folio 23, National Archives, Washington, D.C.

108 Ibid.
the world.109

Before long, however, Morris discovered that the orders had in
fact originated with Braxton. On December 16, 1776, Braxton had
written a letter to Captain Cunningham in which the instructions for
the controversial privateering mission were outlined. This letter
leaves no doubt of Braxton's role in the incident:

The Company to whom the privateer Phoenix belongs have instructed
Mr. Phripp and myself to give such directions as appear to us
necessary. For my part I shall rely in a great measure on
your skill and judgment in this cruise and only give general
directions in particular circumstances. You are I presume to
proceed to the West Indies and there endeavor to apprehend some
of the English vessels either those belonging to Great Britain
or such as belong to any of their islands or countries except
Bermudas or the Bahama Islands, or should you hear that the
Portuguese are actually taking our vessels in that case you
may seize any of theirs.110

Obviously, Captain Cunningham was acting in response to Brax-
ton's instructions when he captured the Portuguese ship. On Octo-
ber 16, 1777, Cunningham wrote to Robert Morris and explained that he
had been assured that Portugal had seized American vessels and was
virtually at war with America.111 Even if Cunningham's information
had been correct, the legality of Braxton's instructions would have
been open to question because Congress had not authorized him to
capture Portuguese ships in any case. At any rate, the Portuguese

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109 Robert Morris to John Rowe, October 27, 1777, Ibid.,
folio 29.

110 Carter Braxton to Captain Cunningham, December 16, 1776,
Ibid., folio 23.

111 Captain Cunningham to Robert Morris, October 16, 1777,
summarized in Stanislaus V. Henkels, Catalogue (Philadelphia,
1883-1937), no. 1163, item 226A.
were not confiscating American property, Portugal was still a neutral nation, and the Court of Admiralty at Boston did not condemn the unfortunate vessel as a prize of war when it rendered its decision in January of 1778. 112

The Court's decision referred the matter of disposing of the ship and its cargo to Congress and left unanswered the question of what action, if any, to be taken against the owners and captain of the Phoenix. Robert Morris, who was determined to protect the interests of himself and his business ally from Virginia, developed a plan which he hoped would solve both of these problems to everyone's satisfaction. He presented his proposal in a memorial to Congress on March 6, 1778 which called for a public sale of the vessel and its cargo, the proceeds to go to the Portuguese owners. By thus indemnifying the owners, "the national faith and credit of these infant states will remain inviolate." 113 The memorial also argued that the owners of the Phoenix should not be held liable for damages:

it does appear that the said Captain Cunningham did not act in conformity with either the letter or spirit of the said instructions in seizing this snow because the only condition on which he was authorized to make such seizure was in case the Portuguese were actually taking our vessels, and this had not happened. 114

Morris's memorial caused a slight stirring among the members of

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112 See John Rowe to Robert Morris, January 21, 1778, Papers of the Continental Congress, item 44, folio 42, National Archives.

113 Memorial of Robert Morris, March 6, 1778, Ibid., folio 49.

114 Ibid.
Congress who were eager to discredit his leadership of the Commercial Committee. Richard Henry Lee's close friend, Henry Laurens, wrote to Samuel Adams and condemned the memorial as an attempt by Morris to prevent an investigation of the capture in order to protect the owners of the Phoenix from public censure and possible punishment. In Lauren's opinion, the affair smacked of piracy. True justice and national dignity would be served only "by affixing a public stigma upon the offenders;" consequently, a "thorough investigation of the crime committed" was necessary.\footnote{115}

Congress finally acted upon Morris's memorial on May 11, 1778 by passing a series of resolutions providing for the sale of the ship and cargo to indemnify the Portuguese owners, and instructing the Committee of Foreign Affairs to send details of the whole incident to the American representatives in Portugal. In order to pacify the Laurens-Lee faction, Congress went on record that nothing in the resolutions should be construed to prevent the owners from suing for damages beyond the sale proceeds.\footnote{116} The resolutions passed by the narrow margin of five states to four and, since no further investigation was stipulated, indicated a victory for Morris and the other Phoenix owners. Thus, Gouverneur Morris wrote William Duer to "tell Morris his Portuguese affair is settled much against the wishes of his Eastern friends."\footnote{117}

\footnote{115}{Henry Laurens to Samuel Adams, March 7, 1778, \textit{Letters} (Burnett), III, 113-114.}

\footnote{116}{\textit{Journals of the Continental Congress}, XI, 487-489.}

\footnote{117}{Gouverneur Morris to William Duer, May 11, 1778, \textit{Letters} (Burnett), III, 230.}
Up to this point Braxton's name had not been closely connected with the affair, and he undoubtedly hoped that no more would be heard of Our Lady of Mt. Carmel and St. Anthony after the May 11 resolution. However, the Portuguese captain, John Garcia Duarti, was unhappy with the resolutions and began to petition Congress for damages in January of 1779. By July Duarti had written Congress four letters upon which the only action taken was to uphold the May 11 resolutions and recommend that Duarti sue for damages.118

Finally, on July 2, 1779, Henry Laurens and Elbridge Gerry successfully moved that Congress re-consider the latest memorial from Duarti.119 As a result of this motion, Congress referred the entire matter to a committee of five men, which included Laurens, to confer with all parties concerned "and make report as soon as may be."120

The committee issued its report on July 16, 1779, and Carter Braxton suddenly found himself in trouble. Braxton, Matthew Phripp,121 and Robert Morris were named as owners of the Phoenix.

118 Journals of the Continental Congress, XIII, 78, 115-116, 137, 158; XIV, 749, 777. For the content of Duarti's memorials, see Papers of the Continental Congress, item 44, folios, 63, 71, 77, 83.


120 Ibid., p. 803. Besides Laurens, the committee included James Spark, William Henry Drayton, James Lovell, and Henry Merchant.

121 Matthew Phripp was a Norfolk merchant who, despite his Tory sympathies, was not disturbed during the Revolution. See H. J. Eckenrode, The Revolution in Virginia (Boston: Houghton Mifflin Company, 1916), pp. 129-130.
but the committee could not "learn with certainty the names of any other owners." Since Morris was the easiest of the owners to contact, the committee attempted to arrange a meeting with him, but Morris refused to confer, claiming that he owned only one-twenty-fourth of the privateer and had no part in her supervision. Still, Morris did assign responsibility for the Phoenix's activities by stating that Braxton and "another gentleman in Virginia" (Phripp) were authorized to act for all the owners. The committee, however, was not about to let Morris escape so easily. Its report maintained that he had covered up for Braxton in his memorial of March 6, 1778 and must assume his share of the responsibility.  

Nevertheless, despite its implication of Morris, the report quite correctly reserved its primary criticism for Braxton. With a copy of Braxton's instructions in their hands as evidence, the committee had no difficulty whatsoever in concluding that "the orders given by Mr. Braxton were illegal and highly injurious to the good faith and honor of these United States, and that the original owners of the Portuguese snow ought to obtain justice and reparation for all the losses and damages which they have sustained in consequence of such illegal orders."  

The committee then went on to repudiate the position Congress had upheld since the resolutions of May 11, 1778. For more than a

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122 Journals of the Continental Congress, XIV, 838.
123 Ibid., 838-839.
124 Ibid., 839.
year, Congress had refused to award damages to the Portuguese proprietors; instead, Captain Duarti had been urged to seek redress in a lawsuit. But the report of July 16, 1779 recommended that Congress, in order to maintain the honor and dignity of the United States, give Duarti immediate satisfaction in bills of exchange to the amount of 6,235 pounds and that the Governor of Virginia be requested to compel Braxton to repay the amount.\textsuperscript{125} The committee realized that "by the law of nations Congress are not bound to make pecuniary satisfaction for acts committed contrary to, and in direct violation of their commissions by the commander of any vessel of war belonging to any of these States," still the recommendations were justified because "from the present circumstances of the States it is difficult for injured foreigners to obtain ample redress by the ordinary course of law in such instances as the present."\textsuperscript{126}

The July 16 report gave rise to extensive debate in Congress on July 21,\textsuperscript{127} resulting in the passage of three resolutions in support of the report.\textsuperscript{128} The first stipulated that the Board of War at Boston deliver to Duarti all the proceeds of the sale of the Portuguese cargo. The second provided that all material bearing on the Phoenix affair be transmitted to the Governor of Virginia, the President of Pennsylvania, and the Council of Massachusetts, and

\textsuperscript{125}Ibid., 840-842.

\textsuperscript{126}Ibid., 840.

\textsuperscript{127}See diary entry of Samuel Holten for July 21, 1779 and diary entry of John Fell for the same day, \textit{Letters} (Burnett), IV, 333-334.

\textsuperscript{128}Journals of the Continental Congress, XIV, 856-857.
that the said powers be recommended to take the "most speedy and effectual measures" to insure that Duarti obtained "full reparation and satisfaction." The third resolution recommended that the same states take the necessary action "for apprehending and bringing to condign punishment the said Joseph Cunningham, Carter Braxton, and any other person or persons that may be justly deemed guilty of the seizing and capture of the said John Garcia Duarti, with the said snow, her crew and cargo, in violation of the laws of nations."

In calling for the criminal prosecution of Braxton, Cunningham, etc., this third resolution was especially strong and went beyond the July 16 report, which recommended nothing more than monetary reparation. As originally drafted, the resolution did not specify Braxton by name, but a motion to insert his name was made by Elbridge Gerry and seconded by Henry Laurens,129 the two leading men in the drive against Braxton.130 The only votes opposed to Gerry's motion were cast by Cyrus Griffin of Virginia and Thomas Burke of North Carolina.131

In compliance with the July 21 resolutions, John Jay sent Governor Thomas Jefferson a letter on July 26, enclosing "sundry

129Ibid., 857.

130Gerry and Laurens were also instrumental in initiating on July 2, 1779 Congress's reversal of the resolutions of May 11, 1778 (see page 159). It should be remembered that during 1779, Richard Henry Lee was urging Laurens to take action regarding the Gabriel Penn affair and was causing trouble for Braxton over the captured letters. Undoubtedly, these matters were related to Braxton's difficulties with the Phoenix.

131Journals of the Continental Congress, XIV, 858.
papers" regarding the capture and urging Jefferson to devote his attention "for the purpose of doing justice to the parties injured, and punishing the aggressors."\[^{132}\] Thus, once again Braxton's mercantile indiscretions involved him in a serious controversy and provided his political enemies with the opportunity to attack him. And since these latest difficulties followed on the heels of the furor over the captured letters, certainly no one was surprised to see Richard Henry Lee at the forefront of the opposition to Braxton. Twice in August, Lee wrote to Henry Laurens for additional information on the Phoenix, which he claimed was needed "if our Assembly are to determine anything concerning it."\[^{133}\] Again in September, Lee wrote Laurens and expressed the opinion that "a mere pecuniary compensation to the injured Portuguese cannot compensate for the injury offered to our national character."\[^{134}\]

Fortunately for Braxton, the Virginia Government was not inclined to press criminal charges against him for the alleged piracy. On December 30, 1779, Governor Jefferson wrote to the President of Congress, Samuel Huntington, and reported that the opinion of Virginia's Attorney General, Edmund Randolph, was that "the offence could not be prosecuted here criminally; our act of Assembly,

\[^{132}\] John Jay to Thomas Jefferson, July 26, 1779, Jefferson Papers, III, 57.

\[^{133}\] Richard Henry Lee to Henry Laurens, August 7, 1779 and August 13, 1779, Letters of Richard Henry Lee (Ballagh), II, 102-103, 122.

\[^{134}\] Richard Henry Lee to Laurens, September 12, 1779, Ibid., p. 150.
establishing a Court of Admiralty, having in conformity with the Articles of Confederation, expressly inhibited it from criminal jurisdiction.\textsuperscript{135} Jefferson also reported that he had submitted the matter to the legislature, but, due to other business, it was postponed until the next session.\textsuperscript{136} Finally, Jefferson made it clear that Virginia would institute no civil action to force reparation, but he did state that if the sufferers desired to bring a civil suit, they would receive "the countenance and protection of the Virginia Government."\textsuperscript{137}

Apparently, Braxton did pay the damages as determined by Congress with no further pressure, for there is no record of additional action being taken against him. However, the Massachusetts Board of War was not so prompt in making re-imbursement for the cargo, and Duart continued to press Congress for action which led to another resolution on June 19, 1780 directing the Board to make immediate payment.\textsuperscript{138} That Braxton's name was not mentioned in the resolution indicates that he had already complied with his obligation.

Still, Braxton was troubled by the charges of piracy pursued by

\textsuperscript{135} Thomas Jefferson to Samuel Huntington, December 30, 1779, Jefferson Papers, III, 249.

\textsuperscript{136} Ibid. During the next session, a bill "For bringing to speedy and condign punishment, the enemies of America" was introduced but failed to pass. Journal of the House of Delegates, spring session, 1780, pp. 74, 79, 80.

\textsuperscript{137} Ibid.

\textsuperscript{138} See Journals of the Continental Congress, XIV, 883; XV, 1021; XVII, 495, 505, 528-530. The affair dragged on until February 2, 1781 when the Board reported that the funds were now available. Journals of the Continental Congress, XIX, 108-109.
his opposition in Virginia and felt compelled to defend himself publicly. On January 8, 1780 he utilized the Virginia Gazette for the second time in less than three months in an attempt to clear his reputation. Maintaining that his actions regarding the Phoenix "had been greatly misrepresented," he had Edmund Randolph's legal opinion of the charges printed in its entirety "that the world may judge how unjust the treatment to me has been."\footnote{Virginia Gazette (Dixon and Nicolson), January 8, 1780.} According to Randolph's ruling, not only did Virginia's laws prohibit his prosecution as a criminal, but Braxton should not be considered an accessory to an act of piracy since the Portuguese ship had been submitted to an American Court of Admiralty for the purpose of obtaining a legal condemnation.

From 1778-1780, then, Braxton's reputation suffered from continuous assault. The transaction with Gabriel Penn, the publication of the intercepted letters, and the Phoenix affair were controversies of a magnitude sufficient to damage the prestige of any man. In addition, an event occurred in the autumn of 1780 which was hardly conducive to an improvement in Braxton's public image. Although he was probably not guilty of any serious infraction in this latest episode, he was part of a questionable proceeding involving public money.

Braxton owed a large sum of money to the Virginia Government, and Virginia had been requisitioned by Congress for $15,000,000; therefore, Governor Jefferson permitted Braxton to pay his debt
directly to Congress as part of Virginia's requisition.\textsuperscript{140} In accordance with this arrangement, one of Braxton's agents submitted to Congress 1318 pounds specie which was accepted by the Board of Treasury at a rate of depreciation of 75 to 1, thereby supplying $263,750 of Virginia's requisition.\textsuperscript{141} However, this depreciation scale was in violation of the legal rate of forty to one established by a Congressional resolution of March 16, 1780.\textsuperscript{142} Had the legal rate been applied to the 1318 pounds, the amount of Virginia's requisition covered by Braxton's payment would be reduced by nearly half. It appeared as though Braxton, possibly with the approval of Virginia's government, was attempting to further cheapen continental currency in order to pay off the requisition more easily.

Congress appointed a committee, headed by Theodorick Bland of Virginia, to investigate the affair, and on November 1, 1780 the committee reported that a deviation from the legal rate of depreciation was unacceptable because it would be "destructive to the credit of the new emission and have a fatal tendency to depreciate it."\textsuperscript{143}

After the report had been re-considered by the same committee, it was accepted by Congress on November 15. At the same time, Congress

\textsuperscript{140} Jefferson to Virginia delegates in Congress, November 17, 1780, Madison Papers (Hutchinson), II, 180-181, see also footnote on pp. 181-182; letter also published in Official Letters of Governors, II, 293.

\textsuperscript{141} Report from the Board of Treasury dated October 14, 1780, Journals of the Continental Congress, XVIII, 934-935.

\textsuperscript{142} Journals of the Continental Congress, XVI, 264.

\textsuperscript{143} Ibid., XVIII, 934-935, 1003.
exonerated Virginia from any deliberate deception and offered to return the specie or accept it at the ratio of forty to one. 144

Before hearing of the action of November 15, Jefferson wrote to Virginia's delegates in Congress, stating that Braxton had agreed to make payment in continental currency on account of Virginia and that the Virginia Government disavowed any transaction involving a specie payment. 145 Eland placed Jefferson's letter before Congress on December 19 and introduced a motion, seconded by James Madison, that the transaction be recorded in the Treasury books "in such manner that the State of Virginia may not be included in it." 146 Thus, the impression was given that Braxton's actions were repudiated by Virginia as being unauthorized, although obviously the Board of Treasury erred as much, if not more, by accepting the specie at seventy-five to one.

Apparently, Braxton had not discharged all of the above debt to Virginia by the end of 1780, for he agreed in late December to provide bills payable in Philadelphia worth 110,000 pounds for the support of Virginia's delegates in Congress. 147 The bills were to be delivered by Mr. Fitzhugh in January of 1781, but Braxton did not supply them until May 28, at which time he demanded such a high


145 *Jefferson to Virginia delegates in Congress, November 17, 1780, Madison Papers* (Hutchinson), II, 180-181.

146 *Journals of the Continental Congress*, XVIII, 1174.

rate of depreciation that many delegates refused to accept them unless at a more reasonable exchange rate. On June 3, 1781, Theodorick Bland wrote Jefferson and complained that "the long expected, and long wished for, remittance which was to have come through the hands of Mr. Braxton, has afforded us no relief and has evaporated into smoke."

Because of his numerous difficulties, Carter Braxton acquired the reputation of a rather unprincipled individual. This unsavory reputation resulted partially from his business practices and partially from the publicity given them by his political opponents, such as the Lee Family. By the middle of 1779, some of Braxton's political allies were finding it difficult to defend him, as can be seen in the following letter from Edmund Pendleton to William Woodford:

I will not undertake to justify the gentleman in all his mercantile rapacity, but I will give you some palliatives I know him entitled to. His embarrassed circumstances at the commencement of this war, made it a duty he owed a large family to embrace any opportunity which fairly offered of extricating himself from difficulties which gave him uneasiness - trade was the only, and indeed a very inviting means, and he accordingly engaged in it - but not content with setting his affairs to rights, this parent of avarice, trade, suggested the idea of a great fortune and drove him on beyond reasonable and proper bounds. His neighbors say however, he has done some generous things and this winter he recruited at his expense, one man of the number required of his County to fill up our regiments, although he had before purchased his exemption from military duty by finding


149 Theodorick Bland to Jefferson, June 3, 1781, Letters (Burnett), VI, 110-111; letter also published in Calendar of the Virginia State Papers, II, 140.
a man to serve for three years.\textsuperscript{150}

It is axiomatic that an unfavorable public image is bad for business, and Braxton's unfortunate renown undoubtedly was an important factor in his commercial decline. As pointed out above, political and personal controversy was behind the termination of his trade with the United States in 1778.\textsuperscript{151} In the same year, Jonathan Hudson ended his correspondence with Braxton, apparently because he distrusted the Virginia merchant.\textsuperscript{152} Simeon Deane, defending himself in a dispute with Braxton in 1779, referred to him as "a gentleman whose character as a merchant is well known here."\textsuperscript{153} And in August of 1780, Braxton's most valuable mercantile connection, his association with Robert Morris, came to an end.\textsuperscript{154} The conclusion of the Braxton-Morris relationship came during a period when Morris was greatly expanding his business\textsuperscript{155} and was probably due to his belief, as expressed in a warning to Jonathan Hudson, that "even the most lucrative of trade" could be ruined by a "sullied reputation and a reproaching mind."\textsuperscript{156} Morris wanted no more Phoenix's.

\textsuperscript{150}Edmund Pendleton to William Woodford, May 10, 1779, Letters and Papers (Mays), I, 282.

\textsuperscript{151}See pages 141-142, 144.

\textsuperscript{152}See pages 121, 138.

\textsuperscript{153}Simeon Deane to John Holker, March 22, 1779, Deane Papers (Connecticut Historical Society), XXIII, 143-144.

\textsuperscript{154}Lawsuit manuscripts, Braxton Papers, Historical Society of Pennsylvania.

\textsuperscript{155}See Ver Steeg, pp. 28-42.

\textsuperscript{156}Robert Morris to Jonathan Hudson, December 11, 1780, quoted in Ver Steeg, p. 32.
Besides enduring a constant deterioration in his commercial connections, Braxton's mercantile career suffered from the hazards of war. William Aylett reported to Congress in 1777 that "so closely are our capes guarded, that none but New Englandmen can get out or in, and they are such enterprising indefatigable fellows, that they do contrive to go clear, when none others will venture."\textsuperscript{157} Braxton's ships and cargos, then, were constantly in danger, and a large number of both were lost to the enemy.\textsuperscript{158} Indeed, the risks were so great and the failures so frequent that he determined in the spring of 1780 to sell all his vessels because he could not secure adequate protection for them.\textsuperscript{159} That he complied, at least in part, with this decision is indicated by a letter written the following December to Richard Sprigg in Annapolis containing instructions for the sale of a sloop.\textsuperscript{160}

British military offensives during the last years of the war delivered additional blows to Braxton's already crippled commerce.

\textsuperscript{157}William Aylett to Congress, June 29, 1777, Papers of the Continental Congress, item 78, I, folio 99, National Archives.

\textsuperscript{158}According to Sanderson, p. 205, "in a few years, all his vessels were swept from the ocean: ship after ship was captured by the enemy." For specific examples of such losses, see Lawsuit manuscripts, Braxton Papers, Historical Society of Pennsylvania; Journals of the Continental Congress, XII, 926; Richard Corten to Governor Benjamin Harrison, July 17, 1783, Calendar of the Virginia State Papers, III, 511; Carter Braxton to Landon Carter, (Jr.), March 15, 1781, Gwathmey Cabell Collection, University of Virginia.


\textsuperscript{160}Carter Braxton to Richard Sprigg, December 29, 1780, Braxton Miscellaneous, Virginia Historical Society.
The invasion of Virginia must have cost him dearly. For example, he wrote to James Price in January of 1781 that "Arnold's expedition up the James River forborne destruction to the warehouses at Petersburg and Richmond," where Braxton undoubtedly had deposited much of the tobacco he purchased in that area. Furthermore, Admiral George Rodney's campaigns in the West Indies to stop the infiltration of military stores into America eliminated an important channel for Braxton's foreign trade. In 1781, Rodney seized the Dutch island of St. Eustatius, where Braxton had apparently built up a rather extensive business.  

During the war years, Braxton also suffered economic losses not directly related to commerce. An outbreak of distemper struck cattle in King William County in 1779 and killed several in Braxton's herds. More seriously, while Braxton was attending Congress, his residence on the Chericoke plantation burned to the ground destroying many valuable possessions, including most of his private papers. Instead of rebuilding a mansion at Chericoke, Braxton looked elsewhere for a new home, eventually purchasing a plantation at West Point.

161 Carter Braxton to James Price, January 25, 1781, American Book Prices Current, XX (1914), 645.
163 George Washington to Mr. Custis, October 26, 1779, Horner, p. 136.
164 Horner, p. 165; Sanderson, VI, 182.
165 Malcolm H. Harris, "Delaware Town and West Point in King William County, Virginia," William and Mary Quarterly (Second Series), XIV (October, 1934), 349-350.
located at the spot where the Mattapony and Pamunkey Rivers join to form the York.

Evidently dissatisfied with his new home, the aristocratic planter-merchant entered into a contract with the Virginia Government to rent the Governor's Palace at Williamsburg after the seat of government was moved to Richmond in 1780.\textsuperscript{166} Obviously, a man of Braxton's genteel tastes and aristocratic temperament would have derived much pleasure from living in the magnificent building, and the prestige of occupying such a notable residence might even have served to help rebuild his sagging public image.

However, on April 1, 1781, Braxton wrote to Governor Jefferson and asked to be released from the contract on the grounds that the Palace was being occupied by the militia and "has been by their troops rendered unfit for the purpose for which it was intended."\textsuperscript{167} Upon considering Braxton's latest request, the Council decided that the militia was likely to be in the building for some time and therefore voided the contract.\textsuperscript{168} Thus, Braxton remained at West Point until he moved to Richmond in 1786.

Braxton's contract to rent the Governor's Palace indicates that his financial resources had not yet been completely exhausted. Nevertheless, it is entirely possible that his economic decline was the real reason for giving up the Palace contract, for as 1781 passed it

\textsuperscript{166} Braxton to Jefferson, April 1, 1781, Myers Collection, No. 791, New York Public Library.

\textsuperscript{167} Ibid.

\textsuperscript{168} Journals of the Council, II, 325.
became evident that his economic condition was growing more and more hopeless. His debts were steadily mounting, and he was finding it increasingly difficult to meet his obligations, as revealed by the slowness with which he carried out his agreement with Virginia to remit money to Congress for the support of his State's delegates.169 Also, in October, 1781, William Shippen wrote to Richard Henry Lee about "one of Braxton's unfortunate strokes."170

By the summer of 1782, the vise of indebtedness was beginning to tighten around Braxton. In August of that year he attempted to borrow tobacco from Robert Wormley Carter of Sabine Hall "to give me time to collect my scattered finances."171 In September, Braxton was compelled to request Virginia's Commercial Agent, David Ross, for additional time and credit to comply with a tobacco contract because he had been "greatly distressed in making up the tobacco" and was "being unexpectedly pressed for sums he cannot now discharge."172 Two months later, Laurence Stacy, Commissary at York, complained that Braxton had not upheld his end of a contract to provide pork, brandy, and flour.173 Braxton was also being hounded in late 1782 and early 1783 by Robert Morris, now Superintendent of Finance for the United

169 See pages 167-168.
170 William Shippen, Jr. to Richard Henry Lee, October 4, 1781, Lee Family Papers, University of Virginia.
171 Carter Braxton to Robert Wormley Carter, August 18, 1782, Emmet Collection, 1640, New York Public Library.
172 Calendar of the Virginia State Papers, III, 313.
173 Ibid., III, 369.
States, to pay an old debt due Congress in order to settle a previous transaction concerning Peter Whitesides and Co. 174

It is abundantly clear that Carter Braxton's commercial career during the Revolution did not restore his economic stability. On the contrary, it ruined him. For the remainder of his life he would be plagued with demanding creditors and debtors who could not satisfy him. Complications arising from his war-time trade would deplete his fortune, take away his property, and involve him in innumerable lawsuits. His financial woes were to require the bulk of his attention during his last years and would rule out any serious involvement in political affairs.

CHAPTER VI

POLITICAL RESPECTABILITY

While Carter Braxton was indulging his commercial inclinations and coping with controversy during the Revolution, he was also part of the political scene within Virginia. Having returned from Congress in disgrace in August of 1776, he spent much of his effort during the following session of the General Assembly in a fairly successful campaign to justify his conduct in Philadelphia.\(^1\) Having redeemed himself, he continued to serve in the House of Delegates (except for 1778, 1782, and 1784) until 1786, at which time he became a member of the Council. His duties as a legislator were much more extensive than they were before the Revolution made him a prominent political figure; nevertheless, his active participation in the government of his state was sporadic, and his involvement in public affairs remained largely superficial despite the important work to be done in launching a new state government in a precariously independent nation.

Edmund Pendleton, the Speaker of the House of Delegates for its first session (October 7 to December 21, 1776), was pleased with the opportunity afforded by Braxton's presence to add weight to his

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\(^1\) See pages 112-113.
political circle, so severely threatened by the Lee-Henry faction
in the Convention of 1776. 2 Therefore, Braxton received many impor-
tant committee assignments, including the chairmanship of the Com-
mittee of Religion and posts on the Committees of Propositions and
Grievances, Privileges and Elections, and Trade. 3 In addition, he
was placed on twelve special committees dealing with specific legis-
lation, two of which he chaired, 4 and presided over committees of
the whole house on two occasions. 5 The two legislative sessions of
1777, under Speaker George Wythe, found Braxton sitting on the same
standing committees and serving on a total of seventeen special com-
mittees, heading two. 6 He also reported two resolutions from the
Committee of Religion, chaired a committee of the whole once, and

2 Speaking of Braxton and Benjamin Harrison in a letter to
Thomas Jefferson of July 22, 1776, Pendleton stated that "we shall
have those gentlemen here to assist in watching and breaking the
spirit of party, that bane of all public councils," Pendleton,
Letters and Papers, I, 188. See also page 111.

3 Journal of the House of Delegates, 1776 session, pp. 5, 9, 38.

4 Ibid., pp. 7, 11, 23, 25, 61, 102, 103, 111, 113, 114, 114-
115. The committees chaired by Braxton prepared bills for reducing
the laws on training the militia into one act and for appointing a
Treasurer. Some of his other committee responsibilities were to
prepare bills for revising the laws governing tobacco inspection,
for providing defense, for suspending executions for debts, and for
establishing a Loan Office.

5 Ibid., pp. 80, 133.

6 Journal of the House of Delegates (Williamsburg, 1777), spring
session, pp. 4, 5, 6, 7, 25, 39, 46, 96, 98; fall session, pp. 3,
4, 5, 60, 82, 106, 126. The committees headed by Braxton prepared
bills for regulating proceedings in county courts and for establishing
a public insurance office. Some of his other committee responsi-
bilities were to prepare bills for guarding against invasion and
insurrection, for establishing taxation, for adjusting land claims,
and for establishing the various courts.
was appointed a commissioner to investigate the damage inflicted on Norfolk.  

Aside from the fact that Braxton was never again considered for any responsible continental assignments such as a Congressional post, his extensive participation in routine committee work in the House of Delegates during 1776 and 1777 indicates that he did not suffer any serious political penalties from the attacks upon him throughout the summer of 1776. Instead, it appears that he and his friends now held sufficient power to shift the attack against his traditional opponents, and one of the prime targets in the spring session of 1777 was Richard Henry Lee.

Due to the scarcity of money and the effectiveness of the non-importation agreements in 1776 and 1777, Lee had permitted the tenants on his lands to pay their rents in tobacco if they could not find a market in which to exchange their produce for sufficient specie or its equivalent. This practice gave rise to the charge that Lee was contributing to the depreciation of state emissions by refusing to accept depreciated paper for rent payments.  

His alleged lack of faith in Virginia's currency was used by Lee's enemies in an attempt to discredit his patriotism, and was combined with the

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7Journal of the House of Delegates (Williamsburg, 1778), fall session, pp. 20, 61, 101; Statutes at Large (Kening), IX, 328.

acccusation that Lee was sacrificing the interests of Virginia to those of New England. 9

The effectiveness of the campaign against Lee became evident on May 22, 1777, when he was omitted from the delegation elected to Congress. 10 At Lee's request, the legislature investigated the charges on June 20 and cleared his reputation; whenceupon, he was returned to Congress four days later to fill a vacancy left by the resignation of George Mason. 11 However, the assault upon Lee was not squelched by this reversal and apparently was renewed in the next session of the legislature, for Mann Page, Jr., wrote to Lee in October that "the old faction was determined to attack your character in Assembly" and urged him "to come and put an end to silence and confusion, such a set of miscreants." 12

That Braxton was part of these political maneuvers in 1777 and benefitted from them by strengthening the anti-Lee party is not to be denied. He had long been convinced that Lee was conspiring with his friends in New England for dubious purposes and had previously participated in attempts to discredit the Lees out of revenge for the treatment he had received from them while he was in Congress. 13

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10 Journal of the House of Delegates, spring session, 1777, pp. 32-36.
11 Ibid., pp. 113, 126-127.
13 See pages 115-116.
Nevertheless, it would be a mistake to assume that Braxton was very deeply involved in such political matters.

It should be remembered that his primary efforts during 1776 and 1777 were devoted to expanding his commerce, thus he did not strongly support any issue or party unless it served his economic interest. As mentioned before, he quit the legislature in December, 1776 to give more attention to his private affairs, and his attendance in 1777 was also less than exemplary. He arrived late to the second session in custody of the sergeant at arms, being discharged only after paying fees, and during the course of the session managed to obtain two leaves of absence.

Business concerns completely overruled political activity during 1778, and Braxton did not even run for re-election to the House of Delegates that year. Evidently the intense factional squabbling created an aversion to political life, forcing him to prefer, at least temporarily, the existence of a full-time merchant. Edmund Pendleton described Braxton’s decision to William Woodford in May of 1779:

As to his retreating from public business, he was really driven from it. His political sentiments were either bad, or pretended to be so by a party, who turned him out of Congress and gave him no quarter in the Assembly; he had not fortitude enough to remain there under the uneasiness they gave him and so withdrew himself.

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14 See page 117.

15 *Journal of the House of Delegates*, fall session, 1777, pp. 3, 11, 94.

Unfortunately, Braxton was not destined to enjoy a respite from political conflict by simply withdrawing from the House of Delegates; instead, the years 1778 and 1779 provided him with unprecedented controversy. The Gabriel Penn affair, the publication of the intercepted letters, and the Phoenix incident supplied his enemies with more than enough material not only to undermine his political respectability, but also to inflict irreparable damage on his mercantile career, and the Lee partisans wasted no opportunity to run down their prey. Undoubtedly, the desire to salvage his reputation once again from prolonged and growing controversy motivated Braxton to return to the political arena, and he therefore sought and obtained re-election to the House of Delegates in the spring of 1779.

The effect of Braxton's well-publicized difficulties on his political career was evident in the first session of the 1779 General Assembly (May 3 to June 26), for he was excluded from a seat on any of the standing committees. Still, his political ally and business associate, Benjamin Harrison, was the Speaker, and it was not long before Braxton was back at his usual routine of committee work. Apparently his status as a Signer and his friends in the legislature, who could always use another vote in the factional squabbles with the Lees, would guard him from any fatal political  

17 Journal of the House of Delegates (Williamsburg, 1779), spring session, 1779, pp. 4-5.

18 By the end of the session, he had served on 9 committees, chairing 3 of them, and had presided over 7 committees of the whole house. Ibid., pp. 7, 8, 9, 11, 15, 16, 20, 39-40, 43, 47, 64, 65-66, 71, 74.
disability resulting from his commercial indiscretions.

Also, Braxton enhanced his status by taking care to disprove the charges which were circulating against him concerning the captured letters he had written in late 1778. These letters, by expressing strong disapproval of the proposed alliance with France and revealing the desire for a quick peace with England, gave rise to suspicions and doubts about his loyalty.\(^{19}\) In order to restore confidence in his patriotism, Braxton worked hard in the legislature to contribute to the war effort, serving almost exclusively on committees dealing with such matters as defense, armaments, and confiscation of Tory property.\(^{20}\) On June 2, 1779, he even reported a resolution from the committee of the whole house on the state of the commonwealth supporting ratification of the treaty of alliance with France, a complete reversal of his former position.\(^{21}\)

It is not at all absurd to attribute Braxton's sudden love for the French treaty to political expediency rather than to apprehension induced by the British invasion of Virginia and the capture of Portsmouth the previous May. Not until the autumn of 1781 did he show sufficient fear of British military depredation to drive him into the arms of the French. Indeed, as late as May 16, 1781, when British forces were chasing the Virginia legislature to Charlottesville, Braxton wrote Governor Jefferson and objected that a plan to station fifty

\(^{19}\) See pages 144-148.


men at his West Point estate was "altogether useless." After all, the enemy was a full thirty miles away, and he saw no need to inconvenience himself and his family "to remove in quest of a house which at this time is not to be had." However, he did not feel so secure in September when he again wrote to Jefferson asking that the guard be increased. By this time, he was no doubt sincerely pleased that America could count on French aid.

Thus, Braxton combated a potentially dangerous threat to his political prestige in 1779 by enlisting the aid of influential friends and doing his best to contradict the accusations being hurled at him. That he was successful in withstanding his opposition became evident in the second session of the 1779 General Assembly. After arriving five days late in custody of the sergeant at arms, he regained his seat on the Committee of Propositions and Grievances, was elected to the Committee of Ways and Means, and served as chairman of the Committee of Privileges and Elections. In addition, he participated extensively in the day to day business of the House.

Despite the fact that Congress had implicated him in an act of piracy in July, his political activities seemed to have returned to normal. The only evidence that he was seriously bothered by polit-


23 Carter Braxton to Thomas Jefferson, September 30, 1781, Ibid.

24 Journal of the House of Delegates (Williamsburg, 1779), fall session, 1779, pp. 5, 7, 11, 30, 32, 46, 49-50, 52, 59, 64, 81, 86, 89, 116, 123, 125, 129, 131.
ical controversy is his newspaper debate with Arthur Lee in October of 1779 and his published defense on January 8, 1780 of his role in the Phoenix affair.\footnote{See pages 150-154, 164-165.}

Once re-established in the House of Delegates, Braxton did not hesitate to jump into the factional turmoil. In the debate over the Land Office bill during June of 1779, he did his best, but without success, to construct the bill in such a way as to invalidate the sizable claims to western lands held by George Mason, a friend of Richard Henry Lee.\footnote{George Mason to Richard Henry Lee, June 19, 1779, in Kate Mason Rowland, The Life of George Mason, 1725-1792 (New York: G. P. Putnam's Sons, 1892), I, 333-336. See also quotation from Edmund Randolph's history in Rowland, I, 336.} Since Braxton was a large landholder himself, he could not have been attacking large landholdings on principle. Instead, his motivation must have been more personal, possibly arising from conflicting claims in which he might have been interested or more likely growing out of political enmity toward a Lee partisan. Unless such personal or political factors are taken into consideration, Braxton's stand on the Land Office legislation appears somewhat inconsistent with his economic interests.

During the General Assembly for 1780, Braxton's position as a Delegate appears to have been secure. In the first session (May 1 to July 14), he resumed the chairmanship of the Committee of Privileges and Elections from which he reported to the House six
different times,\textsuperscript{27} was re-elected to the Committee of Ways and Means, and worked on various legislation to strengthen Virginia's military posture.\textsuperscript{28} However, at the second session (October 16, 1780 to January 2, 1781), his activities declined markedly. He arrived three weeks late in custody of the sergeant at arms, too late to be included in any of the standing committees, but he was subsequently appointed to six other committees and served as chairman of one.\textsuperscript{29}

One important issue to come before the legislature in 1780 was an attempt to stop the rapid depreciation of paper money. On March 18, Congress had adopted a plan to set a limit of depreciation on paper currency at the ratio of forty to one, to redeem circulating bills by accepting them at that rate in payment of the state requisition quotas, and to emit new paper on a sounder basis.\textsuperscript{30} The question for Virginia was whether or not to agree to this plan.

By the spring of 1780, Braxton's numerous commercial difficulties were beginning to take their effect, causing his trade to decline.

\textsuperscript{27}Braxton probably took special delight in reporting the illegal election of Francis Lightfoot Lee, which resulted in a new election being ordered. \textit{Journal of the House of Delegates} (Richmond, 1780), spring session, 1780, p. 7. In the new election, Lee was replaced by Williamson Ball. \textit{A Register of the General Assembly of Virginia, 1776-1918} (compiled by E. G. Swem and John W. Williams, Richmond, 1918, published with the Fourteenth Annual Report of the Library Board of the Virginia State Library, 1916-1917, Richmond, 1917), p. 12.

\textsuperscript{28}\textit{Journal of the House of Delegates}, pp. 4, 7-8, 9, 14, 31, 35, 36-37, 38, 43, 49, 68.

\textsuperscript{29}\textit{Ibid.}, fall session, 1780 (Richmond, 1827), pp. 6-9, 30, 33, 45, 51, 59.

and his debts to mount. He was in great need of large sums of money and was therefore opposed to any plan to restrict the supply of currency. When the Congressional plan of March 18 came to a vote in the House of Delegates on June 6, he naturally cast his ballot against it. The measure was defeated by a margin of fifty-nine to twenty-five, but came up for another vote on June 22. This time the resolution provided for Virginia’s acceptance of the plan only if a majority of the other states also approved, which condi-
tion enabled the resolution to pass by fifty-two to thirty-four, Braxton voting with the minority. A bill was consequently drawn up and became law in July.

Braxton’s resistance to Congress’s plan for controlling depre-
ciation did not end with his votes in the House of Delegates. In the autumn of 1780 he contributed part of Virginia’s requisition to Congress at a rate of depreciation of seventy-five to one, thereby defying the accepted ratio and causing a mild stir in Congress. Such determined opposition was bound to incur the wrath of those advocating a sound currency and must have occasioned much hard feeling in Virginia’s political circles. As usual, Richard Henry Lee was in disagreement with Braxton and probably had his perennial

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31 *Journal of the House of Delegates, spring session, 1780*, pp. 36-37.


34 See pages 165-168.
rival in mind when he wrote to Samuel Adams on September 10:

To restore the credit of our currency is indeed of great and necessary consideration. So far as I am able to judge, the plan of Congress recommended the 18th of March for that purpose, is as good a one as our actual circumstances admit of — but unfortunately the whole race of Tories, Speculators, and those who mean to defraud creditors are combined against it. You may have heard with what difficulty an acquiescence was obtained in this and some other states.35

Carter Braxton was returned to the House of Delegates by the voters of King William County in 1781, but his mercantile affairs were approaching a state of chaos by this time and demanded his constant attention;36 consequently, he once again temporarily abandoned his legislative responsibilities. He did put in a short appearance at the session which met from March 1 to March 22 and was placed on three committees, including the Committee of Privileges and Elections;37 however, the Journal gives no indication of his presence after March 6, the fourth day of business. On March 15, he was at Rosegill, the home of Tory sympathizer Ralph Wormely, where he wrote to Landon Carter, Jr. that he had been "called from the assembly to adjust the accounts of two of the cutters and to embark two of my sons by them to Europe."38

The second session of the House of Delegates (May 7 to June 23)

36See pages 171-174.
37Journal of the House of Delegates (Richmond, 1781), March session, 1781, pp. 7-9.
38Carter Braxton to Landon Carter, March 15, 1781, Gwathmey Cabell Collection, University of Virginia.
was held under very trying conditions brought about by the invasion of Virginia by British forces under Benedict Arnold, General Phillips, and Lord Cornwallis. A quorum was not reached until May 10, and a resolution immediately passed to adjourn to the more secure Charlottesville, where business was resumed on May 28.\textsuperscript{39} One week later, word was received that a British expedition was marching on Charlottesville to capture the legislators, whereupon the House fled farther west to Staunton, where its deliberations were completed without further interruption.\textsuperscript{40} The great uneasiness prevailing even at Staunton is indicated by a resolution passed on June 11, providing for elections to replace any Delegate who should fall into the hands of the enemy.\textsuperscript{41}

Under such threatening circumstances, only the most dedicated and courageous of Virginia's political figures dared to attend, and the House found it necessary to resolve "that during the present dangerous invasion, forty members be a sufficient number to compose a House to proceed upon business."\textsuperscript{42} Given Braxton's poor attendance record in the calmest of times and his rather superficial interest in politics, it is doubtful whether he would have attended even if he were not preoccupied with his mercantile difficulties, which were necessarily made worse by the invasion. At any rate, whether

\textsuperscript{39}Journal of the House of Delegates (Richmond, 1781), May session, 1781, p. 2.

\textsuperscript{40}Ibid., p. 13.

\textsuperscript{41}Ibid., p. 18.

\textsuperscript{42}Ibid., p. 13.
due to fear of pressing personal demands, he chose to remain at his West Point residence where he felt safe enough to protest the proposed stationing of fifty men at his estate.\(^4\)

Braxton's desire to participate in the governing of his state did not improve during the final session of the 1781 General Assembly, which was scheduled to convene on October 1 but did not begin business until November 19, one month after Cornwallis's surrender at Yorktown.\(^4\) On November 21, the Speaker, Benjamin Harrison, referred to the Committee of Privileges and Elections a letter from Braxton "containing the reasons for his non-attendance" and seeking permission to resign.\(^5\) The following day John Tyler reported the following resolutions from the Committee of Privileges and Elections, which were agreed to by the House:

Resolved, that it is the opinion of this committee, that the resignation of the said Carter Braxton, is inadvisable; and from the manner of its being offered, is highly reprehensible.

Resolved, that it is the opinion of this committee, that the said Carter Braxton ought to be compelled to attend to his duty in the House.\(^6\)

As a result of the House action, the reluctant Delegate finally appeared on December 3 in custody of the sergeant at arms and was required to pay fees for his tardiness;\(^7\) however, he remained in

\(^4\) Carter Braxton to Thomas Jefferson, May 16, 1781, Braxton Papers, Historical Society of Pennsylvania. See also pages 181-182.

\(^5\) Journal of the House of Delegates (Richmond, 1823), October session, 1781, pp. 1-6.

\(^6\) Ibid., p. 10.

\(^7\) Ibid., p. 11.
attendance for only three days. Evidently, his business problems caught the sympathy of fellow merchant, Speaker Harrison, and on December 6 Braxton was given a leave of absence for the remainder of the session. 48 It appears that Braxton continued to concentrate on the salvation of his commercial career throughout 1782, for he was not included in the membership of the House for that year. 49 This exclusion probably resulted from his own choice and not from a defeat at the polls, since there is no evidence that he ever lost the confidence of the King William electorate.

The first session of the House of Delegates for 1783 (May 5 to June 28) found Braxton back in the legislature and participating actively in the proceedings by sitting on four standing committees (Propositions and Grievances, Privileges and Elections, Trade, and Commerce 50), chairing three of the eleven special committees on which he served, and presenting three reports from committees of the whole house. 51 During this session, he also made a concerted effort to promote measures which were calculated to improve his declining financial condition. For example, a delay in the collection of taxes could give him an opportunity to stem the tide of his

48 Ibid., p. 30.

49 A Register of the General Assembly of Virginia, p. 15.

50 On May 19, 1783, the Committee of Trade became the Committee of Public Claims, and the Committee of Commerce was created. Journal of the House of Delegates (Richmond, 1828), spring session, 1783, p. 12.

51 Ibid., pp. 5, 6, 7, 14, 16, 21, 27, 29, 30, 33, 59, 60, 68, 69, 78, 91.
growing indebtedness, and it would not be an exaggeration to call him the prime mover in pushing such a measure through the House.

On May 13 he reported a resolution from the committee of the whole house providing for the suspension of taxes, and upon the acceptance of the resolution was placed at the head of a committee to draw up a bill for that purpose.\textsuperscript{52} Braxton presented the bill on May 14; whereupon it met considerable opposition and was recommitted on the second reading.\textsuperscript{53} Three days later, Braxton enabled the bill to pass its second reading by reporting an acceptable amendment, but on the third reading it was referred to a committee of the whole house, where it was debated on the 20th and the 24th before Joseph Prentis reported additional amendments.\textsuperscript{54} On May 26th a motion was introduced to shorten the period of suspension by making taxes collectable again in October instead of November, but the motion failed by a vote of sixty-two to forty-eight, and the bill was passed.\textsuperscript{55} Three weeks later, Braxton supported another measure for the relief of debtors, but failed to stop a motion postponing

\textsuperscript{52}Ibid., p. 6. Other members of the committee were Patrick Henry, Richard Henry Lee, Mann Page, John Taylor of Caroline, William Cabell, French Strother, William Dandridge, George Nicholas, Benjamin Harrison of Prince George, Charles Carter, and Carter Henry Harrison.

\textsuperscript{53}Ibid.

\textsuperscript{54}Ibid., pp. 9, 11, 14, and 20.

\textsuperscript{55}Ibid., p. 21. Those favoring the motion included Richard Henry Lee, Mann Page, Archibald Stuart, French Strother and Henry Tazewell, while men such as Patrick Henry, Thomas Nelson, Jr., Spencer Roane, William and Nicholas Cabell, and George Nicholas joined Braxton in defeating it. \textit{Statutes at Large} (Hening), XI, 194.
action until the next session. 56

Paradoxically, Braxton's desire to postpone the payment of his taxes and relieve his indebtedness also involved his support of a rather radical tax measure - the five per-cent impost on foreign imports which Congress was seeking authorization to levy. Never before had Congress been permitted such a power; indeed, one of the major causes of the Revolution had been resistance to taxation by a central authority, and the Articles of Confederation expressly reserved the power of taxation to the individual states. Nevertheless, the inability and unwillingness of the state governments to supply the Confederation with needed revenue prompted Congress to pass an act on February 3, 1781 providing for a five per-cent impost to raise the share of revenue apportioned to each state, for which the unanimous approval of all the states was needed since the plan involved a fundamental alteration of the Articles of Confederation. 57

Braxton was absent when the Virginia assembly approved the impost in June of 1781, nor was he present when the House obtained the repeal of its approval in December of 1782. 58 But he was back in the legislature in the spring of 1783 when a Congressional resolution of April 18 to revive the impost issue 59 was being considered, and he then threw his support to the measure in conjunction with

56Ibid., p. 70.
58Statutes at Large (Hening), X, 409, XI, 171.
his campaign for tax suspension. His reasons for combining tax suspension and the impost issues to promote the relief of debtors are never explained, but they were probably similar to the arguments advanced by Patrick Henry, who was also working in the cause of debtor relief on behalf of his backcountry constituents.

According to Jackson Main, Henry felt that the approval of the impost would result in a reduction and more equitable redistribution of the tax structure in Virginia because the state would no longer be raising money to support Congress. Furthermore, debtors would receive a short respite from high taxation by postponing the collection of taxes until the impost issue was settled, after which the state taxes could be adjusted accordingly. Thus, Henry, and undoubtedly Braxton as well, were willing to grant Congress the power to raise its own revenue in order to ease the burden of state taxation, although Braxton could not have agreed that it was better to tax wealthy consumers than small farmers, another argument put forward by Henry in favor of the impost.

For Braxton, then, the impost was desirable for very immediate and personal reasons. On the other hand, opponents to the measure tended to argue upon a more general constitutional and economic level. Richard Henry Lee believed that the impost involved an unconstitutional grant of dangerous authority to Congress and, because of Virginia's great dependence on imports, would cause her to pay

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61. See Main, p. 93.
more than her share and become enslaved to the mercantile interests of the northern states. Lee also recognized the appeal of the impost for the financially embarrassed, such as Braxton, and feared that it might succeed: "This system presents ease in paying taxes, and plausibility in other respects, that will be very apt to delude and take in those minds that trouble not themselves to investigate consequences, or trace effects in their causes." Whether Lee was referring specifically to Braxton or not, he did aptly describe Braxton's position.

Patrick Henry, like Lee, was no friend of centralized government and, feeling that the tax suspension act was inadequate, turned against the impost, making opposition to it nearly unanimous in the House of Delegates. Braxton, though, held out to the bitter end, as Joseph Jones reported to James Madison:

Since my last the plan of revenue recommended by Congress has been considered in a committee of the whole, and the result contained in the enclosed resolutions, which were agreed to without a division, the number appearing in support of the plan of Congress being so few as not to require it. Mr. B_xt_n and young Mr. Nelson only supported it.

The matter of the five per-cent impost did not die with the first session of the 1783 General Assembly. General Washington had

62 Richard Henry Lee to R. Wormely Carter, June 3, 1783, Lee to General William Whipple, July 1, 1783, Letters (Ballagh), II, 282, 284.

63 Lee to Carter, June 3, 1783, Ibid., p. 282.

64 Main, p. 93.

written a circular letter to the states on June 8 urging acceptance of the duties, but it had not arrived soon enough to change the outcome.\textsuperscript{66} However, the Delegates began to reconsider their positions during the second session (October 20 to December 22), and a bill was passed in December granting Virginia's approval.\textsuperscript{67} This approval was accomplished without Braxton's aid, for he had apparently been lured away from politics once again by his private affairs and never attended the second session even though the House repeatedly ordered his presence.\textsuperscript{68}

Whatever occasioned Braxton's departure from the legislature in 1783 must have occupied much time, since Braxton was not a Delegate in the 1784 General Assembly.\textsuperscript{69} He returned to the House of Delegates for its only session in 1785 (October 17, 1785 to January 21, 1786), where he was kept exceptionally busy. He was on the Committee of Privileges and Elections, from which he reported twice; he headed the Committee of Commerce, from which he reported seven times; he presided over six committees of the whole; and he served on twelve

\textsuperscript{66}George Washington, Circular Letter to the States, June 8, 1783, \textit{Writings of Washington}, XXVI, 483-496.

\textsuperscript{67}\textit{Statutes at Large} (Hening), XI, 350-352; \textit{Journal of the House of Delegates} (Richmond, 1783), fall session, 1783, pp. 42, 81, 153. The impost was approved by all the states by 1786, but New York had attached too many restrictions, and the duties were never levied. See Burnett, \textit{Continental Congress}, pp. 641-645; Main, p. 74.

\textsuperscript{68}\textit{Journal of the House of Delegates}, fall session, 1783, pp. 103, 114, 120, 124, 127.

\textsuperscript{69}\textit{A Register of the General Assembly of Virginia}, p. 20.
special committees, chairing four of them.\textsuperscript{70}

Braxton was given the opportunity during the 1785 session to deliver a blow against his long-time enemy, Arthur Lee. Lee had been having political difficulties for some time, and in 1782 was the object of a protracted, but unsuccessful, campaign to remove him from Congress.\textsuperscript{71} He was elected to the House of Delegates in 1783 without controversy, but was not a member in 1784.\textsuperscript{72} In 1785 he returned to the House as a Delegate from Prince William County, but this time his brother Richard Henry was not there to defend him.\textsuperscript{73}

On the third day of business, October 27, a challenge was made to the legality of Lee's election, and the matter was referred to the Committee of Privileges and Elections.\textsuperscript{74} When the Committee reported on October 31, it was Braxton who submitted a resolution disqualifying Lee's election on the grounds that he had accepted an appointment to the United States Board of Treasury.\textsuperscript{75} Despite an attempt to support Lee's eligibility, the House accepted Braxton's resolution on November 1, and a new election was ordered for Prince William

\textsuperscript{70}Journal of the House of Delegates (Richmond, 1786), 1785, pp. 3-4, 5, 6, 11-12, 16, 18, 19, 20, 23, 25, 29, 30, 31, 47, 111, 112, 115, 116, 138, 142, 146-147, 149.

\textsuperscript{71}Journal of the House of Delegates (Richmond, 1828), fall session, 1782, pp. 61-62, 71-72, 76.

\textsuperscript{72}A Register of the General Assembly, pp. 18, 20.

\textsuperscript{73}Ibid., p. 22.

\textsuperscript{74}Journal of the House of Delegates, 1785, p. 6.

\textsuperscript{75}Ibid., pp. 11-12.
In opposing the eligibility of Arthur Lee, Braxton was conforming to his traditional factional alignments, and his action was perfectly predictable. However, immediately following the debates on Lee's election, Braxton unexpectedly broke ranks and turned on his powerful ally and mercantile associate, Benjamin Harrison. Harrison had been Virginia's Governor from November 30, 1781 until November 30, 1784 and in the spring of 1785 ran for his old seat in the House of Delegates from Charles City County where he was defeated. His defeat was apparently due to the machinations of John Tyler, also from Charles City, who had taken over the Speakership during Harrison's absence from the House and did not want to relinquish the post upon Harrison's return in 1785. Determined to re-enter the legislature, Harrison immediately moved his residence to Surry County, where the elections were held later than in Charles City, and won a seat in the House.79

On the first day of the session, Harrison regained the Speakership by defeating Tyler by a close vote of forty-five to thirty-nine, and a week later the Tyler partisans retaliated by challenging Harrison's election on the grounds that he had violated the residency

76 Ibid., pp. 13-14.


79 Joseph Jones to James Madison, June 12, 1785, Letters (Ford), p. 145.
requirements by his sudden move to Surry. After the Committee of Privileges and Elections had considered the charges, Braxton presented its report on November 2 which concluded that Harrison had indeed violated the Constitution and was therefore disqualified. Following extensive debate in a committee of the whole, the resolution submitted by Braxton was amended to make the election legal; whereupon, the amended resolution was approved by a vote of fifty-seven to forty-nine, thus achieving another narrow victory for Harrison. Braxton cast his vote with the large minority opposed to Harrison.

That Braxton exerted himself in an effort to drive Harrison from the legislature appears somewhat surprising in view of their former cooperation. Moreover, it is difficult to believe that Braxton was more politically disposed to Tyler than to Harrison, since it was Tyler who, in November of 1781, had introduced the resolutions which compelled Braxton's attendance in the House and referred to his request for permission to resign as "reprehensible." Once again, as is so often necessary with Braxton, a satisfactory explanation for his political behavior can only be found by placing it in the context of his mercantile life.

During the Revolution, both Benjamin Harrison and Carter Braxton were commercially involved with Robert Morris. Morris and Braxton terminated their connection in 1780, and by 1785 were well into a

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81 Ibid., p. 16.
82 Ibid., pp. 18-19.
83 See page 188.
prolonged and bitter dispute over an inability to settle their accounts.\textsuperscript{84} On the other hand, Harrison and Morris steadily expanded their business connections during the early 1780's and had formed a partnership with one another by 1784.\textsuperscript{85} Because of Harrison's close relationship to Robert Morris and Braxton's feud with the Philadelphia merchant, the economic interests of the two Virginians were now in opposition. For business reasons, Harrison had to support Morris in his dispute with Braxton. Indeed, in 1787, Harrison actually intervened on behalf of Morris and testified against Braxton in an investigation being conducted by auditors appointed by the County Court of Henrico in Chancery.\textsuperscript{86} These lines of conflict had already been drawn by 1785 and undoubtedly account for Braxton's negative attitude toward Harrison in the legislature.

The commercial difficulties separating Braxton and Harrison did not prevent them from working toward the same goals on the important issues before the Assembly in 1785 because of self-interest, and they consistently voted on the same side of a wide variety of questions — religion, tax suspension, trade regulation, etc.\textsuperscript{87} Considering the fairly equal balance between factions in the 1785 legislature, Brax-

\textsuperscript{84}For details of the Morris-Braxton dispute, see pages 219-222.


\textsuperscript{86}Journal of auditors appointed by the County Court of Henrico in Chancery, October 14 and 21, 1787, lawsuit manuscripts, Braxton Papers, Historical Society of Pennsylvania.

\textsuperscript{87}Journal of the House of Delegates, 1785, pp. 43, 66, 91, 141-142.
ton's numerous committee appointments can perhaps be explained as part of Speaker Harrison's desire to insure the effective promotion of his views. At any rate, it appears as though it was Braxton and not Harrison, who allowed business differences to affect political judgment.

Braxton's position on economic issues before the 1785 House can also be understood in light of his personal difficulties. To relieve the strain of taxes on his confused finances, he participated, as in 1783, in the movement for tax suspension. He led an unsuccessful attempt to eliminate collection for the entire year and later supported a successful endeavor to postpone collection and permit payment in facilities.88 James Madison described these political maneuvers and his feelings on the matter to Jefferson in January of 1786:

This tax was to have been collected in September last, and had been in part collected in specie. Notwithstanding this and the distress of public credit, an effort was made to remit the tax altogether. The party was headed by Braxton, who was courting an appointment into the Council. On the question for a third reading, the affirmative was carried by 52 against 42. On the final question, a vigorous effort on the negative side, with a reinforcement of a few new members, threw the bill out. The victory, however, was not obtained without subscribing to a postponement instead of remission, and the admission of facilities instead of specie. The postponement, too, extends not only to the tax which was under collection, and which will not now come in till May, but to the tax of September next, which will not now be in the Treasury till the beginning of next year. The wisdom of seven sessions will be unable to repair the mischiefs of this single act.89

One matter commanding much attention during 1785 concerned the

88Ibid., pp. 19, 43-45, 57, 67-68.
89James Madison to Thomas Jefferson, January 22, 1786, Writings of Madison (Hunt), II, 219.
proper mode of regulating commerce, a problem in which Braxton naturally was quite interested. He realized that some sort of supervision was needed for the improvement of Virginia's commerce and threw himself into the effort to establish a satisfactory state regulation. In 1783 he had unsuccessfully sponsored a bill to place an embargo on the exportation of corn, and in 1785 he presented bills from the Committee of Commerce providing for the restriction of foreign vessels to certain ports, the imposition of import duties on certain articles, the prevention of fraud in the collection of customs, and the encouragement of shipping and navigation.90 Except for the bill restricting foreign vessels, which passed by a margin of only four votes, his efforts bore little fruit.

In addition to state regulation, Braxton also favored interstate cooperation in commercial matters involving more than one state. On December 26, 1785 he introduced a bill, which subsequently passed, to ratify a compact with Maryland "to regulate and settle the jurisdiction" of the Potomac River, the Pocomoke River, and the Chesapeake Bay.91 On January 13, 1786, he reported a series of seven resolutions passed by the Committee of Commerce in response to resolutions passed by the Maryland legislature urging cooperation with Virginia on commercial matters. The Delegates approved five of the resolutions, which called for joint defense of the Chesapeake and Potomac, cooperation of Congressional delegates, identical

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90 Journal of the House of Delegates, spring session, 1783, pp. 6-7, 1785 session, pp. 111, 112.

91 Ibid., 1785, pp. 111, 117, 126.
damages on protested bills of exchange, identical import and export
duties, and the notification of other states of the joint action
resolved on bills of exchange and duties. 92 The two rejected
resolutions favored an identical value for foreign gold and identical
damages whenever a mercantile draft of one state was protested in
the other.

Trade regulation was also a topic of discussion in Congress,
and in 1785 an amendment to the Articles of Confederation was pro-
posed to give the Federal Government authority to impose taxes on
commerce. 93 Unanimous consent of the states was required before the
amendment could take effect, and Virginia began her deliberations
soon after the legislature convened. In early November, sentiment
appeared to favor Congressional regulation of trade. After debate
in a committee of the whole, a resolution was adopted by the House
calling for an act to authorize Virginia's representatives in Con-
gress to consent to the proposed amendment. A committee to prepare
the appropriate bill was then appointed, with Carter Braxton in-
cluded among its membership. 94 On November 11, it was decided that
formal legislation was not necessary, and the committee was in-
structed simply to draft instructions to the Congressional delegates,
detailing the conditions upon which Virginia's approval would be

92bid., p. 138.

93Journals of the Continental Congress, XXVI, 321-322,
XXVIII, 201-205. See Hain, Antifederalists, p. 111.

94Journal of the House of Delegates, 1785, p. 23. The other
members of this committee, headed by Joseph Prentis, were John
Tyler, James Madison, Henry Lee, Meriwether Smith, William Ronald,
James Innis, and Cuthbert Bullitt.
Up to this point in the proceedings, Braxton was a very active participant. Although approving of state and regional supervision of commerce, he was very much opposed to federal regulation. The extent to which he vocalized his opposition is revealed in a letter of James Madison, written to George Washington on November 11, the same day instructions to Virginia's Congressional delegation were ordered to be drafted:

On a pretty full discussion it was determined by a large majority that the power over trade ought to be vested in Congress, under certain qualifications. If the qualifications suggested and no others should be annexed, I think they will not be subversive of the principle tho' they will, no doubt, lessen its utility. The speaker, Mr. M. Smith, and Mr. Braxton are the champions against Congress. Mr. Thruston and Mr. White have since come in, and I fancy I may set down both as auxiliaries. They are now, however, not a little puzzled by the difficulty of substituting any practicable regulations within ourselves. Mr. Braxton proposed two that did not much aid his side of the question: the 1 was that all British vessels from the W. Indies should be excluded from our ports; the 2. that no Merchant should carry on trade here unless he sd have been a resident — years. Unless some plan free from objection can be devised for this state, its patrons will be reduced clearly to the dilemma of a general one, or leaving our trade under all its present embarrassments.96

While the proponents of federal trade regulation, such as Madison, were fairly confident of success in mid-November, it became evident by the end of the month that opposition to them was formidable. A resolution, containing the instructions for the delegates in Congress to give their approval, was referred to a committee of the whole house on November 4, but when the resolution emerged on November 30

95Ibid., p. 29.
it had been compromised considerably. This watered-down resolution, which declared flatly that Congress could regulate Virginia's trade for no longer than thirteen years, won approval after the rejection, by a vote of seventy-nine to twenty-eight, of a motion which would have provided for an unlimited extension of the thirteen year limit. Neither the ardent friends of Congress nor its enemies were satisfied with the instructions resolution; consequently, the House reversed itself the following day and repudiated the resolution by a vote of sixty to thirty. Braxton participated in neither of these crucial votes, thus was apparently not present to see his cause emerge victorious.

Hope for the establishment of federal trade supervision was revived on the last day of the legislative session. On January 21, 1786, the House passed John Tyler's resolution urging a meeting of all the states for the purpose of devising a plan of uniform commercial regulations to "enable the United States in Congress effectually to provide the same." This important resolution, which led to the Annapolis Convention, was opposed by Braxton. On January 22 Madison wrote to Jefferson about the leading enemies of the resolution:

Its adversaries were the Speaker, Thruston and Corbin; they were bitter and illiberal against Congress and the Northern States beyond example. Thruston considered it as problematical.

98Ibid., pp. 65-66.
100Ibid., p. 151.
whether it would not be better to encourage the British than
the Eastern marine. Braxton and Smith were in the same sen-
timents, but absent at the crisis of the question. 101

It is somewhat difficult to account for Braxton's unyielding
resistance to federal regulation of trade, for he favored inter-
state as well as state controls and had not previously shown any
inordinate hostility to an increase in Congressional authority. In-
deed, his Address to the Convention of 1776 recommended that Congress
regulate trade, 102 and he had been perfectly willing, even eager,
to grant the five per-cent impost in 1783. Perhaps his distrust of
New England and his growing enmity towards the powerful Robert
Morris led him to fear domination by the mercantile interests of the
northern states. Possibly he was thinking of the attempts of Con-
gress to punish him for his role in the Phoenix affair, and imagined
what might have happened had Congress possessed more commercial
authority at that time. Most likely, he was swayed by both of these
factors and, given his life-long involvement in commerce, preferred
to rely on regulatory agencies more directly subject to his in-
fluence. He might consent to specific duties but never would he
consent to surrender to general control.

That Braxton's actions were not strongly motivated by a con-
servative ideology to preserve old ways can be seen by his vote in
favor of the bill establishing religious freedom in Virginia on

101James Madison to Thomas Jefferson, January 22, 1786,
Writings of Madison (Hunt), II, 218.
102See page 83.
December 17, 1785. However, this vote does not mean that he was in the vanguard of reform; it simply indicates either that he recognized the growing sentiment for disestablishment and did the expedient thing, or that he took advantage of an opportunity to reduce taxes. He remained closely attached to the Protestant Episcopal Church and attended its conventions in 1785 and 1786 as a lay delegate from St. John's Parish in King William County.

In former years, the conservative defenders of an established church numbered Braxton among their party, and in 1776 he was placed at the head of the Committee of Religion by Speaker Edmund Pendleton to thwart the backers of reform, such as Thomas Jefferson. As chairman, Braxton apparently postponed reform by failing to act upon the numerous petitions from dissenting groups, for on November 9, 1776 the Jefferson partisans succeeded in transferring all such petitions from the Committee of Religion to the committee of the whole house. This action opened the religious question to intense debate, and a month later a bill was passed to suspend for one year the payment of taxes for the support of religion. The passage of this law signifies, in effect, the disestablishment of religion in Virginia, since it was renewed in subsequent years, and

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103 Journal of the House of Delegates, 1785, p. 94; Statutes at Large (Hening), XII, 84-86.
104 Meade, Old Churches, Ministers, and Families of Virginia, II, 380.
105 Mays, Pendleton, II, 133-134.
107 Ibid., pp. 102-103, 111, 120-121.
such taxes were never again levied. Thus, in a sense, Braxton in 1785 was merely accepting an accomplished fact.

Braxton's active participation in the affairs of the 1785 General Assembly revived the political prestige of the prominent planter-merchant, and on November 15 he was elected to fill a vacancy in the Council left by the resignation of William Nelson, Jr. There were those, such as James Madison, who believed that Braxton was deliberately seeking the appointment by selecting his issues and calculating his positions. However, Braxton occasionally went against large majorities, and it therefore seems that his opinions in the House were determined more often by his embarrassed personal affairs than by political ambition, which had never noticeably characterized his behavior in the House before 1785. Viewed in this light, his elevation to the Council was nothing more than a happy coincidence, resulting from his status as a signer of the Declaration of Independence, his influential position in Virginia's social and political structure, and his contribution to the legislative proceedings in 1785.

A review of Braxton's tenure in the House of Delegates reveals a definite subordination of his political responsibilities to his mercantile career. In the years when commercial controversy and personal


110 James Madison to Thomas Jefferson, January 22, 1786, Writings of Madison (Hunt), II, 219.
financial difficulties were especially pressing, he withdrew from the legislature altogether. During the year in which Virginia was ravaged by invasion, he donated only about a week of his time to public affairs. Furthermore, Braxton's enthusiasm and position on issues before the House was consistently defined by his economic interests. Cheap money and tax suspension were inviting policies to a man of declining fortune and mounting debts, and trade regulation to stimulate commerce was desirable to the merchant, as long as control did not fall into the hands of his enemies.

Braxton took his seat in the Council on January 23, 1786 and remained there until he was replaced by John Steele, "pursuant to the Constitution," at the end of 1790. After sitting out the required three years, Braxton was returned to the Council on November 12, 1793, where he served until his death on October 10, 1797. It has been widely assumed that he was sent back to the House of Delegates by King William County for the intervening years of 1791-1793, but this is erroneous and is disproven by the election certificates for King William County on file in the Virginia State Library. These

111 Journals of the Council, III, 515; Journal of the House of Delegates, 1790, pp. 53-54, 91. The Virginia Constitution provided for the removal of two of the eight Council members by a joint ballot of both legislative houses "at the end of every three years, and be ineligible for the three next years." See American Archives, VI, 1601.


113 William Chace, p. 93, Sanderson, VI, 204; A Register of the General Assembly of Virginia incorrectly lists Braxton as a delegate from King William County for the years 1790-1794, pp. 32, 35, 37, 39, and 42.

certificates show that Braxton's son, Carter Braxton, Jr., represented King William in 1791, 1792, and 1793. There is no evidence that Braxton, Sr., served in any public capacity during these years.

Since the Council was part of the executive branch of government, Braxton's duties in that body were administrative in nature, and much of his time was taken up with routine investigative work. He inspected the Auditor's and Solicitor's offices several times in 1786, 1790, and 1795; 115 visited the naval offices at Hampton, Norfolk and York in 1786; 116 examined the Treasurer's accounts in 1787, 1788, 1795, and 1796; 117 reviewed the papers of the agent for the sinking fund in 1788; 118 and evaluated the extra services performed by the Registrar of the Land Office in 1795. 119 The Council also utilized Braxton's wide mercantile experience by authorizing him in 1788 to sell public tobacco to the United States and by appointing him the same year to assist in settling Virginia's accounts with Congress. 120

As a member of the Council of Virginia, Braxton acquired the most secure station of his public career. Throughout the final


116 Journals of the Council, III, 571; Calendar of the Virginia State Papers, IV, 159.

117 Journals of the Council, IV, 139, 169, 261-262; Calendar of the Virginia State Papers, VIII, 301, 392.

118 Journals of the Council, IV, 262.

119 Calendar of the Virginia State Papers, VIII, 305-306.

120 Journals of the Council, IV, 215-216, 269; Calendar of the Virginia State Papers, IV, 404, 553.
decade of his life he enjoyed the status connected with his esteemed office completely free from the bitter attacks and political controversies which had swirled around him in former years. Of course, he was also removed from the center of the political arena, the legislature, where all the battles were being fought and the significant decisions made. No doubt Braxton was satisfied with his prestigious political anonymity, and there is no evidence that he ever spoke out publically on matters of political importance after 1785.

He was not chosen as a delegate to the Constitutional Convention in Philadelphia in 1787, nor did he participate in the ratification process in Virginia during the spring of 1788. Because of this non-involvement, his views cannot be stated with certainty. Still, given his previous resistance to federal regulation of trade, it is doubtful that he was very enthusiastic about the new Constitution. Moreover, he probably opposed Alexander Hamilton’s centralized economic programs during the Washington administration, but, considering his commercial connections with British merchants and admiration for the British constitution, he most likely identified with the Federalist Party’s attitude toward Great Britain and must have regarded the French Revolution with utter horror. These observations, however, cannot rise above the level of conjecture, since the only surviving record of Braxton’s interest in national politics is his letter written to President Washington in
1790 recommending his son, Corbin, for an appointment. 121

121 Carter Braxton to George Washington, April 15, 1790, summarized in John W. Herndon, "Applications of Virginians for Office During the Presidency of George Washington," William and Mary Quarterly (Second Series), XXIII (April, 1943), 164.
CHAPTER VII

ECONOMIC DISASTER

Undoubtedly, Braxton's silence on political matters in his later years was largely due to the great urgency of his personal problems. As mentioned previously, he had begun to sink into serious indebtedness in 1781 and 1782 as a result of his disastrous war-time trade.¹ During the following years, a steady stream of lawsuits was to descend and plague him for the remainder of his life. A premonition of things to come seems to be the significance of a letter from John Cowper to Henry Tazewell on August 10, 1783, "respecting the commencing a suit against Carter Braxton, Esq."²

In order to ward off actual and potential legal action pending against his debts, Braxton found it necessary to raise large sums of money. Thus, he attempted to carry on his commercial activities for a while, although they were extremely limited in comparison with his extensive involvements during the Revolution and do not appear to have extended beyond 1790 at the latest.³ Occasionally, demands

¹See pages 172-174.

²John Cowper to Henry Tazewell, August 10, 1783, Tazewell Papers, Virginia State Library.

³See Carter Braxton to John Cropper, July 22, 1784, John Cropper Papers, Virginia Historical Society; Braxton to A. Donald "about a shipment of tobacco," February 12, 1790, American Book Prices Current, LXIX (1943), 678.
on his finances prompted him to adopt unpopular business tactics, causing his associates to abandon him. For example, he entered into a partnership with a British merchant, Thomas Ham, in January of 1783, but the company was dissolved in March, 1784, upon Ham's discovery "that Braxton had drawn out from time to time, sums equal to the whole value of his in put stock."4

Braxton's status as a debtor also affected his activities as a creditor, causing him to press vigorously and often to threaten legal action for money due him in order to obtain funds with which to satisfy his own obligations. In 1783, Burgess Ball was moved to attempt an out-of-court settlement and offered Braxton his English estate.5 The next year, Braxton wrote to John Cropper about a tobacco debt and warned that he "shall put it in suit unless you agree to make me immediate payment."6 He claimed that Thomas Jefferson owed him money and tried unsuccessfully for two years to collect.7 In 1789, he wrote to James Barr, a Philadelphia merchant who was refusing to pay a debt to Braxton, and offered new terms in a

4"Love vs. Braxton and Ham," Reports of Cases Argued and Judged in the Court of Appeals of Virginia (ed. by Daniel Call, Richmond, 1854, third edition), V, 537-538.

5Burgess Ball to Thomas Mason, November 9, 1783, Virginia Magazine of History and Biography, V (April, 1898), 369-390.


7Thomas Jefferson to Nicholas Lewis, December 19, 1786 and July 11, 1788, Jefferson Papers, X, 611, XIII, 341. In the last letter, Jefferson claimed that Braxton's memory "has led him into error on the subject, and that my memorandum books of that date would correct it."
frantic effort to achieve a settlement.  

Braxton also met resistance from Michael Gratz, one of the owners of the Phoenix, possibly over Gratz's refusal to re-imburse him for the damages awarded by Congress to Mr. Duarti, the Captain of the Portuguese vessel taken by Braxton's privateer. A sense of Braxton's desperation and frustration can be seen in one of his several letters to Gratz, when, after threatening a lawsuit, he stated that "the money due me must be paid and I beg of you earnestly to put an end to this troublesome business." Apparently, Gratz never did satisfy his indebted creditor, for Braxton wrote again in 1791 pressing for payment.

From time to time, the reluctance of his debtors to pay led Braxton to seek the aid of the courts to alleviate his financial distress. By 1788, he had obtained a judgment against Hunter, Banks, and Company for 29,000 pounds of tobacco and was in the process of suing James Barr. In 1790, he brought suit against the estate of

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8 Carter Braxton to James Barr, April 21, 1789, Banks Papers, Virginia Historical Society.

9 Carter Braxton to Michael Gratz, May 16, 1786, Braxton Papers, Historical Society of Pennsylvania. See also Braxton to Gratz, March 13, 1781 and June 12, 1784, Braxton Papers; Michael Gratz in complete account with Morris and Braxton, August 23, 1784, Miscellaneous Manuscripts, New York Public Library, New York City.

10 Braxton to Gratz, April 13, 1791, American Book Prices Current, LXXI (1965), 904.

11 Receipt of Carter Braxton relative to suit with James Barr, November 25, 1788, Banks Papers, Virginia Historical Society. It is doubtful whether Braxton ever collected his debt from Hunter, Banks, and Co., for both William Hunter and Henry Banks spent time in debtors' prison during the 1780's, see Rich, "The Experimental Years," p. 67.
Fendall Southerland, claiming that the executors had no right to demand payment on a protested bill of Braxton's, since Braxton had supplied Southerland with bonds and was his creditor on other accounts. The argument that these funds should have been applied to the protested note was not accepted by the High Court of Chancery, but Braxton obtained a reversal in the Court of Appeals in 1792.12

Even Braxton's relatives were not immune from court action, and in the spring of 1783 he initiated a suit against his sister-in-law, Mary Prescott (the former wife of Braxton's deceased brother, George).13 Braxton's apparent success did not eliminate the disagreement, however, for in 1794, Mr. Prescott wrote to his step-daughter about "the unsettled accounts between your Uncle, Mama, and yourself" and expressed a reluctance "to run the risk of being again duped by the plausible subtlety of the gentleman."14

Braxton's occasional successes in court were not sufficient to extricate him from difficulty, and he was driven, as a last resort, to surrender or mortgage nearly all of his property. A comparison of the county tax lists for 1783 with those of 1797 (the year of

12 George Wythe, Decisions of Cases in Virginia by the High Court of Chancery, with Remarks upon Decrees by the Court of Appeals Reversing Some of those Decisions (Richmond: Thomas Nicolson, 1795), pp. 13-22; "Hill and Braxton vs. Southerland's Executors," Reports of Cases Argued and Determined in the Court of Appeals of Virginia (ed. by Buchrod Washington, Philadelphia, 1893), 1, 167-175.

13 Mary Prescott to Buchrod Washington, May 9, 1783, printed in Horner, p. 137.

14 Robert Prescott to Mrs. Elizabeth Whiting, September 4, 1794, Ibid., pp. 138-139.
Braxton's death) reveals that, in the four counties where his property was concentrated, he parted with more than 5000 acres, well over half of his holdings. At the time of his death, he was taxed for 3701 acres, still a considerable amount, but he could not have held a clear title to more than 100 acres.

In the early 1780's, Braxton found it necessary to mortgage his West Point estate, which consisted of 3601 acres, to Charles Carter, William Fitzhugh, and Alexander Love in order to secure them for certain of his debts for which they had become bound. After moving his permanent residence to Richmond in 1786, Braxton agreed to sell the West Point estate to Robert Morris in partial payment of the unsettled accounts with his former business associate, but Morris refused to buy until he could obtain a clear title. However, the title to West Point was not to be unencumbered until two years after Braxton died, at which time the mortgage was foreclosed and the land purchased by Charles Carter.

Braxton disposed of much of his property by selling it in order

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15 Tax lists for 1783 and 1797 for the counties of King William, York, Hanover, and Halifax, Virginia State Library.

16 Ibid.

17 Extracts from the will of Charles Carter of Shirley, died 1806, Virginia Magazine of History and Biography, XXII (October, 1914), 382.

18 See Sanderson, p. 204; Braxton is listed on the Richmond City tax lists for the first time in 1787.

19 Lawsuit manuscripts, Braxton Papers, Historical Society of Pennsylvania.

20 Extracts from the will of Charles Carter of Shirley, Virginia Magazine of History and Biography, XXII (October, 1914), 382.
to satisfy his numerous creditors. Among the properties sold were
an estate in England, "a considerable estate" on the York River,
and 1000 acres in King William County.21 In 1785 Braxton placed
1500 acres of land in Halifax County in the trusteeship of his son,
George, and Drury Ragsdale, to be sold for the indemnification of
George Braxton, Ragsdale, Thomas Moore, Robert Page, George Brooke,
and John White, all of whom had become liable for many of Braxton's
debts.22 Also in 1785, Braxton sold a tract of land in King William
County to Samuel Beale, a Williamsburg merchant, in order to pre-
vent him from executing a court order to seize property of Brax-
ton's.23

A device used by Braxton to prevent the confiscation of his
property by his creditors was to transfer it to his sons and favored
friends. In 1782, he conveyed the deed to Chericoke to his son,
George;24 and, in 1786, he presented Carter, Jr., with land "for
and in consideration of the natural love and affection of his son."25

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21 "Love vs. Braxton and Ham," Reports (Call), V, 537-538;
John Bondfield to Arthur Lee, October 20, 1783, Lee Family Papers,
University of Virginia; transfer of deed from Mr. and Mrs. Braxton
to Alexander Love, June 9, 1784, King William County Records, File

22 Transfer of deed from Carter Braxton to George Braxton and
Drury Ragsdale, February 1, 1785, King William County Records,

23 Lawsuit manuscripts, Braxton Papers, Historical Society of
Pennsylvania.

24 See John Taylor to George Braxton, April 6, 1787, Allen
Caperton Braxton Papers, University of Virginia.

25 Transfer of deed from Braxton, Sr., to Braxton, Jr., March 18,
1786, King William County Records, File Book No. 3, 1786, p. 325.
When, in June of 1785, Samuel Beale obtained a court order to seize 4,069 pounds worth of his personal property, Braxton releved and sold the goods to George Braxton and Thomas Moore.26

The various attempts of Braxton to raise money and save as much of his property as possible failed, for his creditors often took him to court. One suit was brought against both Carter and George Braxton by John Ross, an agent of Robert Morris in France with whom Braxton had carried on much business during the Revolution. This suit was tried in Virginia's High Court of Chancery in the autumn of 1786.27 Ross claimed that the only reason he had allowed Braxton's debt to accumulate was "the credit of a large estate [Chericoke] then in his possession" and charged that the conveyance of the title to Chericoke from father to son was simply a means to defraud Ross and avoid a just obligation. Since "the estate both real and personal of the said Carter Braxton is now so diminished that he hath not visible property enough remaining to discharge the debt," Ross felt that Chericoke should be made liable.28

George Braxton answered that he obtained Chericoke not for the purpose of helping his father escape a debt but as part of a marriage contract, thus Ross had no claim on the property.29

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27 Arguments in lawsuit of John Ross against Carter and George Braxton, November 6, 1786, Allen Caperton Braxton Papers, University of Virginia.

28 Ibid.

29 Ibid.
judges (Edmund Pendleton, George Wythe, and John Blair) apparently supported Braxton, since Ross was in the process of appealing in April of 1787. Since the various Reports of Cases ... in the Court of Appeals contain nothing concerning the case, it is not known if the appeal was heard or what the outcome was.

Braxton was frequently involved in legal tangles with Samuel Beale, a Williamsburg merchant who obtained an execution against Braxton’s property in 1785 as a result of a lawsuit in the previous year, brought claims against Chericoke in 1788 in an attempt to collect a debt, and was sued by Braxton in 1789 “for omissions and wrong charges against me.” But Beale was not alone in his persistence. In 1792, Alexander Love brought action in the High Court of Chancery against Braxton and Thomas Ham, charging them with fraud arising from Braxton’s sale of an English estate to Ham after promising it to Love. Love was not successful, but the controversy dragged on until 1805 when the Court of Appeals upheld the Chancery decision.

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30 John Taylor to George Braxton, April 6, 1787, Allen Caperton Braxton Papers, University of Virginia.


32 See John Taylor to George Braxton, May 19, 1788, Allen Caperton Braxton Papers, University of Virginia.

33 Carter Braxton to William Giles, attorney in Petersburg, April 27, 1789, Pierpont Morgan Library, New York City.

34 Wythe, Decisions ..., p. 58-59.

35 "Love vs. Braxton and Ham," Reports (Call), V, 537-538.
Sometimes, Braxton's friends found themselves embarrassed by lawsuits brought against them for Braxton's debts for which they had allowed themselves to become liable. John White of King William County stood bound in 1785 for 2000 pounds which Braxton owed to Archibald Govan of London, a debt which was still unpaid in 1796. White had died by 1796, but Govan brought suit in a Federal Circuit Court against his estate in June of that year. Fortunately for the White family, Braxton paid the debt somehow, and the charges were dropped.

By far the most complicated of all Braxton's legal troubles was his prolonged dispute with Robert Morris over the unsettled accounts of Willing, Morris, and Co. Although this controversy concerned a very great number of specific transactions, most points of disagreement can be reduced to a few general causes. Each man claimed that he had advanced more funds than the other. Morris complained that Braxton consistently had wrongly passed himself off as co-partner.

36 See transfer of deed from Carter Braxton to George Braxton and Drury Ragsdale, February 1, 1785, King William County Records, File Book No. 2, 1785, pp. 207-212.

37 Deposition of Carter Braxton in lawsuit between Archibald Govan and Robert Pollard, executor of the estate of the late John White, June 2, 1796, Braxton Miscellaneous, Virginia Historical Society.

38 Plea of John Wickham to United States Circuit Court (Fourth Circuit) for dismissal of suit between Govan and estate of White, since the debt in question had been paid by Braxton, 1796, Braxton Miscellaneous, Virginia Historical Society.

39 See the various arguments put forth by Braxton and Morris in the lawsuit manuscripts, Braxton Papers, Historical Society of Pennsylvania.
of Willing, Morris, and Company, utilizing the credit of the firm to enhance his own business and thereby greatly increasing the obligations of the company; whereas, Braxton charged that Morris had often failed to assume his share of expenses for purchases made by Braxton, causing the ruin of Braxton's credit and occasioning needless lawsuits, such as those brought against him by Samuel Beale. Other differences included losses brought about by depreciation and the rate of commission that Braxton was entitled to for certain transactions.

The disputes over the accounts of Willing, Morris, and Company were compounded by difficulties of a more personal nature between Morris and Braxton. Morris had agreed to accept the title to West Point in partial payment of Braxton's debts, but refused to credit Braxton with the purchase until the mortgages on the estate were lifted; whereupon, Braxton charged that Morris had violated his agreement.\textsuperscript{100} Similarly, in order to reduce his debt, Braxton sent one of his sons to England to arrange the sale of an English estate in which Morris also had a share, but Morris had never consented to the sale and refused his approval. He demanded a clear title to the estate and would not accept the promise of receiving the proceeds of its sale.\textsuperscript{101}

Considering the complexity of the differences between Morris and Braxton it is not surprising that the dispute persisted for well

\textsuperscript{100} Ibid.

\textsuperscript{101} Ibid.
over a decade. In 1782, Braxton had reason to believe that his accounts with Willing and Morris would be settled without much difficulty, but he was to be disappointed. By 1785, the failure to conclude a settlement led the two men to appoint representatives to decide upon a process by which the affair hopefully could be resolved. Gouverneur Morris, who was chosen to represent Robert Morris, and Charles Irving, who was selected to serve Braxton's interests, met at West Point and completed the drafting of guidelines on March 9, 1785, which Morris and Braxton agreed to follow.

Unfortunately, the guidelines set up by Gouverneur Morris and Charles Irving did not serve their intended purpose; consequently, Braxton brought suit in the County Court of Henrico County in 1787, and Morris followed with a counter-suit. The Court appointed auditors, who investigated the various charges in 1787, 1788, and 1789 and submitted their recommendations, upon which a decision was rendered in favor of Braxton. Morris appealed to the High Court of Chancery and obtained a reversal in October of 1793; whereupon, Braxton took the dispute to the Court of Appeals, which decided the

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42 Carter Braxton to Robert Wormely Carter, August 18, 1782, Emmet Collection, No. 1640, New York Public Library.

43 Lawsuit manuscripts, Braxton Papers, Historical Society of Pennsylvania; "Braxton vs. Willing, Morris, and Co.," Reports (Call), IV, 289-290.

44 Lawsuit manuscripts, Braxton Papers, Historical Society of Pennsylvania; "Braxton vs. Willing, Morris, and Co.," Reports (Call), IV, 288-289.

45 "Braxton vs. Willing, Morris, and Co.," Reports (Call), IV, 290-293; the journals of the auditors are in the lawsuit manuscripts, Braxton Papers, Historical Society of Pennsylvania.
case in November of 1795.\footnote{Braxton vs. Willing, Morris, and Co., “Reports” (Call), IV, 288-304.} The Court of Appeals upheld the Chancery decrees in some instances and overruled them in others, thus it appears that neither Braxton nor Morris could claim complete success from their long and embittered court battles. Indeed, shortly before Braxton’s death, he and Morris were back in court.\footnote{Carter Braxton to Corbin Braxton, May 25, 1797, Braxton Miscellaneous, Virginia Historical Society. The letter states that “our papers for Morris are all ready and will be taken up within this court but how far go I can not say.”}

Plagued by financial worries, Braxton’s final years must have been unhappy ones. Although he never saw the inside of a debtors’ prison because of favorable court decisions and generous friends, imprisonment was becoming an increasing possibility. On May 25, 1797, less than five months before his death, he wrote a rather pathetic letter asking his son, Corbin, to sign two bonds needed to cover certain of his debts, one of which bonds “I was obliged to give or go to prison.”\footnote{Ibid.} This letter to Corbin Braxton is at times almost illegible and reveals that a poor state of health must be added to his problems:

My head is so deranged that I cannot write or read what I right [sic]. I am this moment obliged to leave Council and take (?) Do my dear send over the two bonds that I may satisfy (?) [written over and unclear]. I will see you as soon as I get well I have much to say about Lee etc. but cannot use my speech or powers of writing - owing to having lived too freely. Tell Carter\footnote{Probably his son, Carter, Jr.} I am not able to answer his letter
at present.\(^{50}\)

Despite his father's pleas, Corbin Braxton was unwilling to sign the bonds sent to him.\(^{51}\) Samuel Mosby, who had agreed to be liable for those debts of Braxton until they were covered by the bonds, was upset over Corbin's failure to endorse them and went to Braxton's home on the morning of June 26, but he was turned away because of Braxton's illness. Later that day, Mosby wrote a letter to Braxton informing him that his son had "refused positively" to sign the bonds. Mosby then threatened a lawsuit, mentioned another debt that Braxton had avoided, and concluded his letter by asking "after treatment like this can you expect that I should any longer make myself liable for your debts."\(^{52}\) Mosby also composed a similar, though more gentle, letter to Mrs. Braxton, insuring that his point would be made despite Braxton's illness.\(^{53}\)

Thus, Braxton was in a virtual state of bankruptcy when he died on October 10, 1797. Hounded by his creditors, rejected by an increasing number of his friends, and even spurned by at least one of his sons, he found death to be the only release from mounting financial and legal worries. However, the effects of his disastrous economic misfortune remained to trouble his wife and family for many

\(^{50}\)Carter Braxton to Corbin Braxton, May 25, 1797, Braxton Miscellaneous, Virginia Historical Society.

\(^{51}\)Samuel Mosby to Carter Braxton, June 26, 1797, Braxton Miscellaneous, Virginia Historical Society.

\(^{52}\)ibid.

\(^{53}\)Samuel Mosby to Elizabeth Braxton, June 26, 1797, Braxton Miscellaneous, Virginia Historical Society.
years.

Since Braxton did not provide for an executor, and "no person would take administration on his estate," it was committed to the courts, where a ruling was handed down that appeals pending by Braxton to reverse judgments against him could not be revived.\(^54\) Moreover, his creditors brought suits against his widow and children for debts acquired by Braxton.\(^55\) In order to secure at least a fragment of her husband's estate, Mrs. Braxton was driven repeatedly to the courts in attempts, only partially successful, to recover dowers in lands formerly owned by Braxton.\(^56\)

\(^54\) "Braxton vs. Andrews," May 15, 1799, Reports (Call), II, 300.


\(^56\) Lenora Higginboom Sweeney, "Amherst County Chancery Suits," William and Mary Quarterly (Second Series), XIX (October, 1939), 318; "Braxton vs. Coleman," April, 1805, Reports (Call), V, 433-435; "Lee's infants vs. Braxton," April, 1805, Reports (Call), V, 459-461.
CHAPTER VIII

CONCLUSION

Carter Braxton was a product of the social, political, and economic system of colonial Virginia. Because of his inherited wealth and position, he found himself among the elite of the planter-aristocracy and enjoyed a life of material luxury, comfort, and refinement during the years before the Revolution. However, he lost both of his parents early in life and entered adulthood without the sense of purpose and direction which parental example and guidance perhaps could have provided him. As a result of his pampered youth, Braxton developed into a rather self-centered man who was accustomed to the benefits of a high station in an aristocratic society, but who had not acquired a deep concern for or knowledge of matters beyond his own self-gratification. Indeed, much of his activities in later years can be viewed as an attempt to recapture the glamour and prestige which characterized his existence prior to the Revolutionary conflict.

Besides enjoying the advantages reserved for a wealthy planter, Braxton also accepted the responsibilities attached to his social position and entered into the political life of his colony, but his record in the House of Burgesses reveals that his real interests were outside the realm of public service. Throughout the 1760's and early 1770's, he devoted most of his working days to increasing his fortune
through the expansion of his plantations and the establishment of a mercantile career. When he was active in the Assembly, it was in the defense of an old friend, John Robinson, and in conformity with his economic situation, which, like most Virginia planters, was characterized by mounting indebtedness as the Revolution neared.

Braxton's indebtedness and his mercantile ambitions caused him to evade and oppose the restrictive economic policies of Parliament after 1763, but his role in the growing controversy over British rule derived more from the support of his political associates than from a persuasive articulation of economic and constitutional grievances. He was associated socially and economically with the powerful men from the Tidewater region of the James River, and had always followed their lead in political matters as well. Thus, it is not surprising that Braxton was in the camp of the moderate leaders of the Revolutionary movement, such as Peyton Randolph, Edmund Pendleton, Robert Carter Nicholas, and Landon Carter.

It is his support of a policy of moderation that comprises the significance of Carter Braxton in the initial stages of the Revolution. His role in restraining Patrick Henry at Doncaster's Ordinary, his subsequent and unprecedented activity in the legislature and conventions, his appointment to the Committee of Safety, and his election to the Continental Congress all demonstrate that Braxton served as a valuable ally for the moderates in their endeavor to contain the exuberance of men such as Patrick Henry and Richard Henry Lee. For this purpose, his aid was needed more in 1775-1776 than at any time since the Loan Office scheme and Treasury scandal a decade earlier.
His contribution, then, was not one of leadership but of support, and was therefore completely consistent with his previous political performance.

A moderate position also appealed to Braxton because of his desire for a return to the conditions he remembered and idealized from his youth. The Revolutionary rhetoric about equality and natural rights frightened him, and he felt that a reconciliation with Great Britain was the only way to insure the preservation of his favored position within Virginia society. Consequently, he opposed independence and recommended an aristocratic constitution for his colony, modeled after his notion of the uncorrupted British system. By the spring of 1776, however, his views no longer coincided with a majority of the moderate politicians at home and he was dropped from the Congressional delegation. Only when he was subjected to bitter attacks and faced with a decline in his valued status did Braxton accept the inevitable and sign the Declaration of Independence.

Because of his reluctant support of independence, Braxton should not be credited with a major role in influencing its adoption. Similarly, for the remainder of the Revolution, he was more concerned with regaining his wealth than he was with promoting a successful conclusion to the American cause. The outstanding characteristic of his activities from 1776 until 1781 was his far-flung and ill-fated commerce, along with the numerous controversies that resulted from it. He was definitely included among the mercantile interests of the Revolution represented by such individuals as Robert Morris, Silas Deane, and Benjamin Harrison, whose devotion to private gain aroused
the unyielding enmity of those, such as the Lee family, who suspected them of growing rich at the public expense. Because of the bitter battles between the "speculators" and the "non-speculators," Braxton's primary political significance during the war years was to exemplify the divisiveness and factional hatred that existed in Virginia and the nation.

For the rest of his life, Braxton was pre-occupied with the results of his disastrous war-time trade. Although he was fairly active in the routine functioning of the House of Delegates whenever he attended, he exercised little influence upon the important political developments within his state. He was generally silent on the liberal reforms before the legislature, and his vote favoring separation of church and state in 1785 came after disestablishment was virtually an accomplished fact, anyway. When he could have actively supported the reform as Chairman of the Committee of Religion in 1776 and 1777, he did not do so. Occasionally, he did become involved in issues bearing on his economic difficulties and championed the cause of impoverished debtors, but his contribution was negligible and, as in the case of his opposition to federal trade regulation, was sometimes overruled by the adoption of the Federal Constitution.

Nevertheless, Virginia's political structure still had a place for men with the background and experience of Carter Braxton, and by 1786 his political respectability and status as a signer of the Declaration of Independence had won him a seat on the Council. Secure in his prestigious position on the Council, Braxton devoted his political life to routine administrative duties and apparently withdrew himself
completely from any participation in the controversy over the Constitution or the issues attending the establishment of the new republic. Instead, he involved himself in the impossible task of attempting to salvage something from his hopeless financial entanglements.

In many ways the life of Carter Braxton was a tragic one. Living in a time of great constitutional change and economic upheaval, he continued to act and think as though nothing was or could be fundamentally altered. Thus, he was a conservative not from considered contemplation but from a habitual attachment to the only social and economic order with which he was familiar. Refusing to utilize an unusual opportunity to influence public affairs, he persisted in reacting only to immediate circumstances rather than attempting to channel developments in a particular direction. He signed the Declaration of Independence in spite of himself.

Braxton, then, cannot be understood by tying him to a set of philosophical principles, nor can he be more than superficially probed by placing him within an economic interest group. His motivations can be fathomed only by examining the specific situations and conditions in which he found himself, either as a proud planter, frightened aristocrat, ambitious merchant, or humiliated debtor. Braxton never seemed to understand the significance of the momentous events of which he was a part; consequently, he was overwhelmed by the changing conditions of his environment and, like his former associates Deane and Morris, ended his life in poverty and disgrace.
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