A Sketch of Sufferings: Power and Patronage in Daniel Fisher's Virginia 1750-1755

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A SKETCH OF SUFFERINGS:
POWER AND PATRONAGE IN DANIEL FISHER'S VIRGINIA
1750 -1755

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In Partial Fulfillment
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by
Wendy J. Baker
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APPROVAL SHEET

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

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ABSTRACT

Daniel Fisher's journal covering the years 1750 to 1755 describes his experiences in Tidewater, Virginia, and his later travels through Maryland and Pennsylvania to Philadelphia and back again. It also alludes to his residence in Yorktown, Virginia, in the 1720's. Records of the York County Court and Virginia Gazette notices verify his residence in Yorktown and Williamsburg during both periods. From these documents and his journal, it appears that Fisher had been a reasonably successful merchant/shopkeeper in Williamsburg until his business was ruined as a result of the April 1754 fire near the capitol. Although the historical record for Fisher from then on is sparse, it picks up where his journal left off and indicates that despite at least one other unfortunate turn of events, Fisher managed to recover enough from his losses to remain in Williamsburg, at least until 1764.

Reading his journal, one is struck by its format, which is more autobiographical than journalistic in nature, and by its plot. The journal does not chronicle individual days, and there are large gaps in the chronology, which suggest that it was written at a later date using a journal or diary for reference. Furthermore, it focuses on a few carefully selected events, all of which have a common theme and which are woven into what James Cox has described as a "pattern of life." That pattern or theme is Fisher's downfall at the hands of unscrupulous yet powerful men who were in league together to bring about his ruin.

The records in the Master Biographical Files of the Colonial Williamsburg Research Department lend some credence to Fisher's assertion that there might have been a conspiracy to thwart him, to the extent that they verify connections among the men who allegedly conspired against Fisher. The relationships revealed by the historical record illustrate the interconnectedness of the more successful Virginians, and, in light of Fisher's tale, they help demonstrate the solidarity and power these men could bring to bear when it came to dealing with outsiders.
A SKETCH OF SUFFERINGS:

POWER AND PATRONAGE IN DANIEL FISHER'S VIRGINIA

1750 - 1755
INTRODUCTION

The allure of the American colonies to many Englishmen in 1750 was the promise of a better life than England could offer. Daniel Fisher was no different from most other immigrants in his hopes of realizing that promise. Disenchanted with life in England, compounded, no doubt, by the loss of his livelihood, he saw new opportunities in Virginia.

Being by the secret contrivance of two pretended though false friends stript of my employ, it conduced greatly to augment my opinion of the World's Treachery, and as I had been brought up to no particular trade or occupation, I considered the savings of our united Industry and Frugality, for more than Twenty years, might soon be wasted in a Land abounding in luxurious Temptations. I moreover reflected that Trade in general was less intricate (not requiring so much Art or Skill) in Virginia than in England.¹

Not only was this a chance to start over in a less complex and competitive environment, but Fisher believed Virginians to be "more Innocent, Just, and Good . . ."² than natives of England, and that the colony would provide for a healthier moral life for his children. Luckily for us, he left a


² Ibid., p. 753
journal of his experiences in the colonies which covers the period from May 1750 with the start of the voyage from London, to August 1755 as he returned to Williamsburg from a trip to Philadelphia. Chapter one of this thesis will compare Fisher's account of his experiences in Virginia to the historical record in order to establish, or least conjecture, some information about who Daniel Fisher was.

There are two striking features of Daniel Fisher's journal. The first is that it does not strictly follow a journal format. The bulk is not a day-to-day account of his life, with each day unfolding on paper almost as it happened. It is, rather, a narrative, a story, with a beginning, an ending, and a plot. In view of this format, it seemed appropriate to view his compilation of experiences not as a mere journal, but as an autobiography of sorts. Chapter two will outline his story and explore this literary theme further.

The second striking feature is the plot itself. From what Fisher relates, he was practically run out of Williamsburg where it appears he had made enemies of several of its more important residents. Recent research has given us countless examples, both on an individual level and through broader demographic studies, of the high economic and social mobility during the first two centuries of European settlement in North America. Both contemporary accounts and current literature paint a picture of the American colonies as a land of opportunity where a man, no matter how low his birth, could
hope to earn a good living and a good name by dint of hard work. It seemed as if coming to America practically guaranteed success. Fisher's tale of failure stands in contrast to this tradition of the "Great American Success Story." Not that there were not failures among those who lived in the colonies. It has been suggested that in the colonies in general, approximately 5% of white males were permanently on the lowest rung of the economic/social ladder.\(^3\) But most of these failures occurred among the least skilled, and least educated members of society. Fisher appeared to have had several marketable skills in both commerce and education, and, as Chapter One will demonstrate, he was able to parlay those skills into economic success. What, then, contributed to his downfall? Was it mere chance, or something else?

If he was economically successful, why, in a country which correlated wealth more closely than anything else with social standing, was his a tale of failure? Fisher's inability to gain social acceptance by those in power, which in turn led to his economic downfall, was his chief lament. And in telling his story, he reveals the "Great American Success Story" to be as much myth as reality.

It was reality perhaps, for no better reason than that having arrived at a place, many immigrants had no choice but

to stick it out, lacking the means or freedom to return home. It was reality perhaps, for those who settled the frontier where, given a minimal social structure, hard work was about all that was needed to ensure success. But even these expectations often proved far grander than reality, and while most were able to scrape out an existence, success was by no means immediate. More likely than not it was the second generation that enjoyed the fruits of immigrants' hard work, not necessarily the immigrants themselves.

The myth is revealed on close examination of the very success stories that gave rise to it. For success demanded cooperation with one's neighbors as much as individual hard work. No man made it completely on his own, and since he always operated within a particular social structure with its codes of behavior, the extent to which he observed those codes determined the extent of his success, if any. This was even more pronounced in the older, more settled parts of colonies, and particularly so in the Tidewater regions of Maryland and Virginia where the path to prominence was open only to those who forged advantageous alliances through kinship, marriage, business relationships, and friendships to those already in positions of power. Daniel Fisher's failure seemed due to

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4 Ibid., see chapters one and two of Main's work for his frontier model of social structure.

5 Paul Clemons, The Atlantic Economy and Colonial Maryland's Eastern Shore: From Tobacco to Grain (Ithaca: Cornell University Press, 1980) In his descriptions of the rise of the great families of the Eastern shore, it becomes clear that connections, particularly by marriage, were
his inability to forge such connections.

According to Fisher his failure was not his fault, but could be traced to the machinations of some very powerful men. Throughout his story, he maintained he was an innocent victim of others' "base and unworthy actions" and that there even seemed to be a conspiracy to bring him to ruin. Chapter Three will compare his account to the historical record to see if there might be a reasonable basis for Fisher's claims. Who were the people of whom he kept running afoul, and what, if any, were their relationships with each other? Could there have been an alliance which worked actively to destroy Daniel Fisher?

Finally, why did he run afoul of these people? What could account for their turning so maliciously opposed to him as to destroy his livelihood? The conclusion will explore some of the reasons behind Daniel Fisher's fall from grace in Tidewater, Virginia.

The task of verifying Fisher's story is hampered by the loss of large portions of the historical record. Three sets of records that would have involved the residents of the Williamsburg area are missing: those of the General Court of the Colony, the James City County Courts, and the Williamsburg Hustings Court. The research for this thesis therefore rested on the information contained in the Master Biographical Files housed in the Research Department of the Colonial Williamsburg all-important.
Foundation. The bulk of these files is made up of the transcribed records of the York County Court, and also includes the transcribed records of Bruton Parish, and transcribed copies of the Virginia Gazette, among others. All references in this thesis to the Master Biographical Files of the Colonial Williamsburg Foundation Research Department are cited within the text by date.
The Historical Record

Daniel Fisher was not a famous man. Indeed, we know little about him beyond what he left in a journal covering the years 1750-1755, some court records, and some newspaper notices. We do not know exactly when or where he was born, when or where he died, and we know little of his life in between. His journal commenced in March 1750, when he set out on a voyage from London to Virginia with his family in the hopes of becoming a merchant. After spending five weeks in Yorktown, he settled in Williamsburg where he lived approximately five years until misfortune struck. In early summer 1755, he travelled to Philadelphia in search of better prospects, spending eleven minimally successful weeks there before returning to Williamsburg in August 1755. His journal, or what we have of it, ended on the road back to Williamsburg. There was more: he referred to the "next book" at the very end of the first, but, as the descendant who submitted his journal for publication said cryptically, "The next book I have never found - as I did this after my father's death in 1857 - G.F., July 13, 1886."

From his journal we know that Daniel Fisher was no

1 Fisher, p. 812
stranger to Virginia, having lived in Yorktown around 1722 during which time he served as Deputy Clerk of the York County Court under Mr. Philip Lightfoot. There are three, possibly four, documents in the York County Records which confirm his residence during this period. His first and third appearances in the records, dated January 15, 1721/22 and June 17, 1723, are simply cases where he witnessed documents, and refer to him specifically as Daniel Fisher. The second appearance also specifies him by name. Dated July 16, 1722, this case relates a dispute

Between Danl. Fisher plt. and Lawr. Smith Gent. deft. by means of the defts. menacing beating and wounding a Jury to wit Thos. Vines Robt. Ballard etc [were sworn and ?] who having heard the evidence went out and being agreed [returned the] verdict in these words to wit we find for the plt. Six pence which [verdict on the plts.] motion is recorded and its Considered that the plt. recover agt the deft. the said sum of Sixpence being his damages by the Jurors in manner of [ ].

Fisher was reminded of this incident shortly after his return in 1750. Evidently, as Deputy Clerk of Court, he was asked one evening by Col. Smith, a Justice of the Peace and a representative of the House of Burgesses, to issue a writ against an individual in time for the next court, which was two days away. Fisher refused his request, saying that three days were required before the writ could be returned. Col. Smith then "struck me with his cane, but I then being a younger man than he took hold of his collar with one hand and his cane with the other, laid him on the floor and his cane by him, and departed." Fisher then brought charges against Smith, because "as it was more scandalous in a Magistrate than
an indifferent person to break the Peace, it was but just to expose him in his own Court.\textsuperscript{2} As is evident from the court records, Fisher won the case, although judging by the amount of the award it was a small victory.

The fourth appearance, dated July 17, 1727, is harder to link directly to Daniel Fisher, since it refers simply to "Fisher" as a defendant "in a suit with Mr. and Mrs. Conor, suit dismt."

Beyond these early records, there is little biographical information on Mr. Fisher, although one can draw some conclusions. First, since he had to be at least sixteen years old to witness documents, by extrapolating backward from his first appearance in the court records one arrives at a birth year of 1705 at the latest. That would make him at least 45 years old at the time of his return voyage to Virginia in 1750. Although it is possible he was a native Virginian, there are no records which indicate where he was born, or who his parents were. There are several references to antecedent Fishers in the Tidewater area, including one Daniel Fisher whose plantation was mentioned in a 1659/60 transaction and who was appointed constable in New Poquoson Parish in 1661/62. While it is tempting to speculate that this would indicate a possible Virginia ancestry for our Daniel Fisher, it is impossible to link any of these Fishers directly. That the only people he tried to contact shortly after his arrival in

\textsuperscript{2} Ibid., p. 767
1750 were old acquaintances and not family (he never mentioned his family outside of his wife and children) would suggest that whatever familial ties there might have been were so weak as to be nonexistent.

His early post as Deputy Clerk of Court indicated that he must have been an individual with some social standing. In addition to his journal as obvious proof that he was literate, the duties of the Deputy Clerk required at least some formal schooling. Furthermore, his appointment to that position indicates that he had gained the favor of those in power and had at least the potential to become a gentleman. For some reason though, he left Virginia, probably in the mid to late 1720s. Why he left, he did not say, but judging from his desire to return, it was probably on amicable terms.

During the next twenty years or so in England, he appeared to have prospered. Even after losing his job, he seemed to have been able to live comfortably "after several years struggling and controverting about this unhappy affair . . .," until he convinced his wife they should move to Virginia. Additional clues to his economic standing are his

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3 As shown later in this thesis, Benjamin Waller started his career as Deputy Clerk of the James City Court. All the literature consulted for this thesis dealing with the career paths of the gentry focused on the importance of becoming a Justice, but said next to nothing about the role of Clerk or Deputy Clerk. Although this by no means represents a detailed analysis of the question, it would appear by Waller's example in James City County and perhaps by Philip Lightfoot's in York County that such positions were entirely respectable ones for the gentry.

4 Fisher, p. 753
references to his possessions and some of his financial transactions prior to the voyage. He sold his house and some personal goods, and offered the captain of the ship twenty guineas over the regular fare so that his family might have "sole use of the cabin." His transported possessions and goods included several chests of drawing (his two best, of mahogany, plus another large one were damaged when they unloaded at Yorktown), a large box containing sheets and table linen, as well as a store of strong beer, wine, and brandy, and a store of diverse herbs and spices.

People used the title "Mister" in addressing Daniel Fisher. That he was not brought up to any particular trade or occupation suggests that he may not have been expected to find one necessary. His overall tone throughout the journal was of a man accustomed to the finer things in life, accustomed to being treated with respect, and who considered himself to be of respectable social standing. The most telling indication of his view of his rank lies in his account of an acquaintance's reasons for joining the Fishers on their trip to Virginia. This man, Mr. Saunders,

had just married much as he thought beneath himself, . . . His pride could not bear the thoughts of the world reproaching him with this marriage, concluding he could no way so well conceal his indiscretion as by going with me to America, on which he was so very intent."}

While the ship lay at anchor in London, the Fishers spared Mr. 

5 Ibid., p. 754
6 Ibid., p. 753
Saunders from embarrassment by discouraging visits by their friends and Mrs. Fisher's relations, and presumably out of apprehension that these friends and relations would be put off by Mr. Saunders' lack of wisdom in choosing a socially inferior spouse. This need for a false front distressed the Fishers because it meant they could not entertain with the appropriate hospitality, and they were afraid such coldness on their part would offend their visitors.

Fisher seemed to have left England in fairly good economic, and one would presume, social standing. Nor did he err in his assessment of the opportunities for economic advancement in Virginia. By 1750, greater population densities in the colonies had engendered a more complex economic structure through greater demand for goods and services which, in turn, fostered greater economic opportunities for those willing to provide them. The economy by this time had run through the cycle of importation of finished necessities, to manufacture of necessities in the colonies, and back to importation of finished goods, but now of luxuries rather than necessities. Urban areas in particular provided a wealth of diverse economic opportunities. It was to the urban areas of Yorktown and then Williamsburg, both in the oldest settled region of the country, that Daniel Fisher headed. It was undoubtedly true that for those with few skills or a grounding only in agriculture, the lack of land in the Tidewater area for development would have been a deterrent to immigration, but for those with backgrounds in crafts, trade, or commerce, the
concentration of population and the greater wealth of urban areas meant a greater demand for more specialized goods and services. With respect to Williamsburg and Yorktown specifically, a significant portion (at least one quarter) of the population of both towns were tenants. Most of these tenants tended to be outsiders new to the area and with no connections to their landlords. Daniel Fisher was not alone, therefore, in his expectation of doing well in the Williamsburg/Yorktown area. The draw for all these individuals to these towns, and to the capital town of Williamsburg in particular, was that they could cater to the needs and demands of a concentration of wealthy lawmakers: Merchants and tavernkeepers were the most numerous occupations among renters, and at least one quarter of the landlords themselves were either merchants or merchant-planters.  

From Fisher's journal we learn that with the generous assistance of Mr. Nathaniel Walthoe, Clerk of the Colony Council, they were able to rent a house in Williamsburg about five weeks after landing in Virginia. In this house they set up shop and, as Fisher noted in his narrative around January or February of 1750/51, "we now went on pretty well, and our little business increased." He also made his first

7 Emma Lou Powers, "Landlords, Tenants, and Rental Property in Williamsburg and Yorktown, Virginia 1730-1780" (Research Report, Department of Research, Colonial Williamsburg Foundation, 1990) p. 5, p. 25, pp. 41-43, pp. 44-45

8 Fisher, p. 772
appearance in the historical records for the period covered by the journal, in the form of a Virginia Gazette notice dated January 4, 1750, wherein Fisher advertised

Fine fresh Bohea Tea, at six shillings a pound; also a Parcel of gilt and lacquer'd Coat and Breast Metal Buttons, some ribb'd Cotton Stockings, and Cabinet Furniture, some Iron Ware, such as Lock Irons and Heaters, Broad axes, Hand-saws, Chissels, Plain-Irons, Hinges, Locks, and divers other Things . . .

By April 1751, although Fisher did not mention it in his journal, there was some indication that merchandising was not going as well as could be hoped, for two more notices appeared in the Gazette in which Fisher sought employment in some other fashion. The first ran twice in early April.

As I do not think my Fortune considerable enough to carry on Merchandising, or for my Family to subsist independently upon; I should be glad to engage with any Gentleman who could employ me with the Prospect of a mutual Benefit. And, although my Family will continue in Williamsburg, my being placed in a remote Situation will be no objection: Or, if it suited the interest of my Employer, I should not scruple going to England or the West-Indies. I will deceive no Body in undertaking a Thing beyond my Ability; and in what I do undertake, I'll promise Sobriety and diligent Attendance. As for my Fidelity (if considerable Trust is requisite) I'll give all the Security my Circumstances will admit of. Daniel Fisher."

Evidently he was not willing to give up merchandising completely, for there was a postscript. "N.B. Such Persons as have tasted and approved my Bohea Tea, may be assured of being still served with the very same sort, as the usual Price of Six Shillings a Pound."

By April 25, he seemed to have made up his mind to return to England, and the following notice appeared.

To be sold by Auction, on Tuesday the 30th of April,
and the two following days, about 3 o'clock in the Afternoon, at the Dwelling House of the Subscriber, in Williamsburg, Several lots, or Parcels of Goods, and Manufactures of divers Sorts, as Desk Furniture, with various Sorts of Brass and Iron Hinges, Brass-Castors, Cloke Pins, Rings, Nobs, etc. Workmens Tools of Various Sorts, Box Cupboard, Drawer and Desk Locks, gilt and plated Coat and Prest [sic] Buttons, a few Cotton rib'd Hose, Books, Pamphlets, and Prints, useful, and some entertaining, with many other Things, among the rest a very neat, light, and strong Woman's Sadale [sic] etc. The Goods may be view'd all the morning of each Day of Sale, and Six Month's Credit allow'd, on giving Security, as usual; And, whereas I propose going to England this summer, if any Gentlemen in this Colony thinks me capable of serving him in any Matters there, what I undertake (by God's Permission) shall be performed with Care and Fidelity. Daniel Fisher N.B. My Family (in my absence) will have a constant Supply of Bohea Tea, of equal Goodness with what I have hitherto sold."

Still, this casting about for a niche was not unusual for tenants in Williamsburg: many tried a new enterprise as the old appeared to falter. Indeed, many independent retailers in Virginia, like Fisher, may have been simply small-scale versions of their betters in the merchant class. Many were not specialists; their desire for a good location in town encouraged them to dabble not only in shopkeeping, but also in the management of ordinaries or taverns. It also made sense for a new proprietor to continue in the same business as his predecessor in a property since the place presumably had an established clientele. Fisher, too, was motivated by the

9 Powers, p. 45


11 Powers, pp. 56-57
desire for location, for

In less than a year after we came to Williamsburg, a large house near the Capitol became vacant by the name of the English Coffee House, and that which we lived in lying much out of the way for any kind of business, we were advised to take this, tho' the rent was larger.¹²

He also saw the value of switching from his own endeavors to match those of the previous resident. The English Coffee House had been run as a tavern by James Shields until he died in the summer of 1751. His widow, Anne, herself the daughter of a tavernkeeper and who inherited the property from her father, remarried Henry Wetherburn, already a Williamsburg tavernkeeper, within ten days of her late husband's funeral. Wetherburn advertised the place to let in the Virginia Gazette August 8 and 24, 1751. Fisher indicated that he and his family moved in on September 29, and on October 3 and 11, notices appeared in the Gazette for his new business.

To the Public, The Tavern lately kept by Mr. James Shields, near the Capitol, in Williamsburg, will be opened, by the Subscriber, on Monday next: Such Gentlemen who are pleased to favour me with their Company, shall be sure of the best Accommodation in my Power. Daniel Fisher."

Tavernkeeping, however, did not agree with Fisher, and as he said in his journal,

Being soon tired of this Public business to which I had made great and many Objections, I with my Good Friends consent, quitted it, and stuck to my dealing in Coffee, Tea, Chocolate, Arrack, Claret, Madeira and other Wines, English Beer, French Brandy, Rum, and several other articles, both from Europe, New York, Philadelphia, and the West Indies, proposing too as my house was large and in front particularly, to divide

¹² Fisher, p. 773
and let it out into several distinct Tenements.\textsuperscript{13}

A notice in the Gazette dated February 19 and 27, 1752, confirmed this.

Several Difficulties and Impediments in the Business I so lately undertook, subjecting me to the necessity of giving it over; I thought it incumbent on me to give this Notice thereof. I have divers Rooms or Apartments to let, also a large Stable with Stalls for about Twenty Horses. Daniel Fisher.

By March 1752, he appeared to be back on track and his retail business seemed to be thriving. The notice that appeared in the Gazette on March 12 and 20, 1752, announced for sale

Genuine French claret, at 40 s. per Dozen, Samples whereof maybe had at 4s. a Bottle, net Barbados Rum at 5s. per Gallon; also fine Madeira Wine, English Beer, and Hughe's Cyder, at the common Rates; also a cask of fine Hogs-Lard, of about 30 lb. Weight, with several Pots of Capers and Anchovies. Daniel Fisher.

From here on out the historical record concurrent with the time span of the journal consists not only of Fisher's own Gazette notices, but also of a few court records and a reference to him in another notice. The record spans two years, and consists of the following: a 1752 debt case wherein he sued for debt due from one Abraham Nicholas; an August 1752 notice by the Company of Comedians listing "Mr. Fishers" as a place where seats may be reserved for the performance; a June 1753 transaction to which Daniel Fisher was a witness; a July 1753 case in which Fisher gave evidence; and a July 1754 transaction in which he was again a witness. There is also

\textsuperscript{13} Fisher, p. 774-75
his own December 1752 notice for the by now usual luxury goods such as Tea, Coffee, Chocolate, Ginger, Sweet-meats, Hogs Lard, Arrack, Barbados Rum, Claret, Madeira, and White Lisbon. All of these records suggest a man who had become a little more entrenched in the community and less of a transient, not the typical tenant given that around half of the tenants in Williamsburg from 1730-1780 left the area within a year.\textsuperscript{14}

The same two-year period of time in Daniel Fisher's journal merits all of the following:

. . . we went on extremely well, and as I had foreseen, I let out into Tenements as much as amounted to Forty-Six pounds a year, receiving also much the better and larger part for my own use. I had too as much business as we really wished for and my stock, the very considerable my own; and besides a number of debts due to me in Trade I could and did frequently assist others on an emergency with Twenty or Thirty Pistoles at a time.\textsuperscript{15}

This is not to say that Fisher was in the same league as the great planter-merchants. Although "the growth of the independent indigenous merchant and the cargo system were the most significant features of the Chesapeake economy," a description of that type of merchant is much more fitting of a William Nelson than Daniel Fisher.\textsuperscript{16} Nelson, from a prominent Virginia family, was, among other things, a York County Magistrate, a member of the Colony Council (and in the

\begin{itemize}
\item\textsuperscript{14} Powers, p. 49
\item\textsuperscript{15} Fisher, p. 777
\item\textsuperscript{16} Jacob Price, \textit{Capital and Credit in British Overseas Trade: The View from the Chesapeake}, (Cambridge, Mass: Harvard University Press, 1989) p. 128
\end{itemize}
1770's its President), and one of the wealthiest merchants in the Tidewater area. He became, as we shall see, the focus of Fisher's tale. Nelson, as other great merchants in Virginia, had a correspondent merchant in London by the name of Hunt (who wrote Fisher a letter of recommendation to Nelson) and kept a store in Yorktown. Purely retail shops could be opened in the Chesapeake with only one or two hundred pounds capital, but anything called a "store" making returns in tobacco required at least £3000. The latter description applies to Nelson, and we can get a feel for the size and diversity of his enterprise through the following notice that appeared in the Gazette on June 5, 1752:

Just arriv'd in York River, from Africa, the Ship Boyne, William Wilkinson Commander, with a Cargo of fine healthy Slaves, the Sale of which will begin at Yorktown To-morrow, and at Westpoint, on Wednesday next; and continue there 'til all are sold. William Nelson, Thomas Nelson, N.B. The sad Ship is a good strong Vessel, and will take in Tobacco at 61. per Ton, with Liberty of Consignment to any Merchant in Liverpoole: Notes may be delivered to the Captain on Board, or to us, at Yorktown. W & T Nelson.

On the other hand, Daniel Fisher's enterprise easily falls into the "purely retail shop" category, with a much more limited source of capital. In fact, most of the goods mentioned in his first two notices, except for the Tea, were probably originally paid for by Fisher's business associate, Mr. Saunders. As Fisher noted, prior to leaving England, Saunders had given him £120 desiring I would lay it out in Goods most proper for

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17 Ibid., p. 25
Virginia. I here upon showed him my Bills of Banks for all the Goods I had already purchased, signifying likewise that I should gladly take over a large Quantity of Tea which I had bought; also any part of which goods, if he pleased, he should be a sharer so far as his money would extend, or indeed of the whole, allowing me Common interest only for so much money as I should employ more than him.\(^1^8\)

Goods at £120, plus the value of Fisher's tea of at least £117 (he having later assigned an amount of tea at that value as collateral for a loan from Mr. William Nelson to repay Saunders) would bring his inventory to around £240, and perhaps even twice that amount since it appears that he retained several chests of tea in addition to that he assigned to Nelson. This still would place his enterprise squarely in the retail shop category. Furthermore, it also appears that Fisher did not have a correspondent relationship in England, and that aside from his initial outlay, additional goods were probably purchased wholesale from local large-scale merchants such as Nelson, or Mr. John Holt, "a merchant and the then Mayor of this City [Williamsburg]." Holt was "obliged" to Fisher

for laying out large sums of money with him frequently for Goods, for which he was always duly paid in Cash, a thing here not extremely common, he never dealing with me, except once for two dozens of Madeira Wine when for goodness, there was none such elsewhere to be had.\(^1^9\)

Holt, like Nelson, was an importer, selling goods such as those described in the following September 1746 notice:

Just imported in the Ship Rebecca and Mary, Capt.

\(^{18}\) Fisher, p. 763

\(^{19}\) Ibid., p. 778

Holt's "store" was mentioned in a notice the same month from James Craig, Jeweller. Like Nelson, he also chartered ships to return to England with tobacco as per the following January 1751 notice:

The Snow Pelham, George Yuille Maser, now lying in York River, is ready to take in Tobacco to any Merchant in London, at the rate of Seven Pounds per Ton. Gentlemen inclinable to ship are desired to leave their orders with Mr. Montgomery at York, Mr. Archibald Gordon at Newcastle, or with the Maser on board the Snow, at Holt's. N.B. The above Snow has a Charter of 320 Hogsheads: The Notes to be deliver'd to the Master before the 1st of February; and carries no more than 400 Hogsheads."

Although Fisher thought of himself as a merchant, that term was relative. Importers, such as Nelson or Holt, were usually men of great wealth whereas shopkeepers were small retailers who only occasionally sold wholesale. Shopkeepers also tended to be more mobile than the great merchants who had much more vested in a particular locality. Again, shopkeeper seems a more fitting description of Fisher, at least when he was first starting out. Since income could be ascertained based on occupation (admitting that all levels of wealth could be represented in every occupation), shopkeepers generally found themselves on the same level as professional men

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20 Main. Unless otherwise noted, the arguments in the next two paragraphs are based primarily on chapters three and four of Main's study.
(doctors and lawyers), one level below merchants, and one above yeomen farmers. This would probably place Fisher in the middle to upper middle of the economic class structure.

A final clue to Fisher's economic well-being lies in what we can learn about his standard of living. First, what would place Fisher slightly lower on the scale would be the fact that he did not appear to own any land, lots, or buildings, and although he mentioned a servant, he did not appear to be a slave owner. On the other hand, offhand comments throughout his journal referring to his family's possessions indicate that he was comfortable, if not wealthy. The "recreation" of the space available to him at the English Coffee House indicates that, by the standards of the time, he and his family lived in rather commodious surroundings, again suggesting enough wealth so as not to need to squeeze every last penny out of his rentals.21

By all accounts, including his own, Daniel Fisher had realized his ambition of setting up a profitable trade in Virginia and appeared to have been successful for several years. Unfortunately for the Fishers, this growing prosperity suffered a serious setback on April 24, 1754. That night a fire swept through several buildings near the Capitol, and in an effort to prevent the spread of flames to additional buildings, Fisher's house was torn apart. It did not appear to have been completely destroyed, since the family was able

21 Powers, pp. 32-33
to move back in and continued living there for at least the next year, but as far as Daniel Fisher was concerned, he was ruined.

Despite his best efforts, he could not recover from the disastrous effects of the fire. The remainder of his journal was concerned first with events following the fire which led to his decision to seek employment in Philadelphia, and then with descriptions of his travel to that city, his eleven-week experience there, and his trip back, ending in August 1755.

The last word from Fisher himself was that in Bladensburg, Maryland on his way home, he was joined by a fellow whom he had met briefly at a tavern earlier in the day, who "informed me he was going 4 or 5 miles of my road, and should be glad of my company." Fisher then described their coming to a fork in the road, and there his journal abruptly ended with, "The Road etc. See next Book." 22

Although that is the end of his journal, the historical record shows that he made it back to Williamsburg, albeit not without incident. On September 5, 1755, Fisher published a notice in the Virginia Gazette dated August 30, 1755, that began as follows:

As the following Advice may be of some Use, I beg Leave to inform the Public, that being on a Journey from Philadelphia to Williamsburg, in this Colony, (where I live) I was, on the 14th of this Instant, about Two O'Clock in the Afternoon, in a bye Road, about six miles from Bladensburgh, in the Province of Maryland, and seven Miles from Alexandria or Belhaven, in the Colony of Virginia, robb'd, by a person who was seen to

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22 Fisher, p. 812
join me at Bladensburgh Town's End, and pretended to be going the same Road with me.

The notice continued with a description of all the fellow had stolen (some money, a gold watch and accessories, a silver-gilted horse whip, leather saddle bags containing a "Black velvet wastecoat without sleeves," two fine and two course shirts, some linen cloth, two pairs of stockings, diverse neckcloths, caps, handkerchiefs, papers "and many other things," particularly a case with two razors) and ended with a description of the thief, whose name was Benjamin Brown and who was apparently well known in that area as a burglar. Fisher stated that the reward for the return of his possessions would be one quarter of their value.

On October 17, 24, and 31, 1755, Fisher submitted another notice which indicated the man had been seen with Fisher's possessions, and was on his way to North Carolina, travelling under the name of William Brown. There is no indication in the records that the case was ever solved, and Fisher's next appearance in the York County Records does not occur until January 16, 1764.

Fisher indicated in his journal that he returned to Williamsburg as the result of an offer from Nathaniel Walthoe to rent a store he owned instead of continuing in the English Coffee House under Henry Wetherburn. Presumably, Fisher was able to recover his business after this run of bad luck. That he recovered seems evident not only in his long tenure in the area but also by his last appearances in the records which
give some indication of his economic position. In the January 16, 1764 entry he was listed as buying some goods from the estate of Henry Wetherburn, now deceased. Even more indicative of his economic position is the fact that in a June 18, 1764 debt case (which was continued to August 20, 1764), Fisher and one Gray Briggs were the defendant's securities for £500, no small amount of money.

That was his last appearance in the York County Records, and although he would have been at least 59 years old, there is no way to know what became of him after that.
Even though things started to crumble for Fisher only after the fire, which was nearly four years after his arrival in Virginia, to read his journal one would think that he had been dogged by misfortune every step of the way, and that every step forward was accompanied by several attempts by others to push him back. To Fisher, the fire was not the beginning of all his troubles, but the culmination of several years of harassment by people who wished him no good. It was, to borrow a popular phrase, "the story of his life."

Although Fisher called his writings a journal, they do not follow the standard journal or diary format. It appears instead that he kept a separate diary from which he later wrote his story. Several clues point to this. The most obvious was his searching his memory for the date of a particular incident. For instance, when, as we shall see, Mr. Holt brought charges against Fisher for selling liquor to slaves, he stated, "This affair happened I think in March 1754."1 Also telling were his anecdotal embellishments;

1 Fisher, p.779
information that could come only from later dates appeared in his descriptions of earlier events. For instance, he gave a lengthy description of his family's difficulties in obtaining drinking water while aboard the Berry. After relating how he resolved the situation, he ended with, "But now I must return to: Tuesday, May 29th," yet the drinking water incident did not occur until "about a week before we reached the Land,..." which was around August 1.\textsuperscript{2} In describing his last contact with Mr. Saunders, his former partner, he related how

He soon after departed for Bristol . . . where it is said being seduced into a Partnership with one Baker, a Paper Maker, he was defrauded of the greatest part of a Thousand pounds upon which (as was also suggested to me) he used some indirect means (what I was not told) of putting himself out of the world.\textsuperscript{3}

Perhaps the most verifiable evidence that points to his writing well after the fact was his reference to his run-in with Col. Philip Lee. This incident occurred sometime in February 1752, yet in relating it, Fisher stated, "Tho while I am writing this I am informed this same Col. Philip Lee has obtained the title of Honourable by being appointed one of the Council."\textsuperscript{4} Since Lee was not named to the Council until 1757, Fisher could have written his "journal" only after that date.

But more than anything else, it is the narrative format, the drawing together of related information despite its coming from different points in time to create a coherent story that

\begin{itemize}
  \item \textsuperscript{2} Ibid., p. 757
  \item \textsuperscript{3} Ibid., p.770
  \item \textsuperscript{4} Ibid., p. 777
\end{itemize}
suggests more than a mere journal. His introduction reveals that while he did not necessarily intend it for publication, neither was it wholly private. It was meant to be shared. It was addressed to one Mr. Mosely and "good Mrs. Mosely."

Should this chance to come to your hands, it will, I presume, afford neither you nor good Mrs. Mosely any extraordinary satisfaction. I long ballanced [sic] with myself whether I should ever write a journal at all. It not being in my power if I wrote truely [sic] to entertain you with any other than doleful instances of Anxiety, Disappointments, Misery, and Repentance. But being no stranger to your Equinim and good sense, inflicting at the same time; That the consideration of the short duration of the accutist mision in this Life, must be some consolation to reasonable people, I determined on presenting you wish a sketch of some of our sufferings.5

His intent was not simply to record each day's events, but to tell a story, and in this respect, his narrative is more of an autobiography than a journal.

But if this story covers only five years of a man's life, can it truly be considered autobiography? Clearly, we do not have a chronicle of a full life and under the traditional definition of autobiography it should not. But autobiography is a genre whose parameters are always in flux because there are so many different ways to tell one's story. Autobiography lies somewhere between historical narrative and fictional narrative. "In historical narrative the beginning and the ending are by necessity arbitrary and unreal, for history has no beginning and no end. . . . The writer of fiction, on the other hand, has to begin and he has to end, for fiction is all

5 Ibid., p. 752
invention, and its sure truths are that it does begin and does end." Autobiography "has a point of beginning which is logical and incontrovertible, though of course he can deviate from such a point, beginning . . . at an arbitrary point in his life almost as if he were a novelist." There is no true ending to autobiography, however, because the author cannot write about his death, although "he may establish a kind of pattern of his life which will enable him to treat it as if it were ended."6

While Fisher started at a point midway, if not even further, in his life, it was a logical beginning. It was a beginning to a certain stage of his life, his new life in America. It certainly did not end with his death, but as we shall see, he established a pattern of his life during the period in America and brought it to a logical conclusion. Indeed, his journal begins to fit one of the definitions that has been described for the autobiographical mode: " . . . autobiography claims to retrace a period, a development in time, not by juxtaposing instantaneous images but by composing a kind of film according to a preestablished scenario." But, "The author of a private journal, noting his impressions and mental states from day to day, fixes the portrait of his daily reality without any concern for continuity. Autobiography, on the other hand, requires a man to take a distance with regard to himself in order to reconstitute himself in the focus of

his special unity and identity across time. A journal, as we have come to understand it today, does just what an autobiography does not - it is not retrospective, except of individual days, and is more immediate in its description of events. In a historical or factual sense, it may seem more "true" in that it recounts events as they occurred in the author's immediate perception, and does not go through "a second reading of experience." But, in coming to a true understanding of "the mysterious essence of [one's] being," a second reading "is truer than the first because it adds to experience itself consciousness of it."8

Throughout Fisher's narrative there is a conscious selection of some events to the exclusion of less relevant ones which forms a pattern or theme. That theme was his failure as a result of the malicious actions of others. There is a curious gap of two years in his tale, during which time he admitted to no problems, and from what can be gleaned from the historical records as well, he appeared to have been reasonably successful. It is a gap that is artfully disguised; there is no discernible hole in his narrative but as we have seen, out of a sixty-page publication, this two-year span was covered in only two paragraphs. Had this been a true diary or journal, surely these years, as well as the more mundane day-to-day aspects of life, would have

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8 Ibid., p. 38
merited more attention. Instead, the narrative focused on the deceit, arrogance, and petty-mindedness of others that led to his failure, and he intended to give examples of such people at every opportunity, "endeavouring to maintain a sincere attachment to Truth by expressing upon all occasions my own wrong headedness with the same vivacity and freedom as I shall remark or point out the mistakes or meannesses of those people."\(^9\)

It was almost as if he were seeking revenge through his memoirs and it was this desire to tell his side of the story that shaped and directed his narrative. In many ways, he reconstructed the past knowing where it had led him. "During his life he [the autobiographer] remains uncertain of cause and effect, rarely sensing the full shape of continuity of experiences. But in writing his story he artfully defines, restricts, or shapes that life into a self-portrait - one far different from his original model, resembling life but actually composed and framed as an artful invention."\(^10\)

From his vantage point in the present, "no trick of presentation even when assisted by genius can prevent the narrator from always knowing the outcome of the story he tells - he commences, in a manner of speaking, with the problem already solved."\(^11\)

\(^9\) Fisher, p. 752


\(^11\) Gusdorf, p. 42
The pattern of misfortune started from the time he left England (and even before, given his assertion that he lost his job due to "the contrivance of two pretended though false friends.") He and his family arrived at the ship in London on April 7, 1750, at the urging of the man who had chartered it, Mr. Whittaker, an Alderman of London, who had threatened them with the forfeiture of all the money they had paid for their passage if they missed the boat. Upon boarding the ship, they found the cabin a mess, the crew surly, and the ship not ready to sail for several weeks. Fisher's protestations that Alderman Whittaker had assured them that the ship would sail the next day prompted nothing but a sneer from the ship's mate. Fisher commented on his first betrayal by a "person of Note," "... Not supposing it possible that a Gentleman of so opulent a fortune and an Alderman of London could be guilty of a calm and deliberate untruth."²

The ship finally set sail on May 15 for what turned out to be a miserable voyage. Provisions ran low owing to Whittaker's stinginess in outfitting the ship's stores, and at one point the Fishers "subsisted almost entirely on Coffee, Tea, and Chocolate, wherewith we were well provided; and now and then a starved Fowl boiled to pieces in a Sauce Pan."³

Another passenger, a Mr. Sweeney of Hampton, Virginia, fell

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¹² Fisher, p. 755
¹³ Ibid., p. 756-57
ill with smallpox. Fisher and his wife nursed the poor man back to health, having seen their own children through similar symptoms in the past and fearing no contagion. Upon their arrival in Hampton on August 4, they were rewarded for their care with rudeness from Mr. Sweeney. "I must further take notice that when Mr. Sweeney quitted the Ship, he took no kind leave of any of us; not so much as calling at the Cabin door to bid one of my family farewell."14 Fisher wrote to Sweeney complaining of his rudeness, prompting a visit from the angry and flustered gentleman who subsequently managed to apologize for his oversight. To make matters worse, during the voyage over, relations between Fisher and Mr. Saunders grew so strained over a minor incident involving Saunders' making fun of Fisher behind his back, that the two barely spoke to each other. As they lay over in Hampton, a number of recriminations passed between them and Saunders subsequently demanded repayment of £120 which, as mentioned earlier, Fisher had used to purchase goods for merchandising in Virginia. Fisher agreed on a settlement of £117 to be repaid in one month just to get Saunders off his back. The final indignity of the voyage was at their arrival in Yorktown, when the crew clumsily broke open several packages and destroyed a large chest in the process of unloading. Several other items never appeared, and the Fishers gave them up for lost.

It was hardly an auspicious beginning. In debt and

14 Ibid., p. 762
obviously low spirits, Fisher had made it to Virginia, barely, to hear his side of it. Fortunately, he had rightly understood that the key to his success in Virginia lay in forging connections with men powerful enough to lend him assistance, and had armed himself with letters of introduction prior to leaving London. He was most desirous of obtaining the assistance of Messrs. William and Thomas Nelson. He had known their father during his earlier sojourn in Yorktown, and knew the brothers to be men of considerable wealth and influence, William being a member of the Council and Thomas the Secretary of the Colony. After calling upon some old acquaintances and obtaining lodging from the only one still living, Fisher was received by William Nelson. If Fisher's spirits were low before the meeting, they were devastated by the time it was over.

This Gentleman I thought received me with a conscious Dignity and great reserve blamed my enterprise, admitting that any one could be so weak as to prefer living in Virginia to Brittain, insinuating at the same time that without peculiar circumstances or reasons few Persons of sense would ever make the exchange, and the best advice he could give me was to repair my oversight by returning again to London.  

But Fisher had not exhausted all his resources, and travelled to Williamsburg to proffer similar letters of introduction to Mr. Nathaniel Walthoe, Clerk of the Council. Of all the people with whom Fisher dealt in Virginia, Mr. Walthoe appears to have been one of the few who gave genuine assistance to him and never turned upon him. His reception

15 Ibid., p. 765
was cordial, and he later introduced Fisher as a friend to several of his acquaintances in town. Fisher returned home that night "more easy than I had been any time since my arrival."\textsuperscript{16}

Unfortunately, time was running out on his debt to Mr. Saunders, three weeks having passed. "At last, I resolved to set forth my case clearly by letter to the great man . . . earnestly imploring his aid in the most suppliant abject terms that I had ever used to any Mortal in my life."\textsuperscript{17} William Nelson apparently was unmoved, and held Fisher at bay for some time before agreeing to help him, eventually accepting as security several of Fisher's chests of tea in return for a four-month loan of £117.

Things were finally starting to look bright for the Fishers. Mr. Nelson subsequently purchased one of the chests of tea outright, thereby reducing Fisher's debt to him by half. With Mr. Walthoe's generous assistance, they moved to Williamsburg and set up their business. But once again, the due date for repayment of the rest of his debt loomed, and once again he managed to borrow enough to pay Mr. Nelson in full. In fact, Mr. Walthoe's generosity contributed more than was needed to repay the loan, for which Fisher was exceedingly grateful. In contrast to Fisher's perception of the sincerity of Walthoe's generosity, his view of Nelson upon repaying the

\begin{footnotes}
\item[16] Ibid., p. 767
\item[17] Ibid., p. 767-78
\end{footnotes}
debt suggests his distrust of the man.

In settling the amount . . . his Honour assumed an air of generosity refusing the four months interest due. But there's a Vanity and Subtlety in the generality of Virginians, not unobvious to persons to Common penetration who have been at all accustomed to a more generous way of acting or thinking. The little acting of little people that have fell in my way and which are in truth innumerable, I shall pass by unheeded; they are indeed as much the objects of pity as contempt. But such as who may be justly esteemed the Fountains of baseness, the leaders of the Fashion or promoters of mean and vicious habits among the opulent, or as they are fond of styling themselves - Persons of Note - These me thinks have a just claim to distinction; and in truth they should have it so far as they come within my reach or the compass of my observation.18

In September 1751, less than a year after they arrived in Williamsburg, the Fishers moved to a house near the Capitol known as the English Coffee House. Mr. Walthoe had applied to the owner and lessor of the house, Mr. Henry Wetherburn, on Fisher's behalf. As part of the inducement to lease the place, Wetherburn had promised Fisher the use of a billiard table, to keep the house in repair, and to give Fisher the option of leasing it for another three, six, or seven years, upon the expiration of the current three-year lease. But within two days of this verbal agreement, Wetherburn had sold the billiard table, and at the signing later on, there was no mention in the document of repairs or renewal of the lease. Fisher strenuously objected, but was met with exclamations of "What, do you distrust or do you doubt of Mr. Wetherburn's honor?" and "No person, right himself, could ever entertain

18 Ibid., p. 773
such jealousy or suspicion." Fisher, still with misgivings, eventually signed.

Shortly after moving into the house he had rented from Wetherburn and making the alterations enabling him to sublet rooms as per his Gazette notice,

a strange Mortal stalked into my house, in the garb or habit of one of our Common Soldiers and demanded to see my rooms. . . . He had no servant with him, but an arrogant haughty carriage, which in the opinion of most men is a necessary or inseparable accomplishment in what they call a Person of Note, would at once indicate to you that in his own thoughts he was a Person of no mean Rank or Dignity. The pride of sometimes putting on mean clothes or going unattended, I had seen before, but none to appear to me so ridiculously as now.

The gentleman turned out to be Col. Philip Lee, eldest son and heir to the late Col. Lee, President of the Council. He proposed not just subletting rooms from Fisher, but actually swapping houses. Fisher refused on the grounds that the other house did not have as advantageous a location for his business as the English Coffee House, and could not be partitioned into tenements. After assuring Fisher that Mr. Wetherburn would never repair the house while he lived there, nor renew his lease after the initial three-year term, Lee suggested "the best thing I could do was to take his generous offer, and that if I did not, I should surely repent it," and then left greatly offended. Within an hour Fisher was summoned to Mr. Wetherburn, who, in the presence of Col. Lee, denied that he

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19 Ibid., p. 774
20 Ibid., p. 775
21 Ibid., p. 775
had agreed to make any repairs, and certainly would not if Fisher refused to give it up to Col. Lee.

In a quandary, Fisher consulted Mr. Benjamin Waller, "an Atty of great practice" whose clerk, Mr. Thomas Carter, "as I have since found a dependent on Wetherburn, being in his debt," had witnessed the original signing. Waller advised Fisher that at least two witnesses had to attest to a verbal agreement for it to be binding, but to Fisher's consternation, Mr. Carter "showed an unwillingness to talk at all upon the subject, and when urged, declared he remembered but little of the matter." The other witness, Mr. Swan, possessed a memory as bad as Mr. Carter's, and was "very averse towards recollecting any matters that may prove disagreeable to Mr. Wetherburn." This left Fisher with only one witness who would swear to Wetherburn's promises, Mr. Nathaniel Walthoe, and, hence, an unenforcable contract. "Whether this disingenious behavior in Mr. Wetherburn [to deny the lease agreements] was the result of his own mind, or that he was prompted thereto by Col. Lee, is not in my power to determine; but certain it is this last gentleman was far from being pleased when we parted. . . ."24

"Notwithstanding the menaces of this worthy mortal, that I should repent my not letting have my lease, we went on

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22 Ibid., p. 776
23 Ibid., p. 776
24 Ibid., p. 777
extremely well, . . . But this flourishing situation unhappily attracted the envy and rancour of many people besides my Landlord. But the enemy of greatest consequence which yet appeared openly was one Mr. John Holt a merchant and the then Mayor of this City." In March 1754, he found to his surprise that Holt had lodged a complaint against him in court "for selling Rum to Negroes contrary to Law." Fisher proclaimed his innocence, asserting that he was the most cautious merchant in town, and demanded that Holt produce evidence. He went on to charge Holt himself with serving two negroes whom Fisher had turned away. "This put the Court in a flame, and I was openly ordered to be silent." Holt's reply was to say that he had no evidence, but that it was common knowledge that Fisher routinely broke the law in this respect. Since the Court was not "as well acquainted with common fame as Mr. Holt could be they inclined to drop the affair." Another merchant, John Greenhow, "infamously remarkable for trafficking with Negroes in wine, or any other commodity, Sunday not excepted" was also in Court requesting an extension of his ordinary license. Mr. Holt spoke on his behalf, asserting that the rumors about Greenhow were untrue. At this, Fisher could not refrain from suggesting that the entire assemblage "take notice what an arrant strumpet this same Common Fame was, who had informed this worthy Gentleman Mr. Holt of my being guilty of this vile practice; and of Mr. Greenhow's innocence of the fact." This threw the court into an uproar again, "yet all this was done so publicly in the
face of the whole town, it was thought proper to allow me the liberty of selling as usual and to refuse Mr. Greenhow." Mr. Greenhow, it turns out, got his license the next day.

But in April 1754, Holt had his revenge. On the night of April 24, a fire broke out in a house two doors down from Fisher's residence on Duke of Gloucester Street near the Capitol building. At the news that gun powder was stored in the same building, pandemonium broke out, and the fire was allowed to spread. The powder exploded, showering the house next to Fisher's, belonging to Mr. Walthoe, with sparks which set it on fire as well. Since the wind was blowing away from Fisher's house and there was no longer any danger from the gun powder,

I would not suffer any of my goods to be removed out of my house, which was then beset by great numbers of lazy negroes, calmly viewing the Bon Fire. I spoke of a knot of those, exhorting them very civilly to assist in the drawing or fetching water, etc, but received a surly reply with an Oath of who will pay us? But my good friend, Mr. John Holt, the Chief Magistrate, countenanced and supported by many others no better affected to me than himself, at this instance authorized and commanded these Black Spectators to level or pull down my house to the ground, under the pretense of its being for the Public good by preventing the flames spreading farther into the Town. . . . This Righteous order was no sooner issued, than these Lazy fellows became the most active industrious people in the world.

His house was literally mobbed. In the process of tearing it apart, the crowd took pains to break open every chest and cupboard they could find, and carried off his possessions or

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25 Ibid., all quotes in preceding paragraph from pages 777-779
threw them in the street. To top it off, poor Daniel and his family stood shivering and unnoticed in the street while the rest of the town looted his house. Finally, Mr. Benjamin Grymes ("a gentleman") came upon the scene and rather quickly put an end to the mischief and the fire itself. Bits and pieces of Fisher's property eventually managed to find their way back into his hands (one sword having been found in Mr. Greenhow's possession, "who it seems received it of his Mayor"26) but most of it had disappeared or been destroyed.

Ironically, within a month of the fire, John Holt abruptly left town, leaving many debts, according to Fisher, which had to be satisfied by selling off his goods at an auction. Fisher attended the auction, and had the misfortune to bid for several items against one Col. Bolling, who responded by insulting him. Henry Wetherburn was also present, and joined Bolling in the insults, "telling Col. Bolling he should have the pleasure of joining with him in turning me out of the house I lived in, swearing, moreover, it should never be repaired or enclosed any more, so long as I continued in it."27 One of the items over which he sparred with Col. Bolling was a tea table. The next day Fisher sent his servant to collect it, only to discover that a Mr. Norton, presumably the same John Norton who was a York County Magistrate and wealthy merchant, had bought the table for Mrs.

26 Ibid., all quotes in preceding paragraph from pages 779-781)

27 Ibid., p. 782
Holt, and that Mr. John Palmer, an attorney, was a witness to the sale. After confronting Mr. Palmer, who confirmed that Mrs. Holt had purchased the table, Fisher demanded to see the original records of the transaction.

This a little and but a little confounded him, for soon recollecting himself, he confessed that my name had been afterwards cancelled, and Mr. Norton's inserted thereof. On my asking by whom this change or alteration was made, he said he did not know, it was not done by him; and on my saying it was what he ought to have known, he replied Mr. Price kept the paper sometimes as well as him. 28

In the face of these injuries, and having lost most of his stock during the fire, it was beginning to dawn on Fisher that life was becoming increasingly inhospitable for him in Williamsburg, and he resolved to go to Philadelphia in search of employment. Remembering that William Nelson had once offered to recommend Fisher to a well-placed individual in Philadelphia, Fisher wrote him a letter outlining his travails and requested a favorable recommendation. Unfortunately, he compounded his troubles by suggesting that Mr. Nelson "favour[ed] the injurious assaults I had met with." He received a scathing reply from an obviously offended Mr. Nelson, who inferred that Fisher meant to accuse the entire country of maltreatment. He went on to insinuate that Fisher was not as virtuous as he made himself sound, since it was widely reported that he regularly sold liquor to servants and slaves. "He however, closed this benevolent epistle by telling me if I have a mind to try a more hospitable Climate,

28 Ibid., p. 782
he will give me a letter as he thinks he can answer." Fisher was not pleased with this response and suspecting from the reference to the sale of liquor that Nelson and Holt were conspiring together against him,

determined on showing my resentment in a letter to him, tho' I shall first observe, my poor wife, struck with the Idea of his greatness, and with the dread of consequence, in my contending with so potent an adversary, came to such a difference with me upon what I expressed on my reception of the above mentioned matter of June 18th [1754] that she separated bed and board from me. 29

Evidently he managed to restrain himself from writing that letter, at least for a time.

The final indignities occurred during the following winter. As a result of Wetherburn's refusal to repair his house, it was broken into five times. Twice the thieves were apprehended, but in both cases, once it was known that the victim was Fisher, the criminals were released, once by Mr. John Palmer, and once by Mr. Benjamin Waller.

Outraged at such overt actions directed at him, Fisher finally sent his letter to Mr. Nelson, eight folios of paper worth, on February 4, 1755. Again Mr. Nelson replied, and reproached Fisher for such an inflammatory letter, but his tone was conciliatory in the end, and he offered again to help in some way. Fisher finally had the good sense to send an equally conciliatory letter, and Mr. Nelson's final response was friendly and helpful in tone, again offering to introduce him to his friend in Philadelphia. Fisher accepted his offer.

29 Ibid., pp. 783-784
Although Mr. Fisher travelled to Philadelphia, he did not have much luck in finding suitable employment. For a short period he worked in Benjamin Franklin's printing office while waiting for something better to turn up, and even had an offer from Mr. Franklin to teach at Franklin's academy, but both of them agreed it was somewhat beneath his standing. Once again Nathaniel Walthoe came through with an offer of a lease on one of his properties that had just opened up in Williamsburg. Since this would allow Fisher to get out from under Wetherburn's vengeful eye, and obviously perceiving that there were still business opportunities for him there, he returned to Williamsburg.

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As indicated earlier, from Fisher's vantage point in 1757, there was a pattern to the bad luck that befell him that was not at all random. Luck, in fact, played little or no role in his misfortune as far as he was concerned. While certain incidents might have seemed innocuous at the time they occurred - no real harm was done other than bruised egos perhaps - they took on much greater significance for Fisher when viewed in hindsight because they portended what happened to him during and after the fire.

Thus, Fisher focussed on the lease-signing with Wetherburn and the later run-in with Lee, even though they occurred more than two years before the fire, because they set the stage for the burglaries Fisher experienced after the fire. Holt's bringing charges against him in court was an
omen of what Holt would later do at the fire. And even when there were no direct connections between an individual and a specific act that harmed him, Fisher's descriptions of those individuals hinted at their possible complicity in his downfall. If the reader was not wholly convinced of Col. Lee's malice by the end of Fisher's first meeting with him, Fisher's description of him, full of sarcasm, clearly conveyed his dislike, if not his distrust of the man and warned of what was to come. Likewise, it was not William Nelson's assistance in lending Fisher funds to repay his debt to Saunders that would lead anyone to suspect Nelson of wishing him harm, but at every meeting with Nelson, Fisher made sure the reader was aware of a hint of a sneer on Nelson's part. Fisher's short diatribe on the rottenness of the gentry upon repaying Nelson was directed at him as one of the "people of Note" he intended to expose during the course of his narrative.

Clearly, Fisher believed he had made some enemies, including even his wife. With the exception of his wife, though, he professed not to know what he could have done to generate such animosity, "unless our being overcautious of offending may be counted criminal."\(^{30}\) That he had offended people was beyond doubt though, and lest the reader misunderstand why this was such a crime, Fisher made a point early on in his tale of including some advice he received from one of the other passengers on the Berry.

\(^{30}\) Ibid., p. 782
John Randolph in speaking of the disposition of the Virginian, very freely cautioned us against disobliging or offending any person of note in the Colony we were going to; for says he, either by blood or marriage, we are almost all related, or so connected in our interests, that whoever of a Stranger presumes to offend any one of us will infallibly find an enemy of the whole nor right nor wrong, do we ever forsake him, till by one means or other, his ruin is accomplished."

This observation was the loom, so to speak, on which Fisher wove the pattern of his experiences. Not only was his downfall the result of others' actions, but there was, in his mind, an outright conspiracy in which there was a tacit understanding not to assist him, if not an overt attempt to bring him to ruin. Certainly events following the fire led him to that conclusion and he left no doubt in the reader's mind that this was the case. After the sale of Holt's estate, Mr. John Palmer "became now a very busy agent for Mr. Wetherburn against me," and released the first of the criminals apprehended in possession of Fisher's goods. In relating how the second of the apprehended thieves was released through the efforts of Benjamin Waller, Fisher noted that once Waller understood that the first thief had been released by Mr. Palmer, "The offense vanished, nor was it then necessary to say one syllable more of the matter; and what was as extraordinary as the rest, in about a fortnight more, this very fellow was released out of Prison, without Judge or Jury

31 Ibid., p. 767
32 Ibid., p. 783
or any kind of Tryal whatever." 33 Even prior to the fire, his comments about Thomas Carter's and Swan's unwillingness to offend Henry Wetherburn suggested a conspiracy, and, as to the destruction of his property at the fire, it was a "premeditated scheme of breaking." 34

Although Fisher had nothing more than a gut feeling that Lee may have been responsible for Wetherburn's and his agents' actions against him, in view of Randolph's warning Lee seemed a likely suspect. But most of Fisher's bitterness, in fact, was reserved for Mr. Nelson. That Fisher believed Nelson was behind most of the mischief became evident in his offhand references to Nelson's connections to some of the perpetrators of the acts against Fisher. John Holt "was a friend and a known dependent of the honourable William Nelson, Esq." 35; Mr. Benjamin Waller was "an intimate friend of both the Mr. Nelsons." 36 It was clear by the end of his narrative that Fisher believed Nelson to be the kingpin among those who took pains to destroy him. In his February 1755 letter to Nelson after the fire, he claimed he "had received more foul actions, or behaviour from People who were known to be his Honours Friends or Dependents, and sometime under his immediate Eye;

33 Ibid., p. 785
34 Ibid., p. 781
35 Ibid., p. 778
36 Ibid., p. 784
than from any other."\textsuperscript{37}

Fisher admitted the possibility that he had offended Col. Lee by refusing to vacate his house. He was not so certain of what might have offended Mr. Nelson. He speculated, however, that Nelson's ill will might be related to the July 1723 incident mentioned in the court records in which Col. Smith was found guilty of assaulting him. As noted earlier, this incident came back to haunt Fisher about a fortnight after his arrival in Virginia. While he was waiting to speak to Mr. Nelson in his store, Capt. Gooding, who had earlier greeted Fisher by name and warmly welcomed him back to the country, suddenly turned nasty:

with a malicious sneer he began thus: I remember you Mr. Fisher ever since Coln. S. paid you the Ten Pounds that you recovered against him for his striking you.

Fisher continued,

the widow and sons of the Coln. Smith (S.) being now living attached to and intimate with, if not allied with the Nelsons Family, I was extremely confounded to be thus accosted, and a difference revived which had been cemented Thirty years ago...I had hardly the Spirits to bring out, that Col. (S.) and I were very good friends long before I left the Colony and that in the suit I brought against him no more than sixpence damage was given."\textsuperscript{38}

Fisher recalled that this fellow, Capt. Gooding, had been a juror in the case although, as the record shows, his name was not mentioned. Fisher's recollection does, however, seem to have been sharper than the Captain's, for the fine was,

\textsuperscript{37} Ibid., p. 785

\textsuperscript{38} Ibid., p. 766
indeed, sixpence and not ten pounds. As far as Fisher was concerned, the matter was long closed. The incident was relevant to his story, however, because it was an early example of how he had been unjustly attacked by a member of the gentry. Furthermore, he was able to connect Nelson to it, and thereby reinforce his contention that there was a conspiracy to destroy him.

As convincingly as he may have portrayed himself as a man of integrity who had suffered at the hands of powerful men because of his honesty, just how plausible was Fisher's explanation for his ruin? Were Virginians so interrelated through blood, marriage, or similar interests that there could have been some kind of alliance dedicated to forcing Fisher out of town?
The Conspiracy

By the mid-eighteenth century in Virginia, a fairly rigid class system had developed which was comprised of intricate kinship networks. At the top of the social hierarchy was the gentry class dominated by perhaps no more than a hundred family dynasties. The fortunes of these families were founded on tobacco and land speculation, and had been augmented over time through mercantile activities, but the real consolidation of their wealth and power came about through shrewd marriages and inheritance practices. Entry to the gentry class was virtually closed to anyone not connected to it by kinship or marriage.

The gentry controlled the Virginia economic, social, and political structure, where the decisions they made often had a direct bearing on their own economic well-being. Their power extended from the colony-wide governing bodies of the Council and the House of Burgesses down to all aspects of local life, where positions on the parish vestry, the county courts, and the militia were reserved exclusively for members of the gentry. It was not unusual, in fact, for members of the same family, or even the same individual, to serve simultaneously on two or all three of these governing bodies.
"The members of the gentry were the government; and it was they who applied to local problems, both public and personal, such laws and policies as the provincial government had adopted."¹

That the gentry used their power to their benefit on the local level is illustrated by the evidence that many public works such as the location, construction, and maintenance of roads, bridges, dams, the courthouse, warehouses, and even the churches were as much a matter of self-interest on the part of the gentry, as it was for the common good. The strategic placement of a road or warehouse, for instance, next to one gentleman's property would give him an advantage over more distant competitors.² The gentry also exerted subtle pressure on voters during elections to ensure that candidates most sympathetic to their interests won. In the 1758 election in Frederick Court House (now Winchester, Virginia) the most prominent members of the local gentry cast their votes first - an oral vote for all to hear - and were thereby able to direct the course of the election. The coercive power of the oral vote was such that the gentry "could count on the votes of cautious freeholders who, remembering the great powers of


the court, would hesitate to vote for a candidate who was clearly disapproved of by the justices."\(^3\)

There seemed to be little opposition to this arrangement among freeholders because of a gentry alliance with them. This alliance was based on the concept of noblesse oblige. It was assumed that only the gentry were "enlightened and capable men" who therefore made the best leaders.\(^4\) It was also understood that it was the duty and obligation of the gentry to govern. This did not mean the gentry had carte blanche to do as they pleased. They were expected to use their superior skill and knowledge to govern in the best interests of society. The flip side of this belief was that just as the gentry were expected to govern well, so too was the underclass expected to trust the judgment of their leaders and to honor their decisions.

It was also based, particularly in Virginia, on the fact that the interests of the planter elite often coincided with those of the yeoman planter since the overwhelming ruralness and predominantly agricultural economy of Virginia based on the plantation model made for such homogeneous interests.\(^5\) In return for protection of their interests, yeoman planters

\(^3\) Sydnor, p. 71


consented to gentry rule.

The concept of mutually reciprocal relationships is where connections became so important. At the gentry level, since almost everyone was related in one way or another, lineage and the degree of kinship to the most powerful members of any particular clan became even more important than ability or experience. Marriage was also a means to success for the yeomanry. Connections to more powerful members of the community also came in the form of patronage, and by gaining the favor of the gentry, the middling sort might also hope to better their position. In Virginia, patronage took several forms. It might have involved a credit relationship between a wealthy planter or merchant and a freeholder or it might have been an appointment to one of various lower official positions within local government. Particularly in the case of civil juries, one would see the reciprocity of favors at work. Many civil cases involved credit where a jury member might support a member of the gentry out of deference to his power. The same sort of entrenchment that existed among the vestry, county courts, or militia could be found among jurors, grand jurors, surveyors of highways, or appraisers of estates.6 For the most part, appointment to any of these lower positions did not necessarily give their incumbents an entre to the gentry class or to higher offices, although some of the individuals whom Fisher counted among his enemies in

6 Williams, pp. 98-99
Williamsburg seemed to have followed just that path to power. But these offices did confer some status upon their holders, for no other reason than that they indicated recognition by the gentry of their long standing in the community and the support they showed to the gentry.

Not that Daniel Fisher did not understand the value of connections. He had come from a world where aristocratic titles and offices bestowed on court favorites not only delineated class lines more clearly than in the colonies, but also enabled their holders to wield considerable economic and political power, dispensing favors or withholding approbation as they saw fit. Beneath the aristocracy, the gentry also wielded similar control over their inferiors through the use of "non-monetary usages or perquisites." Accepting perquisites as favors and not as payment for services rendered, "was to submit to .... supervision." But in such relationships there was always the possibility of cultivating advantages if one cultivated the relationship. Fisher had availed himself of his own connections in England in order to obtain the best accommodations (or so he hoped) for the

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7 A.G. Roeber, "Authority, Law, and Custom: The Rituals of Court Day in Tidewater Virginia, 1720 to 1750," William and Mary Quarterly, 3rd Series, XXXVII (1980): 29-52; Williams, pp. 100-101. John Holt and Edmund Smith in York County both moved from jury members to Justice of the Peace. Whether these were merely exceptions to the rule or something different was happening in York County would make a good subject for further study.

passage to Virginia and also to secure letters of recommendation from some very powerful people in England for use in Virginia. Probably the most influential recommendations were those from the late Governor of Virginia, Sir William Gooch, to the late President of the Colony Council, Henry Lee, father of Col. Philip Lee. Fisher had obtained Gooch's recommendation through a "friend . . . by the means of a Brother of Lord Chief Baron Clive," and also had a letter from Gooch to Mr. Clive "wherein I and my family were mentioned with particular tenderness and affection."9 As indicated earlier, he also had letters from William and Thomas Nelson's correspondent in London, Mr. Hunt, to both men, and also had letters from the brother and a nephew of Nathaniel Walthoe to Mr. Walthoe.

Ironically, the more influential the recommender, the less useful the connection seemed to be in Fisher's case. Those that did have advantages for Fisher were the letters to Mr. Walthoe. The more personal the connection, in other words, the more aid was forthcoming, and in view of the emphasis on kinship connections in Virginia, that was not surprising. Part of Fisher's problem with the Gooch letters was that both Gooch and Lee were dead. On Philip Lee's part, there was nothing to be gained by assisting Fisher, nothing to be lost by ignoring him since his father was no longer around to apply pressure and Gooch, even if he had lived, had

9 Fisher, p. 777
completed his tenure as Governor in 1749 and there was a new representative of royal authority to contend with. It did not help that these letters did not arrive in Fisher's hands until after his initial contact with Lee. Likewise, it was unlikely that Hunt would upset his business relationship with Nelson should Nelson have decided not to assist Fisher. Hunt did not know Fisher personally and had written the letter only as a courtesy to Mr. Alderman Bethel of London, whose aid Fisher had solicited before departure. But when push came to shove, and Fisher began having run-ins with residents of the area, Nelson did not come through, in Fisher's eyes, with the one thing he wanted most; "Favour, Countenance, and Protection in what was Legal, Just and right (only) being all I ever craved, hoped, or expected." Nelson's crime, so to speak, was that he had not become Fisher's patron; "That had any of these people known or believed me to have been in the least degree of favor with his honor, or at all under his protection, not a single soul of them would ever have dared to have wronged or insulted me."\textsuperscript{10}

Perhaps even more to Fisher's disadvantage was that authority and power in England did not necessarily translate to authority and power in the colonies. There was a history of power struggles between colonial governing bodies and royal representatives and Virginia was no exception. The Council and the House of Burgesses were often at odds with the

\textsuperscript{10} Ibid., p. 785
governor, preferring to vote for the good of Virginia (and by implication, for their own interests) rather than for the good of the empire as a whole, and viewed with suspicion anything that smacked of royal meddling in internal politics or the economy." Through skillful diplomacy on the part of Governor Gooch, there had been some uneasy truces struck during the first half of the eighteenth century, but by mid-century, Virginia was at the height of its "Golden Age." Virginians had developed a pride in being Virginian despite, and perhaps in part due to, an English tendency to look down on their American cousins. For Daniel Fisher to come waving his English connections in the faces of the Virginia gentry was tantamount to his asking that they acknowledge their subservience to their supposed betters in England. Near the end of his experience, Fisher had, in fact, enclosed letters from Mr. Mosely (to whom he addressed his journal) and a Mr. W. D. Dosewell when he finally gave vent to his frustrations in his first letter to Mr. Nelson with the vain view of persuading him that I was once in the esteem of worthy men of no mean figure but this only procured me a disdainful taunt in a Postscript in these words: "I return the enclosed; as they may afford some pleasure to you, tho' none to me." 

What Fisher seemed to have failed to consider was that the men he tangled with were vested in the area - he was not.

11 Warren Billings, John Selby, Thad Tate, Colonial Virginia: A History (White Plains: KTO Press, 1986); David O. Williams. Both works discuss in detail the problems England had in imposing its will on Virginia leaders.

12 Fisher, p.783
They, having lived in Williamsburg or York County for years, had established relationships, either through marriage, business, or public service that tipped the scales in their favor. Even more importantly, they were freeholders whose influence counted to those in power. Fisher, who did not own land and therefore could not vote, and who had no powerful local connections, was irrelevant.

If Fisher's hunch was correct, William Nelson, and to a lesser extent (in his mind), Col. Philip Lee, were the individuals behind his downfall, and, as we have seen, he referred several times, particularly in Mr. Nelson's case, to these gentlemen's links with the perpetrators of the various actions against him. The following pages explore those links further by drawing upon the information contained in the Master Biographical files of the York County Records.

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Nelson and Lee's agents, according to Fisher, were Henry Wetherburn and John Holt, with Benjamin Waller joining in sometime after the fire. In turn, Wetherburn, in particular, had his agents, whom Fisher identified as Swan, the architect of Fisher's lease with Wetherburn and one of the witnesses to it; Thomas Carter, another witness to the lease and clerk to Benjamin Waller; and John Palmer, who was responsible for the ledger at Holt's auction, and later released one of the thieves who was caught with Fisher's goods.

Additionally, there were several peripheral characters to whom Fisher referred as having either insulted him or intended
him harm: Capt. Gooding, the juror in the 1722 case against Col. Smith; Col. Bolling, who insulted Fisher at Holt's auction and bid against him for the tea table; Mr. Norton, who supposedly bought the tea table and whose name appeared on the ledger, and possibly Price, who Palmer suggested may have entered Norton's name in place of Fisher's.

Unfortunately, because Fisher used only their last names, it was difficult to link records with any certainty to Capt. Gooding or Col. Bolling. For the same reason, Mr. Norton was also difficult to link, but an educated guess would suggest that he may have been John Norton, a wealthy merchant originally from London who settled in Yorktown and served as a Justice of the Peace and Burgess for York County. There were no records on anyone named Swan.

The first of Nelson's and Lee's supposed agents, Henry Wetherburn, was an example of a man who, through a long standing in the area and several shrewd marriages, rose to a modicum of prominence within the community. He was born by 1710 at the latest (counting back from the first known date of marriage) and first appeared in the York County records on 21 June 1731 as executor, with his wife Mary, of the estate of her late husband, Henry Bowcock. Henry Bowcock had been a tavernkeeper in Williamsburg, and on his death Mary inherited his land, tenements, and slaves. Henry Wetherburn received a license to operate a tavern in August 1731, and appears to have run first the Raleigh Tavern, and later purchased lots for what became Wetherburn's Tavern. Within two weeks of
Mary's death on July 1, 1751, he married Anne Marot Ingles Shields - the daughter and widow of tavernkeepers, and after her second husband's death a tavernkeeper herself. Her property, the English Coffee House, became Daniel Fisher's residence in Williamsburg. Wetherburn purchased several other lots and buildings in Williamsburg from 1738 to 1750, and owned several slaves as well. Whatever people may have thought of his unabashed pursuit of wealthy widows (John Blair remarked in his journal on July 3, the day of Mary Wetherburn's funeral, that Wetherburn had "found her hoard they say") he was vested enough in the area to be sworn to the grand jury in York County on November 15, 1736, and again on November 16, 1741. His tavern, centrally located on Duke of Gloucester Street between the courthouse and the capitol, appears to have been a well-known landmark and ideal place for others to conduct business. As a January 23, 1745/46 Gazette notice for property for sale attested: "... opposite to Mr. Wetherburn's in Williamsburg (the most convenient spot in this City for Trade, and a well accustomed Store.)" Indeed, Wetherburn's Tavern was mentioned more than twenty times in Gazette notices as a place to which stray or stolen horses should be returned, a place where land, slaves, or goods were to be auctioned, or even a place to hold a ball "every Tuesday during the sitting of the General Assembly." That it was a favorite meeting place for some of the gentry comes out in John Blair's Diary:"23 April 1751: Had a Genl meeting of the Cape Company at Wetherburn's;" or "21 Nov. 1751: New Gvr.
Commissary & Council dinner at Wetherburn's. Mr. Nelson among them." Virginia Gazette notices for meetings of several land speculation companies also attest to its popularity as a meeting spot: on April 10, 1752, a notice appeared for a meeting of the Ohio Company at Wetherburn's, and on April 24, 1752, one appeared for another meeting of the Cape Company. It is in these last items that Wetherburn's only tangible ties to either of the Nelsons or to Col. Lee appear. (Lee was a member of the Ohio Company.)

As for Wetherburn's henchmen, Thomas Carter and John Palmer, the evidence of business or legal relationships is more concrete.

The ties to Thomas Carter, Benjamin Waller's clerk and "a dependent on Wetherburn," went back to Carter's father's death in 1741 at which time Wetherburn was appointed to appraise his estate. Since freeholders of long standing in the community often were appointed to appraise the estates of individuals of similar economic standing (John Carter had been the keeper of the Public Gaol), who were not necessarily close friends, not too much should be made of this particular connection. A direct tie to Thomas Carter appeared, however, on March 27, 1752, right around the time that Fisher would have been approaching Carter and Swan for their recollections of what Wetherburn had said at the signing of the lease. On that date, the following notice appeared in the Virginia Gazette:

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13 Williams, p. 100
This is to give notice to all Persons that are indebted to the Estate of James Shields, deceas'd, that I have impowered Mr. Thomas Carter, of this City, to collect the Debts, and give people Receipts for the same, which I desire they will discharge to him as soon as possible; their Compliance herein will much oblige. Their humble Servant Henry Wetherburn."

This notice appeared again on April 3 and 10. Even though Wetherburn may have manipulated the entire transaction in order "to keep out of the written lease what he did not intend to perform," the lessee often had no recourse if a landlord failed to uphold a verbal agreement primarily because under the patronage system "the better connected party's side was upheld." It does not seem unreasonable, given the way patronage worked, that Carter would not wish to upset his employer by giving evidence against him.

Wetherburn's ties to John Palmer, that "very busy agent," for him were similarly close. On August 19, 1751, Henry Wetherburn was named guardian for Judith Bray Ingles (his second wife, Anne Shields, had first been married to James Ingles). One of his securities as guardian was John Palmer. Securities were not assigned or appointed as guarantors of proper execution of responsibilities in any transaction. Much like co-signers on loans today, they were friends or relatives who were willing to put their own finances on the line in the event that the primary party to a transaction failed to live up to an agreement. Just as Nathaniel Walthoe acted as Fisher's security for his rent to Wetherburn, Palmer would

14 Powers, p. 15
have been liable had Wetherburn mismanaged the estate to which Judith Bray Ingles was heiress. If nothing else, it was in Palmer's interest to ensure that Wetherburn was able to carry out his responsibilities; and again, not unreasonable that he would side with Wetherburn in any dispute.

Palmer was also a witness to Wetherburn's February 1742/43 purchase of a lot in Williamsburg from John Sharp, and in January 1750/51, he acted as the attorney for Wetherburn and one Matthew Moody who were the administrators of John Coulthard's estate. In December 1751, he was witness to a tripartite indenture between Andrew and Mary Anderson, Henry Wetherburn, and Nathaniel Walthoe. Finally, in August 1752, Palmer was named guardian of Henriea Bowcock, the orphan of Henry Bowcock, deceased, and granddaughter, in all likelihood, of Henry Wetherburn's first wife, Mary Bowcock. The connections here start to become convoluted, but they do help to illustrate John Randolph's observation of the

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15 It is interesting that Nathaniel Walthoe's friendship with Daniel Fisher did not appear to alienate him from the men who were part of Fisher's conspiracy, although William Nelson, according to Fisher, did not entertain a very high opinion of Walthoe (see page 765 of Fisher's narrative). Walthoe, who was born by 1722, probably in England given his relations there and the fact that he was educated there, served as Clerk of the Colony Council from October 1743 until his death. He apparently never married. In addition to the November 1751 transaction with Wetherburn, Walthoe witnessed a June 1757 transaction between Benjamin Waller and John P. Webb. On May 21, 1759 he entered into an Indenture of Bargain and Sale with John Palmer, and in March 1762 received a mourning ring from the executors of William Hunter's estate (William Hunter was the brother of John Holt's wife, Elizabeth). When Walthoe died in August 1770, Benjamin Waller was the executor of his estate.
interrelatedness of Virginians.

Wetherburn's only other direct connection to another conspirator evident in the historical records is in his will dated 13 November 1760 and probated December 15, 1760, in which Benjamin Waller was named one of the executors. Although the will was written six years after the fire, it was again a measure of the friendship and trust that Henry Wetherburn had for Benjamin Waller in naming him as executor of his estate. There was always the possibility that such a friendship was born of the "favor" Benjamin Waller may have done for Henry Wetherburn in treating Daniel Fisher's possessions so lightly, but it is more likely that, given each man's long standing in the community, they were on friendly terms well before Fisher arrived.

The second of Lee's and Nelson's agents, John Holt, like Wetherburn, had moved up through the ranks during his long stay in Williamsburg. As we have seen, he was a merchant of some standing. Born in 1720 (place unknown), he married Elizabeth Hunter at the latest by June 11, 1748. As noted in the Maryland Gazette on March 14, 1788 on her death, Elizabeth was sister to William Hunter, Esq. of Williamsburg who was editor of the Virginia Gazette after 1750 and was Deputy Postmaster General for the Colonies under Benjamin Franklin. Their father was William Hunter of Hampton. Like Wetherburn, then, Holt had married into an established Virginia family. Also like Wetherburn, he owned lots and buildings in Williamsburg - the first recorded purchase is of two lots and
a house in 1744/45 - as well as land in the town of Newcastle in Hanover County, and in New Kent County. He, too, was a slave owner, with at least two baptisms recorded and one death of a negro during the 1747/48 smallpox epidemic, and nine listed in a bond to John Hunter of Hampton (probably his brother-in-law). But while he was named a juror three times, August 19, 1745, November 18, 1745, and July 21, 1746, a grand juror November 17, 1746 and November 21, 1748, and foreman of the grand jury May 18, 1747, he seems to have broken through the barriers asserted by David O. Williams between minor official positions and those reserved for the gentry. On December 19, 1748, he was sworn in as a Justice of the Peace, along with Thomas Nelson, and, it should be noted, Edmund Smith, son of Col. Laurence Smith.\textsuperscript{16} Holt served as a Justice of the Peace until he left Williamsburg sometime between March 18, 1754 - when he was present in court - and June 17, 1754, when he was listed as "late justice." He was elected Mayor for at least one year on November 30, 1752.

Holt's ties to the Nelsons, and William Nelson in particular, show up from his first appearance in the York County Records on November 16, 1741, as a witness to a transfer of property from William Nelson, Senior, to his nephews, Thomas and William. On November 18, 1745, a lease between our William Nelson and John Holt was recorded in which

\textsuperscript{16} Indeed, in York County at least, Williams' assertion may also not hold water as Edmund Smith also served as jury- and grand juryman before moving onto the bench.)
Nelson leased four Williamsburg lots to Holt for £7 current per year. This is probably Fisher's reference to Holt's being Nelson's dependent. When Holt left town in 1754, William Nelson was named administrator of his estate, along with John Robinson, as per a Virginia Gazette notice dated July 19, 1754 in which Holt's Newcastle property was to be auctioned off. Also appearing at that time in the records of deeds and bonds was a note that Peyton Randolph, Esq. was Holt's security for a bond dated September 19, 1749, to John Hunter, Esq., merchant of Hampton, which used Nelson's property as partial collateral.

£800 (penalty $1600) 2 lots w/houses and appurts. on the northside of the Main Street in Williamsburg and 2 lots and houses in New Castle, Hanover Co. Also remainder of lease on 4 lots in Williamsburg belonging to William Nelson (where Holt lives) slaves: men Stephen & Anthony, boy Juba, women Doll and Ellen, Isabel, Judy, Billy and Jammy children. But if Holt pays up, this is void."

Nothing more appears about these debts.

Holt evidently did "become a greater man than ever," as Fisher tells us "some of his cronies" predicted when he left.\(^7\) He capitalized on his wife's connections to the printing world and had become Printer to the State of New York by the time he died on January 30, 1784. Even though he left Nelson holding an unexpired lease, the two men must have remained on good terms (presumably because Nelson was able to recover his lease), and on October 18, 1770, a notice appeared in the Virginia Gazette to the effect that Mr. Nelson, "by

\(^{17}\) Fisher, p. 781
virtue of a power of attorney and deed of trust from John Holt, formerly of this city. was selling Holt's New Kent County land. Finally, his will dated October 30, 1784, attests to the continuing close ties to Nelson with the bequest of £75 to "Eliza, the daughter of Hon. William Nelson, Esq., . . . in token of the affection I have had for her from her infancy and of my gratitude for the favours conferred on me by her father."

Another one of Holt's legatees and an executor of the estate was a man Holt described as "my much esteemed friend, Mr. Benjamin Waller." His association with Waller went back many years, to Holt's earliest days as a Justice of the Peace, when Waller was often the prosecuting attorney in cases brought before the Magistrates. The earliest instance in which both men are recorded as having played a role is April 12, 1749, and again on July 1, 1749. And on January 21, 1750/51, Waller represented Holt as plaintiff in a suit of debt against Abraham Nicholas (who, as we saw earlier, was later sued by Fisher for money owed him).

Benjamin Waller, as we have seen, was connected to both Wetherburn, as executor of his estate and through Thomas Carter as his employer, and to Holt, again as executor of his estate, his attorney, and friend. Waller, the son of Col. John Waller, was born in King William County on October 1, 1716. His career followed the classic pattern of training for young gentlemen outlined by Sydnor and others. Waller came under the eye of John Carter (no relation to Thomas Carter),
Secretary of Virginia, who arranged for Waller to study at William and Mary at the age of 10. When he finished at age 17 or 18, he apprenticed to be a clerk in Carter's office.

Concurrently, Carter had arranged for him to have access to Sir John Randolph's law library, and in 1738 Waller received his license to practice law. His career in Williamsburg took off from there. In 1737 he was appointed deputy clerk of James City County Court (the same title Daniel Fisher had in the York County Court), by 1738 he was the King's Attorney for both Gloucester and James City Counties, and in 1739 he was made clerk of James City County, Clerk of the General Court for the colony, and King's Attorney for York County. In 1742 he was elected to the House of Burgess for James City County and served in that position until 1761. By 1746 he appeared in the records as a feofee (or trustee) of the City of Williamsburg and as a vestryman for Bruton Parish by 1749. Near the end of his life in 1779, he was named a judge of the Court of Admiralty for the newly created United States. He died in 1786.

If nothing else, his positions as King's Attorney, Clerk of Courts (both County and General), Burgess, vestryman, and city feofee would have put him in regular contact with the most influential people and families in the colony, including William Nelson or Philip Lee, as well as the more local grandees like John Holt who served as a Magistrate. In addition, just as he did for John Holt, Waller also served as William Nelson's attorney in a November 16, 1741 case, and
again in a June 21, 1742 case. On February 10, 1746/47 he acted on a Power of Attorney from Edward Hunt, "merchant of London," (probably the same Hunt who was Nelson's correspondent) in Hunt's assignment of a mortgage to William Nelson. On October 17, 1755, a notice appeared in the Virginia Gazette submitted by one Samuel Buchner, re-advertising land for sale which had previously been blocked by William Nelson and Benjamin Waller on the premise that Buchner did not have legal title to the land and that it belonged instead to Nelson's ward, Mr. Armistead Lightfoot. In the October 1755 notice, both Nelson and Waller assented to the sale. Nelson is listed in court records as executor of the estate of Philip Lightfoot (father of Armistead and the man to whom Daniel Fisher had been Deputy Clerk of the York County Court) along with Thomas Lee (Philip Lee's father) and two others. Nelson is also listed in the court records as Armistead Lightfoot's guardian. Although the records do not detail Benjamin Waller's involvement in the estate, it is possible he served as Nelson's security in his role as guardian, and hence would have an interest in ensuring Armistead Lightfoot's inheritance were protected. That Waller and William Nelson had an ongoing business/legal relationship, and probably a friendship as well, is clear.

As we saw, Waller was also Thomas Carter's employer, with Carter serving as clerk for his law practice. Other than four transactions involving Waller to which Carter was the witness, the only other connections Waller had to Carter outside of
employment was that Waller served as one of five executors of Carter's mother's estate when she died in 1743, and in 1752 sold a lot in Williamsburg to Dr. James Carter, apothecary and surgeon and Thomas Carter's brother.

As for Thomas Carter himself, he appears to have been the youngest son of John (as we have noted, the keeper of the Public Gaol) and Thomasine Carter. He was born by 1727, and unlike his brothers, two of whom were surgeons, and the third of whom was a merchant, seems to have remained a clerk for most of his life. He did own land, but other than his land transactions, most of the court records show him simply as a witness to various transactions. Other than the connection to Wetherburn as his agent for collecting debts, the only other connection Carter had to anyone Fisher believed was working against him was a tenuous one to John Palmer when the two of them were witnesses to the same transactions, one in January 1753 and again in March 1755.

John Palmer, as noted earlier, had several connections to Henry Wetherburn, as attorney, witness, and as security. His father, William, who died in 1758, had been a juror and surveyor of highways and had often been appointed to appraise estates. John, born by 1719, appears to have been the eldest of William's nine children. He was commissioned as an attorney in 1740, and in December 1751 became a vestryman of Bruton Parish, joining Waller on that board. By 1755, a notice appeared in the Virginia Gazette stating that he had been employed by the President and Masters of the College of
William and Mary to collect payment on its accounts, and the 1758 Provost's List of the College named him as the Bursar. He died by January 19, 1761. In addition to his ties to Wetherburn and to the other members of the vestry, he twice appeared as security for John Norton, most likely the same Mr. Norton who bid against Fisher for one of the tea tables. The first time was in 1748, when Norton was named Sheriff of York County, and the second was in 1759 (well after the events following the fire) when Norton was an administrator of the estate of Thomas Reynolds.

Mr. Norton, if he was John Norton of York County, was an English born merchant (1719) who married a Virginia woman (Courtenay Walker, daughter of Jacob and Courtenay Tucker Walker) and settled in Yorktown where he owned land and slaves. In June 1747, he took the oath as a Justice of the Peace, and from 1748 to 1755 he served as a Burgess for York County. As a Justice of the Peace, and as a Burgess, he, too, would have had contact with both local and colony leaders such as Holt, Nelson, Waller, and Lee.

The only other character involved in the scheme to bring Fisher to ruin for whom records exist was Mr. Price, the fellow Palmer said also entered names of buyers at Holt's auction. Although Fisher did not tell us Price's first name, all of the Prices who appeared in the York County Records seem to be the same person, Samuel Price, and the period covered by his records, 1738/39 to January 1755, are consistent with those covered by Fisher's narrative. His first appearance in
the records was March 19, 1738/39 when he witnessed a deed of mortgage from one Worley to Thomas Nelson. From then until July 15, 1745, his only appearances were as a witness to various transactions, every one of which involved one or another or both of the Nelson brothers. Then, on March 17, 1745/46, he witnessed an Indenture of Bargain and Sale between "Thomas Phillips, Planter, and John Norton, Merchant." The next four documents from July 16, 1750 to May 18, 1752, again involve William Nelson. In the July 16, 1750 case in which Nelson is the plaintiff, Samuel Price was mentioned as Nelson's bookkeeper, as he was in an August 19, 1751 case. On May 18, 1752, "Mr. Samuel Price, Gent." was mentioned as the executor of Dr. John Payras' will, with William Nelson as his security. On November 20, 1752, he served as a juror, and on November 18, 1754 and on January 20, 1755, his last appearance in the records, he again witnessed two transactions involving William Nelson. By the title of "Gentleman" assigned to Price in Dr. Payras' will, it would seem that the occupation of bookkeeper entailed more than mere clerical assignments, and in all likelihood, Price's responsibilities were more akin to that of today's accountant. But whatever the degree of involvement in Nelson's financial affairs, it is clear there was a close business relationship between the two. It would have made sense for Nelson to have Price present at the auction since Nelson was one of the administrators of Holt's estate. Price was easily in a position to have switched names on the ledger at Nelson's bidding, or at least with his
None of the connections described above are absolute proof of a conspiracy to thwart Daniel Fisher's livelihood, but they do bear out Fisher's contention that there were connections among the men he believed were part of the conspiracy. Compounding Fisher's problems was the fact that he was a relative newcomer to the area compared to the men he ran up against. Of all the people described in the previous paragraphs, the records of only three, Holt, Wetherburn, and Price, do not show any Virginia or colonial ancestry, but even so, Holt and Wetherburn at least had married into Virginia families. Whether Price was even married is not evident from the records. Birth and baptism records, wills and inventories of estates, and the 1747 Smallpox List reveal that almost all the individuals, except Carter and Price, were slave owners. Every single one, including clerk Carter and bookkeeper Price, were land owners as shown either by actual property transfers or by appointments or elections to offices which required land ownership. Unlike Holt or Wetherburn, Fisher did not have the option of marrying into a Virginia family. Nor was he a land owner. He mentioned sending a servant to pick up the items he had purchased at Holt's auction, but beyond that there is no indication that he owned slaves. If the gentry alliance with those they governed extended only to those who owned enough property to make them eligible to vote, then Daniel Fisher
would have been an outsider in more ways than one.\textsuperscript{18}

That lack of concern over Fisher as a potential voter might have contributed to Nelson's reluctance to become his patron, but it does not explain Fisher's contention that he condoned the actions against him. Based on the narrative alone, one might conclude that Fisher's blame was misplaced, and that if anyone had cause to be offended, right or wrong, by Fisher's actions, it was Col. Lee. Judging by Fisher's description of Lee's threats and given the influence of Lee's family, it was quite possible that Henry Wetherburn was sufficiently embarrassed by his inability to accommodate one of the powerful patrons of his tavern to want to start a vendetta against Fisher. It would have been easy for him to join the others once he saw the opportunity arise.

But there was a reason Nelson might also have wished Fisher no good, and it involved the 1722 incident in which Fisher brought charges against Col. Lawrence Smith for striking him. As we saw, Fisher confessed to some concern at Capt. Gooding's recollection of the incident after so many years because of "the widow and sons of the Coln. Smith (S.) being now attached to and intimate with, if not allied to the Nelson family."\textsuperscript{19} That alliance, in fact, went back to the time of the 1722 incident, since Col. Smith was married to the former Mildred Reade, sister of Margaret Reade Nelson, who was

\textsuperscript{18} Kulikoff, Tobacco and Slaves, p. 263

\textsuperscript{19} Fisher, p. 766
the mother of William and Thomas Nelson. One can imagine the Smith family's outrage over the insolence of Daniel Fisher for bringing charges against a County Magistrate. Given the closeness of the Smith and Nelson families, not only by blood, but also in interests (Col. Smith and Thomas Nelson, Sr. were both wealthy land owners in Yorktown and both served together as Justices of the Peace) one can imagine that outrage spilling over to the Nelson family as well. After Col. Smith's death in February, 1738/39, his son, Edmund, continued to serve as a York County Justice with William Nelson, and also worked with him in several instances as appraiser and administrator of various estates. Edmund also served as Justice of the Peace with John Norton and John Holt who probably had heard the story even if they hadn't been around when it happened. It was likely that the incident was never forgotten, and would have been carried in the memories of Smith's widow and sons, as well as their close relatives, the Nelsons. Fisher's return to Yorktown in 1750 may have reopened the old wound to the family's pride. When Edmund died sometime between December 1750 and March 1750/51, and then Mildred in December 1753 or January 1754 (just months before the fire) without ever having redressed the injury to the family honor, it is conceivable that someone may have taken it upon himself to do just that.

Although Fisher denied that this incident may have been at the root of his troubles, it is interesting that he included it in his narrative, that he devoted a page and a
half to it, and that Capt. Gooding's resurrection of it after so many years is what prompted Fisher to include John Randolph's admonition about offending Virginians. On a subconscious level, at least, Fisher seems to acknowledge that this was probably what had set the ball rolling.
Conclusion

In one respect Fisher's tale is representative of those first stirrings of resentment toward the gentry by the mid-eighteenth century described so well by Rhys Isaac, Jack Greene, and others. Much of that resentment grew out of a sense that the gentry were not living up to the responsibilities expected of them by the rest of the population while they abused the perquisites and prerogatives that were supposed to be the rewards of such responsibilities. And, in a sense, therefore, his is the classic story of the underdog struggling to make an honest living despite the efforts of powerful and unscrupulous men. The only problem with Fisher's case is that the bad guys won. But his theme of failure must be tied to the broader theme of success, or the search for success in a new land of opportunity. In this sense, his story is an "American" autobiography.

American autobiography is different from the autobiographies of other nations simply in the degree to which Americans are and are not different. America has its backwoodsman; Canada its coureur de bois; Americans are immigrants; so are South Africans and Australians. . . . But American autobiographies have generally connected their own lives to the national

Because this idea of success in a land of unprecedented opportunity lay behind Fisher's autobiography — indeed, was a central and motivating factor in this period of his life — his story can be called an American autobiography. Daniel Fisher's story is not, however, a positive testimony to the idea of success in America — it was an unsuccessful search for success. Then how representative of American autobiography can a story be which belies an idea central to the American cultural myth? "How has the idea of America served and been served by the autobiographers who have not been a part of American success and have not been able to praise its life, liberty and pursuit of happiness?" If nothing else, such narratives "testify to that fundamental continuing contradiction in America between the idea of freedom and the reality of oppression, conformity, and mean narrowness of spirit . . . indeed the smugness and boastful patriotism of these dominant types is part of the oppression encountered by others."³

What some might argue is a classic example of that smugness, and most agree is the archetype of the "Great American Success Story" is the story of Daniel Fisher's temporary employer in Philadelphia. Intended, in a way, as a "how-to" manual for success, Benjamin Franklin's autobiography


³ Ibid., pp. 162-165 passim
would have been an ideal primer for Daniel Fisher prior to making his move to Virginia, if only it had been written then. If what Franklin had to say about his life up until 1750 were true, or close to it, then Fisher would have profited by Franklin's example. The more literal interpretation of Franklin's story is that he rose from rags to riches by virtue of his hard work and simple life style. His pointed allusions to his adoption (on occasion) of a vegetarian diet, his avoidance of strong drink, his plan for moral perfection, and the effort he put into appearances of diligence and frugality, coupled with his rapacious appetite for books, his constant practice of writing skills, and a love of discourse with other well-read individuals all serve as an example to his readers of the power of discipline and determination in bringing dreams to fruition. But a closer reading reveals a theme similar to that of Daniel Fisher.\(^4\) Like Fisher, Benjamin Franklin chafed under a social system then existent in the eighteenth century world that rested upon the concept of dependency, on the power of a select group of society to determine the fate of those below them on the social ladder. He had been beaten as an apprentice early in his life by his master, none other than his brother; he was forced to subordinate his own intelligence, wit and skill to a man of lesser talent who was his first master in Philadelphia; and,

\(^4\) R. Jackson Wilson, *Figures of Speech* (New York: Alfred A. Knopf, 1989) The argument that follows is based upon that expressed by Wilson (far more eloquently than I have) in his essay on Ben Franklin.
more pointedly, he was led on with promises of becoming his own master by the Governor of Pennsylvania, only to find himself penniless and jobless in England, forced to fend for himself. Franklin's point in living simply and working hard was that it was a means of escaping dependency. But as a means of escape, he was not suggesting that dependency could be avoided. For Franklin, personally, his hard-won skill in writing, and the constant "reading that prepared a man to write - was a direct means of getting and keeping advantage in the system of patronage."\(^5\) It was the discipline and the appearance of hard work - at whatever skill one possessed - by which individuals could attract the attention and support of one's social betters and thereby move into a position which freed one from such dependency. As much as Franklin disliked the patronage system and as much as he hoped that "virtuous men" might eventually overcome such a system, he nonetheless saw the need to play within the system. He did so himself - quite successfully.

Although he may have had the requisite skill to become successful, Daniel Fisher had no such luck in attracting the support of powerful Virginians. Throughout his ordeal, Daniel Fisher maintained that he did nothing to offend anyone, "unless our being overcautious of offending may be counted criminal,"\(^6\) and that if anyone had a right to be offended, it

\(^5\) Ibid, p. 55

\(^6\) Fisher, p. 783
was he. On one level, he had a point. Col. Smith should not have tried to circumvent the law, and should not have struck Daniel Fisher when he refused to comply. Mr. Sweeney was rather rude to leave the Berry without any word of thanks. Wetherburn probably did break his word regarding the lease. Col. Lee had no legal right to threaten Fisher for refusing to vacate his house. Holt brought unsubstantiated charges against Fisher, and then during the fire ordered Fisher's house torn apart when it never posed a danger to the rest of the town. Palmer's and/or Price's actions at the auction, and Palmer's and Waller's later release of alleged criminals without trial, were unethical if not illegal.

It is not hard to imagine the frustration that Fisher must have felt at these constant abuses of law and privilege on the part of his supposed betters. Fisher excused Mr. Saunders' actions (the name-calling on board the Berry and subsequent demand for repayment of his money) because

> When Persons in very needy or depressed circumstances are guilty of falsehood, Fraud, Injustice, or other meanness, One may in some measure account for, and in part excuse them; But when People of Affluence or large Fortunes, (superior one would think to all temptation), stoops to base and unworthy actions, the most generous and candid minds can hardly forbear writing their inward disdain in severe censures."

But while we might grant Fisher his virtue and integrity, his sense of what was morally right and wrong, he may not have been as innocent in all this as he maintained. He took such pains to tell the reader that he always behaved in a civil and

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7 Ibid., p. 752
ally way that one starts to wonder whether "he doth protest too much." We as readers, "may be as alert to what is not said as what is said," and we may see some truths within Fisher's narrative that he related, yet did not recognize. A pattern of victimization by powerful men cloaked a more subtle, and perhaps more truthful pattern of confrontation on Fisher's part. In a society in which deference to one's superiors was expected, and even demanded, Fisher's downfall may have been his own sense of pride and honor. In short, he seemed to have had a more exalted view of himself than those with whom he dealt had of him. His background, the connections he had, all point, as we have seen, to his having once been a gentleman. But old ideas and habits of living do not die easily, and this is what sets him apart from the younger, fresher Ben Franklin who had little else with which to compare his experience in Philadelphia. Inasmuch as Daniel Fisher was willing to start over, he never quite shed the vestiges of his old life. He saw himself on the same level as the men he contended with. He knew his past and what he had been and had owned. He put up as good a front as he could of maintaining that impression by dealing in luxury goods, things only gentlemen could afford. Unfortunately for Fisher, no one else knew his past - or cared - and for all his show, he was still engaged in an occupation that was beneath that of true gentlemen. There was probably a prevailing perception in

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8 Barrett J. Mandel, "Full of Life Now," Autobiography, p. 66
Virginia that anyone who felt compelled to leave England for the colonies was somehow inferior. If a person had come to Virginia in order to do better, then he could not have been very well off wherever he had been before - which, of course, hits close to the mark in Daniel Fisher's case. As we have seen, William Nelson intimated as much when he first met Fisher, with his statement "that without peculiar circumstances or reasons few Persons of sense would ever make the exchange."9 Others may indeed have treated him unfairly, but such treatment was not unusual and reflected the informal but complex social codes of the day, all of which were designed to show everyone where he or she stood in the hierarchy of society and to keep everyone in his or her place.

Against the backdrop of European society, with its hereditary nobility and attendant hierarchical class structure, the social and economic structure of the colonies appeared more fluid. But an "ideology of class" modeled upon the European example did exist.10 This was an era in which one of the primary descriptors of a man was still whether he was bound or free, and except perhaps in the West Indies or in Spanish possessions, nowhere was this distinction more sharply drawn than in Virginia. The institution of slavery, in which a supposedly inferior class of laborers presumed the existence of a superior overlord class was simply the grossest

9 Fisher, p.765
10 Kulikoff, Introduction
manifestation of a culture built on dependence. Plantation society, especially as it displayed itself during the "Golden Age" in Virginia during the first half of the eighteenth century, dominated the entire culture of Virginia, and was the setting in which class ideologies were reinforced. The nature of relationships within the family and on the plantation set up the planter as lord and master of all he surveyed. This tacit understanding among all players, from slave to wife and children to the planter himself, of the precise roles they were to play, combined with the day-to-day experience planters gained of managing the affairs of others, spilled over naturally into public life. In their architecture, dress, possessions, and in the ritualistic behavior that attended nearly every facet of life, public or private, religious or secular, the gentry sought not only to set themselves apart from the rest of society, but to define and reinforce their view of the entire social hierarchy. Associated with one's place in society were fairly strict standards of conduct, particularly as they related to the gentry. Anything that might be construed as a challenge to authority was not taken lightly. A. G. Roeber gives an example of a bystander's simple failure to remove his hat in the presence of the assembled courtroom. Only after being brought before the bench to explain himself and beg forgiveness was the fellow released - as sure of his inferior rank as he and everyone else was of the power and authority of the gentlemen justices. Challenges could be and were made, with the court responding
according to the "grossness of the offense and the rank of the offended."\textsuperscript{11} Thus, Daniel Fisher's countercharge that John Holt was guilty of serving alcohol to negroes, although it initially caused a ruckus among most of the court, was met with some forbearance. "Mr. John Blair, a gentleman whom I had not the least acquaintance with, stood up, and said he thought I had as just a right to accuse Mr. Holt - tho' one of that Bench - of an offense, as he had accused me, Justice being no respecter of Persons."\textsuperscript{12}

Had this been his only challenge to authority, perhaps Fisher might have been able to avoid most of the trouble that befell him. But as noted earlier, a pattern of confrontation and of challenge to authority marked Fisher's life. Unfortunately for Fisher, he was oblivious to the fact that he was guilty of the same faults he saw in others. In consistently taking offense at the actions of others and then in consistently confronting the perpetrators, usually in front of others, he had committed the very crime that John Randolph had warned him against. A man of less integrity perhaps, but of more tact and social awareness, would have known his place in Virginia society and would have deferred to his betters (having first recognized them as his betters). Instead, the young Daniel not only refused to do Col. Smith's bidding, but then confronted him in public with his attempt to circumvent

\textsuperscript{11} Roeber, p. 39
\textsuperscript{12} Fisher, p. 778
the law by bringing suit against him. Indeed this was a Pyrrhic victory for Fisher: while the court may have been willing to admit that he had been wronged in a literal sense, the paltriness of the award for damages seems to indicate the court's displeasure with his having brought charges in the first place. An older Fisher wrote to Mr. Sweeney complaining of Sweeney's rude treatment of him when he left the ship, prompting the man to come back and apologize in front of others. He questioned Wetherburn's honesty not once, but twice, the second time going so far as to broach the matter with attorney Waller, whose clerk, Thomas Carter, Fisher publicly doubted. He refused to submit to Col. Lee's wishes in leaving his house and then later waved several letters of recommendation under his nose. The very act of bringing countercharges against Holt in court was an overt challenge to that man's honor. He confronted Mr. Palmer after the auction and demanded to see the ledger upon which buyers' names were entered, thereby forcing Palmer to admit that Fisher's name had been removed and replaced by Mr. Norton's. Finally, he sent his eight-page letter to Mr. Nelson accusing him of masterminding the scheme. Whether motivated by a fear of losing face in the eyes of their peers in a fiercely competitive environment, or by a desire to remind Daniel Fisher of his status in Virginia (regardless of what it may have been in England), or both, such challenges of gentry actions could not go unanswered.

There probably was a conspiracy to ruin Fisher because of
his constant challenges to authority. No doubt, Fisher's reputation as a "trouble maker" grew with each incident, and each confrontation served only to compound the animosity others may have felt for him.
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