

The Phoenix Privateering Syndicate and Marine Captain John Floyd

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(Authors' note: The story of the Revolutionary War privateer *Phoenix* tells of Kentucky pioneer backwoodsman John Floyd and wealthy, elite patriots from Virginia, Massachusetts, and Pennsylvania who joined the risky *Phoenix* syndicate. The historical context for the *Phoenix* and others who financed or assisted the ship's venture fleshes out the Floyd family story as related by authors such as Tapp,¹ Carlidge,² Ambler,³ Draper,⁴ and Wills.⁵ Newly-assembled documents supply expanded context and identify some of the ship's owners, as well as the ship's captain and Floyd, in his probable role as Captain of Marines, not as ship's captain. The *Phoenix* is traced to Martinique, where it took several prize ships before Floyd was captured by the British and taken to Forton Prison in England, from which he escaped to France and returned to America.)

The Colonies Challenge the British Navy

There was no American navy to challenge the British Navy that dominated the oceans of the world when Massachusetts minutemen fired on British regulars at Concord and Lexington in April 1775. Recognizing its need for a navy, the Continental Congress established a Marine Committee in October 1775 and, in an act of war, took its first steps to form a navy. Congress voted to fit out two sailing vessels, armed with 10 carriage guns, as well as swivel guns, manned by crews of 80, and to send them out for three months to intercept transports carrying munitions and stores to the British Army in America.⁶

Even as it added more ships to the embryonic Continental Navy, Congress was well aware that its new navy was totally overmatched by the British Navy. Within a few months, in a well-calculated move, Congress provided incentives for privateering — a business in which private parties were authorized and commissioned to capture war ships or merchant ships of an enemy country, in this case England, but not neutral countries. Under the prize rules established by Congress on November 25, 1775, the privateers

who had privately-owned ships got everything they captured. For vessels fitted out by a colony or by Congress, the government would receive two-thirds of the proceeds and the captors would receive one-third, unless the prize was a ship of war; in that case the captors' share would be increased to one-half.⁷

The subsequent capture of British merchant ships in the West Indies by privateers proved to be of critical strategic importance to America. As the British Navy responded by capturing hundreds of privateers and other American ships in the West Indies,⁸ it was drawn away from the Atlantic seaboard of the colonies, reducing Britain's iron grip on the essential coastal transportation arteries of America during the war.

As in other colonies, Virginians responded to the incentives that the Continental Congress provided for those willing to own and operate privateers as part of the revolutionary cause. Virginia did not lack for patriotic fervor. On March 23, 1775, Patrick Henry of Virginia gave his famous "Give Me Liberty or Give Me Death" speech in Richmond only a few weeks before Paul Revere's ride and the battles of Lexington and Concord in Massachusetts. On the first anniversary of Henry's speech, the Continental Congress took action to authorize and publish its privateering resolution.⁹ John Floyd's decision to venture into privateering may have been influenced by the climate of patriotism in Virginia but may also have been a natural result of his earlier connection with the land dealings of important Virginia men. These men saw an opportunity for profit in privateering just as they had in western land speculations. Privateering was patriotic and also held out the promise of enormous profits to wealthy investors. The captured ships and contents could be sold at high prices, and those who owned or manned the privateers could share large sums of money.

John Floyd

John Floyd became a key figure in the *Phoenix* privateering venture, which might seem a surprising undertaking for a landlubber. Yet he had proved himself a tough frontiersman, able to lead expeditions into the Kentucky wilderness, deal with unforeseen circumstances among hostile Indians, and organize a company of militia in "Dunmore's War."

It is helpful to go back a few years to explain his background and the connection that developed between Floyd and the rich and powerful elite of Virginia. Floyd's family in Amherst County, Virginia, were neighbors of Col. William Cabell Jr., "the worthy son of a famous father, who, as Indian fighter, trader, surveyor, coroner, deputy sheriff, planter, vestryman,

and surgeon, had done much to extend the frontier. It was not surprising that the son [Cabell Jr.] had become the first citizen of Amherst [County] while in his twenties.”¹⁰

On December 27, 1769, Col. Cabell gave John Floyd, then 19, a letter of introduction to Col. William Preston. Col. Preston had been a member of the Virginia House of Burgesses 1766 – 1769 and later became a justice of the Botetourt County court, county surveyor, and colonel of the county militia. Preston was active in all the affairs of the region at that time and was the “most powerful figure in western Virginia and in the westward expansion of its settlers.”¹¹ Preston hired Floyd as a teacher and tutor for his children and for the three youngest daughters of his cousin, Margaret Buchanan, whom Preston had adopted into his family after the death of their father, Col. John Buchanan. For the next several years Floyd lived with the Preston family, first at Greenfield in Botetourt County and then at Smithfield, Preston’s new home in the newly-formed Fincastle County. Floyd not only taught the children of the household, but he also surveyed extensively and maintained land claim records for Preston. Floyd became both deputy sheriff and deputy surveyor under Preston, and in 1774, he was also commissioned a captain in the Fincastle County militia.

During 1774 - 1776, Preston sent Floyd as his deputy to Kentucky to make land claim surveys that were among the first surveys of Kentucky. Floyd and his party of seven men traveled by canoe and made their first survey on the Kanawha River at Coal River — two thousand acres for George Washington.¹² Washington sent payment to Preston and Floyd for the Coal River survey:¹³

By Col. Christian I send, £3.6.8 for your Fee, & £2.10.0 for Capt. Floyd — It was impossible for me, with any sort of propriety to judge the value of Captn. Floyds extra: Services, & being told that this survey was made in his way to Kentucke, & that no uncommon expence could possible have arisen, I have thought this an ample allowance — if I am mistaken, I shall be willing at any time hereafter, to make a further allowance.

Although Floyd’s surveying party heard news of frightful Indian massacres, and some of his party turned back, the surveyors pressed on to the Ohio River to do surveys for Patrick Henry, Col. William Christian, Alexander Spotswood Dandridge, Col. William Preston, and others.¹⁴ When Floyd and his group of four men returned home, he led the men through trackless mountains in order to avoid growing danger from the Indians. “For fifteen

endless days and nights they fought their way through almost impenetrable forests and underbrush, swam rivers, waded creeks, and scrambled up and down mountains”¹⁵ to the Clinch River and to Smithfield, where Floyd and others immediately began to build a defensive fort.¹⁶ As Indian war approached, militia captain Floyd recruited and commanded a company of one lieutenant, one ensign, three sergeants, and 38 men.¹⁷ Floyd’s company, under Col. William Christian, was part of a rear detachment of Col. Andrew Lewis’s army. The army spent an arduous month traveling 200 miles through forested mountains with ammunition, baggage, and provisions on packhorses to Point Pleasant on the Ohio River. This became the site of a major battle between Indians led by Chief Cornstalk and Lewis’s army. When Col. Christian and his Fincastle men, including Floyd’s company, arrived at midnight, the battle was over.¹⁸

Floyd returned to Kentucky the following year, leading 30 adventurers to found the St. Asaph settlement.¹⁹ At Boonesborough, Floyd participated with Daniel Boone in many activities, including their successful rescue of Boone’s daughter, Jemima, and the two Calloway sisters who had been captured by the Indians.²⁰ Theodore Roosevelt called Floyd “among the ablest of the Kentucky pioneers.”²¹

In the fall of 1776, Floyd’s position as a surveyor in Kentucky evaporated. He returned to Virginia from Kentucky and met frustration in attempts to find a position as a surveyor or as captain of a company of militia. At age 26, he was a widower whose daughter was under the care of his in-laws, and was jobless. Capt. Floyd stopped at Col. Preston’s Smithfield estate on his way back to Amherst County, and Preston, interested in finding a job for Floyd, suggested renting a ship for the West Indian trade.²² Floyd acted on the idea of becoming involved in this trade by agreeing to serve on board the *Phoenix*, a privateer backed by prestigious men of Virginia and other colonies.

Elite Speculators

Although some of the sponsors of the *Phoenix* were powerful men in the Continental Congress who had already declared independence from England, Floyd went to sea as a junior and uncertain revolutionary. As an investor putting money into the syndicate, Floyd was a minnow among whales. The merchant princes who speculated in privateering ventures were some of the richest, most powerful, and famous men of the revolutionary colonies. Who were these men that invited Floyd to join the enterprise and sent him to sea? Scarcity of documents that identify partners in the *Phoenix* enterprise comes as no surprise. It was prudent not to broadcast

one's participation in a hanging offence against the Crown. The available clues suggest that investment syndicates sponsoring privateers such as the *Phoenix* had much in common with groups that speculated on land claims in the west such as the Ohio Company and the Loyal Company, "powerful syndicates of influential men," that had each received grants of 800,000 acres of frontier land by 1749.²³

Many years later, relying on her memory, Letitia Preston Floyd, who was Col. William Preston's daughter and John Floyd's daughter-in-law, named three men as part of the syndicate owning the privateer *Phoenix*: Col. William Preston, Dr. Thomas Walker, and Edmund Pendleton.²⁴ Col. Preston and Dr. Walker were long-standing clients of Edmund Pendleton, one of Virginia's most prominent lawyers. Pendleton was president of the 5th Virginia Convention in May 1776, when it unanimously instructed its delegates to introduce a declaration of independence at the Continental Congress meeting in Philadelphia. These men had interests connected to the Loyal Company, an interconnected network of around 70 partners — aristocrats, planters, landowners, merchants, and politicians.

For those partners, Dr. Walker explored the Virginia-Kentucky frontier in 1750, and discovered the Cumberland Gap. When Walker's friend Peter Jefferson died in 1757, Walker was named one of four estate administrators and guardians of Thomas Jefferson, who admired Walker and sought his advice on financial and other matters.²⁵ During the French and Indian War, Walker became commissary general of the Virginia troops with the rank of major. He accompanied Gen. Edward Braddock and George Washington to Fort Duquesne and was an eyewitness to that losing battle,²⁶ called the "Pearl Harbor of the French and Indian War."²⁷ Walker was one of the Loyal Company's keenest investors,²⁸ and "had the political clout to obtain grants for thousands of acres of land."²⁹

The Loyal Company and other land ventures necessarily depended upon Col. William Preston as county surveyor and John Floyd as his deputy for surveying and processing hundreds of land claims throughout Southwest Virginia and the area that became Kentucky. William Preston's possible participation in the *Phoenix* venture is uncertain. Floyd wrote³⁰ that Preston might have considered Floyd's joining to be "silly and imprudent," and his letter seems unaware of any Preston participation, so Letitia Preston Floyd may have been incorrect with respect to her father's participation.

Not named as a *Phoenix* partner by Letitia Preston Floyd was Carter Braxton, a wealthy Virginia planter and merchant who actually assembled the syndicate for the ship. Braxton had extensive business relations — buying tobacco from Virginia planters, merchant shipping, and trading.

Braxton's network of family connections reached many Virginia families that were powerful in the business and political world. He had served in the Virginia House of Burgesses, was a member of the Continental Congress, and had signed the Declaration of Independence. He was the Virginia member of the Marine Committee in Congress³¹ along with a member from each other colony. Braxton was also a member of a committee to arrange exchanges of Continental and British prisoners. As war approached, the Virginia Committee of Safety "under the leadership of Edmund Pendleton now governed Virginia."³² This committee included Chairman Pendleton, Carter Braxton, Dr. Thomas Walker, Col. William Cabell Jr., George Mason, and Thomas Ludwell Lee, among others.³³ It is hardly surprising to find that a privateering syndicate was supported by several men in this group.

An important partner of the syndicate for the privateer *Phoenix* was Robert Morris of Pennsylvania, a signer of the Declaration of Independence who became known as the "Financier of the Revolution." He was a Philadelphia merchant in the Willing & Morris firm and a merchant partner of Carter Braxton. When things looked darkest for Washington and his army, Morris was usually able to find money. He was an active member of the Continental Congress, its Marine Committee, and several other committees. In addition, he invested in many privateering ventures including the *Phoenix*.

An example of the merchant connections between Robert Morris and Carter Braxton is reported in a September 28, 1776, letter from Carter Braxton to Isaac Gouverneur of Curacao. This letter describes Braxton as a partner with Willing & Morris in a deal for £10,000 of merchandise from an Amsterdam merchant to be paid for with 300,000 pounds of tobacco.³⁴ American exports such as rice, indigo, and especially tobacco sales to France played a leading role in paying for American imports of arms and other war supplies.³⁵

Morris and Braxton had many other useful connections. The Willing & Morris firm employed Benjamin Harrison Jr., son of Braxton's first cousin, Benjamin Harrison,³⁶ who was a Virginia delegate to the Continental Congress, signer of the Declaration of Independence, and later governor of Virginia. "Early in the spring of 1776, Morris appointed his former apprentice, Benjamin Harrison Jr., Continental paymaster in Virginia to oversee Morris's public affairs in the state. Young Harrison also acted as the leading purchaser of tobacco in Virginia for Willing & Morris's private account."³⁷

Another Morris connection was William Bingham, who had worked for Morris in Philadelphia. Bingham played a critically important role in privateering in the Caribbean. In 1776, at age 24, he became a Continental

agent in Martinique, and he continued to serve as an agent for Willing & Morris during the next three years. Under French protection, Bingham provided logistical support for the extensive American privateering activities in the West Indies and, in a naval intelligence role, kept track of merchant shipping and warships in the area. For example, instructions from the Continental Marine Committee to the captain of the *Virginia* outlined Bingham's role in merchant trading, as well as supplying "Arms, ammunition, Cloathing and Other Stores," providing intelligence about British ships, and consulting about actions for "distressing the enemy."³⁸

Phoenix syndicate member Michael Gratz and his brother, Barnard, were Jewish merchants in Philadelphia who traded with western fur traders and land speculators during several decades prior to the Revolutionary War. They had close business relations with William Murray, George Croghan, and Joseph Simon — men involved with western development and speculation in companies such as the Indiana Company and the Illinois Company.³⁹ During the Revolutionary War, Michael Gratz was not only a part owner of the *Phoenix*, but also other privateers such as the *Industry*, the *Shippen*, the *Mercury*, and the *Neptune*.⁴⁰

Although various northerners joined the *Phoenix* privateering syndicate, a number of other partners were probably Virginians, as suggested by the fact that Braxton later used Purdie's *Virginia Gazette* to call for the owners to meet at the Raleigh Tavern in Williamsburg on December 11, 1777.⁴¹

The Ship *Phoenix*

The ship on which Floyd was to sail was the *Phoenix*, a Massachusetts sloop, "burthened ninety tons, armed with ten three and four pounders, eight swivels and cohorns [small brass cannons], one thousand weight of powder with shot in proportion."⁴² It had a crew of 60 men, and had been commissioned as a privateer through the efforts of Carter Braxton of Virginia and John Rowe, a Boston merchant with a warehouse in Boston Harbor, later described by Robert Morris as "agent for the owners of the *Phoenix*." On September 24, 1776, "John Rowe, in behalf of himself of Boston and Carlton B [sic], of Virginia, . . . owners of the sloop *Phoenix*," submitted a petition for a privateering commission to the Massachusetts Bay Council naming ship's officers Joseph Cunningham, Captain, William Lovering, 1st Lieutenant, Daniel Malcom, 2nd Lieutenant, and Henry Jackson, Master.⁴³ A \$5,000 bond was issued that same day, naming John Rowe and Elias Warner sureties.⁴⁴ The council also allowed John Rowe to purchase 500 pounds of gunpowder from the powder mill at Andover for six shillings a pound.⁴⁵

In his biography of Edmund Pendleton, author David John Mays mistakenly stated that John Floyd was the captain of the privateer *Phoenix*, and Mays concluded that Floyd's ship was an entirely different ship than the ship with the same name under Capt. Cunningham, owned by Carter Braxton and others.⁴⁶ In fact, the ship owned by Braxton's syndicate was also Floyd's ship, as indicated by the naming of Floyd in the first sentence of Braxton's December 16, 1776, instructions to Capt. Cunningham (see Appendix).

Captain Cunningham

Capt. Joseph Cunningham was part of a Massachusetts family that was connected to the family of President John Adams by the marriage of Cunningham's uncle, James Cunningham, to Elizabeth Boylston, sister of Adams's mother, Susannah Boylston. Prior to his service as captain of the *Phoenix*, Cunningham had skippered the sloop *Lady Washington*. On May 7, 1776, Cunningham, as captain, with Ebenezer Dorr and Joseph Gardner as sureties, provided a \$5,000 bond to the Continental Congress for the commissioning of the *Lady Washington* as a privateer.⁴⁷ On May 19, 1776, the *Lady Washington*, under Capt. Cunningham, and the schooner *Franklin* were attacked by 13 British vessels. The Americans sank two British ships, but Capt. James Mugford of Marblehead, Massachusetts, captain of the *Franklin*, was killed.⁴⁸

The *Phoenix* Syndicate

This tentative list, based on available reports, includes about half of the partners of the *Phoenix* syndicate — the other half are not now known.⁴⁹

Joseph Cunningham, captain
John Rowe,⁵⁰ Boston merchant and agent for the *Phoenix*
Elias Warner, Boston merchant
Carter Braxton, Virginia merchant
Matthew Phripp,⁵¹ Norfolk, Virginia merchant, Phripp & Bowdin
Edmund Pendleton, Virginia
Dr. Thomas Walker, Virginia
John Floyd, Virginia
Robert Morris, Philadelphia merchant, Willing & Morris
Michael Gratz, Philadelphia merchant

Activities of the Schooner *Phoenix*

The home port of the *Phoenix* was Boston, although its rigging was changed from sloop to schooner in Virginia.⁵² Cannons were added in order to make the ship suitable for service as a privateer. For a privateer, as compared with a merchant ship, there was a requirement for additional crew to fire the cannons, serve as a boarding party, manage prisoners, and deal with the burden of bringing a captured prize ship into port. In his instructions to Capt. Cunningham, Braxton indicates that Cunningham and Floyd were each responsible for recruiting men for the venture (see Appendix): “With the materials with which I have now supplied you [Cunningham] I expect you will be ready to embark on a Cruize in a short time with the Men under your command now and such as Mr. Floyd shall enlist to the time of your sailing.” Capt. Cunningham, who was responsible for sailing the ship, had recruited sailors in Massachusetts. Floyd was most likely responsible for the marines. For two years, Floyd had experience as a captain of the Fincastle County militia, a suitable background for him to be captain of marine troops aboard ship.

The plan for the venture was to sail in the West Indies for about three months, and capture British vessels as prize ships, even though some of the crew had signed on only for a month or so. Braxton’s instructions indicated that it might be necessary to arrange for some of these crew members to be returned to Boston. Prize vessels were to be brought to port in Virginia if possible, otherwise to Philadelphia or the nearest port. Braxton’s instructions state that if a refit in the West Indies became necessary, Mr. Isaac Gouverneur at Curacao or Mr. Rawleigh Colston⁵³ at Surinam could provide assistance. These men were part of international trading and shipping merchant networks that were often needed to deal with unforeseen circumstances. In later instructions Braxton named merchant correspondents that could be called upon in Guadaloupe, Haiti, South Carolina, France, and Amsterdam.⁵⁴ On December 16, 1776, from Williamsburg, Carter Braxton sent instructions to Capt. Cunningham for the cruise of the *Phoenix*,⁵⁵ and Floyd wrote Preston that he had joined in the purchase of a privateering ship:⁵⁶

I am almost afraid to mention that I have (I fear too inconsiderately) joined in the purchase of a vessel fitted out for privateering, at four thousand pounds including all expenses for a three months cruise. There are twenty partners at £200 each.

Floyd's letter did not state his exact share in the venture. One of the partners, Robert Morris, later indicated that he had not 1/20th but rather a 1/24th share.⁵⁷ This may mean that certain individuals such as Capt. Cunningham, John Floyd, and the ship's crew had a carried interest of 20 percent to divide in some fashion before any payment to investors, who were assessed 1/20th of any losses.⁵⁸ In the same letter to Preston, Floyd recognized that he had comparatively little ability to undertake financial risk as compared with rich syndicate investors, and also expressed reluctance and foreboding.⁵⁹

When I was advised to engage in this plan, and saw how much the partners were taken in, I did not reflect that they were mostly men of opulent fortunes, and that two hundred pounds could make but little difference with them if lost. . . .

It is a folly to repine, but I could wish from the bottom of my heart, I had never undertaken the journey; I can't account for it, but somehow or other I am made to doubt that I shall return as much poorer as the sum amounted to that I brought away, if I should escape with my life. I must tell you I am exceedingly unhappy, and shall be more and more so till I return. I wish I could have consulted you before I took this step, which I fear you will call silly and imprudent, but I must bear it with all the fortitude I can collect. If any accident should prevent my return in a few months, I shall be the most miserable man living.

Ten days later, Floyd wrote to Preston from on board the *Privateer Phoenix*.⁶⁰

This is an exceedingly fine vessel & is very well fitted out for three or four months. I have great encouragement from those experienced in this way, but let my future be good or bad, I intend to sell out, should I live to return, & pursue some kind of business I am better qualified for, than what I am now engaged in. . . . I wish to Heaven I was with you this minute. Farewell my best & worthy friend! May God prosper you, & grant me another interview with the man I love.

As required by law, Floyd put a notice in Purdie's *Virginia Gazette* that he intended to leave the colony for a few months.⁶¹ His notice did not disclose the reason for his absence or any other details. Braxton's instructions (see Appendix) indicate that the *Phoenix* was to "sail from York," i.e. Yorktown, Virginia, a few miles from Williamsburg. Floyd's ship presumably sailed out across the mouth of the Chesapeake Bay about

the first of January 1777, a time when the British fleet generally controlled the area and made highly risky any rebel passage through it. On March 24, 1777, a British journal reported that “His Majesty’s ships stationed about Chesapeake and Delaware bays have destroyed or taken, within the space of the last two months, above 70 sail or rebel ships and privateers.”⁶²

The *Phoenix* successfully carried out its plan to capture British ships in the West Indies, selling the ships and cargo there. Newspaper articles in Massachusetts and Virginia notified interested parties of the ship’s successful return on April 9, 1777.⁶³

Yesterday arrived at a safe Port, a Privateer Schooner, commanded by Capt. [Joseph] Cunningham, in a short Passage from the French West-Indies, where she has lately sent in several Prizes. We learn that the French Ports are crowded with Cruizers and Merchantmen, belonging to these States, and that all Kinds of Goods are sold at a moderate Price.

This report is consistent with the original plan for returning after a three-month voyage, and there is no suggestion that the *Phoenix* had been taken by the British. Nevertheless, the British captured Floyd, evidently while he was coming into port on a prize ship, probably in early April as the *Phoenix* was heading to a “safe port.” As the story was later told by the family,⁶⁴

The voyage was successful; and they were on their way back with a prize cargo, among which was a beautiful wedding gown John was bringing to his fiancée,⁶⁵ when the ship was overhauled by a British cruiser at the mouth of Chesapeake Bay. Although he was confined to his bunk with a bad case of malaria, John was put in irons and transported with the crew to Forton Gaol in Portsmouth, England.

In early April, Floyd would have realized his plan to leave the ship after cruising for three or four months had not his capture intervened. It is clear that the *Phoenix* itself was not captured in the spring of 1777; otherwise, Capt. Cunningham would have been in an English prison in July instead of being in Boston. Braxton’s original instructions indicate the intention to recruit men for a second voyage of five months. During the April to July interval the ship had time for a refitting, and by July, the number of cannons included 12 carriage guns.⁶⁶ Capt. Cunningham and John Rowe petitioned the State of Massachusetts on July 8, 1777, for a new surety bond for the *Phoenix*, naming Carter Braxton and Mr. [Matthew] Phripp among the

owners.⁶⁷ The petition states that they had been at a large expense fitting the ship for sea. A curious condition of this bond was a restriction “from Shipping on board said vessels of War any Inhabitant of any of the New England States other than the State of Massachusetts Bay”⁶⁸ Two weeks later Cunningham cited difficulty in recruiting seamen and suggested turning the *Phoenix* over to the Continental Navy.⁶⁹

Cunningham was skipper of the *Phoenix* during August when it seized a neutral Portuguese ship, *Our Lady of Mount Carmel and Saint Anthony*, bound from Brazil to Portugal. On August 28, from aboard the *Phoenix*, far out in the Atlantic, Cunningham instructed John Wardwell to take the prize ship to “Ocracock,” North Carolina, or to Boston and “not to speak with any Vessell if it be Possible to avoid it.”⁷⁰ This seizure, later found illegal, was a serious international matter that potentially undercut the Continental Congress in its relations with other countries.

John Floyd Imprisoned

After John Floyd’s capture, he was sent to Forton Prison in England. He was one of many prisoners. During the war the British captured several thousand men from privateering vessels and imprisoned them at Forton Prison in Portsmouth and at Mill Prison in Plymouth, England. Floyd could have been among the first American seamen jailed in Forton Prison in June 1777 or a little later in the year. He was already there by October 13, 1777, when William Radford, lieutenant of marines on the Continental ship *Hornet*, was imprisoned at Forton.⁷¹ Radford was one of the earliest marines in the Continental Navy.⁷²

England passed the “Pirate Act” in March 1777, denying due process and prisoner exchange to captives charged with committing “piracy upon the ships and goods of His Majesty’s subjects.” On the heels of the Pirate Act came the British Board of Admiralty’s announcement on June 13, 1777, that Forton and Mill Prisons were ready to receive captives taken at sea. Under the act, it was not necessary to try prisoners. One way to get out of these prisons was to consent to join the Royal Navy, and another was to escape.⁷³ Several first-person accounts by prisoners relate being interrogated and examined once or twice by a magistrate or by the admiralty upon arrival in Portsmouth, England, before being committed to Forton Prison. Letitia Preston Floyd reported that after John Floyd had been in prison for some time he was tried and acquitted.⁷⁴ The authors have not eliminated the possibility that Floyd had a delayed trial or acquittal, but that does not seem to have been the usual practice.⁷⁵ There is one indication that Floyd’s pending release or escape was either known or anticipated by

other prisoners. When he left, Floyd carried documents to Paris from Forton prisoner Capt. John Welsh, so it was no secret to Welsh that Floyd was about to leave the prison.

Variations on the family story say that Floyd escaped from Forton through the aid of the jailer's daughter, that he received help from a kindly clergyman, and that an old sailor helped him. Actually, escape from Forton was common — dozens of prisoners escaped during 1777 — and those who escaped often found aid and assistance from the local population. The suggestion that there was an underground network of assistance is, to some extent, true. Initiatives on behalf of the prisoners sprang up at all levels of British society. Churches and charities donated food and clothing. Money was raised and distributed to inmates according to rank and went for the purchase of tobacco, tea, books, and writing supplies; much of it may have gone for gambling and drinking as well. The cause of prisoner relief inevitably became linked with Britain's peace movement.⁷⁶

Letitia Preston Floyd said "Floyd begged his way to Dover, where he found a clergyman who was in the habit of concealing all American fugitives and procuring a passage for them to France." Her reference to a clergyman may tie in with accounts by various Forton prisoners who were helped by the Rev. Thomas Wren, a Presbyterian dissenter.⁷⁷ One specific explanation comes from *The Memoirs of the Life of Nathaniel Fanning*, which explains that the Rev. Wren visited the prison every week and distributed money to the inmates — 5 shillings to the officers and half that to the other men. The Rev. Wren also provided a hiding place, change of clothes, and money to escapees to help them on their way.⁷⁸

One should also give credit to Benjamin Franklin, who had the prisoners very much on his mind. Franklin knew about generous people such as the Rev. Wren, and did what he could to encourage them. In writing to his English friend David Hartley, a member of Parliament, on October 14, 1777, Franklin said:⁷⁹

If you could have Leisure to visit the Gaols in which [American prisoners] are confined, and should be desirous of knowing the Truth relative to the Treatment they receive, I wish you would take the Trouble of distributing among the most necessitous according to their Wants five or six hundred pounds, for which your Drafts on me here should be punctually honored. . . .

Franklin later wrote to Hartley, thanking him, sending him money, and commending Wren's conduct.⁸⁰

So Floyd was released or escaped, not necessarily with help from a jailer's daughter. He may have found it necessary to escape in some other way, such as bribing a guard, tunneling, or climbing over the eight-foot-high iron pickets that surrounded the prison area.

One version of the Floyd story is that he was hindered on his way to Dover by press gangs. This may have been an embellishment, although it was a problem for many escaped prisoners. Author Robert Patton explained that "Impressment, or 'the press,' was the age-old way that warships were manned whenever there were shortfalls in volunteers. Its techniques ranged from mere marketing to brute force. . . . [S]ometimes, especially during war, press gangs were used. These were comprised of moonlighting navy men or local toughs. Paid up to 40 shillings per head, they filled quotas by snatching citizens from the private workplace and herding them to His Majesty's ships."⁸¹ This practice created a public outcry against impressment. Nevertheless, considering that Floyd carried Capt. John Welsh's letter dated October 20 from Forton Prison and reached Paris about a week later, it is unlikely that he was delayed by press gangs.

Floyd arrived in Paris after a trip through France subsisting on grapes, and sometimes bread.⁸² In Paris, it most likely was a straightforward matter for Floyd to introduce himself to Continental Commissioner Arthur Lee of Virginia and to the other commissioners, Silas Deane and Benjamin Franklin. Overlapping networks of rich merchants and political luminaries connected Floyd to men known to the commissioners. For example, as members of the Continental Congress, Commissioner Arthur Lee's brothers, Richard Henry Lee and Francis Lightfoot Lee, had signed the Declaration of Independence just as had Phoenix syndicate members Braxton and Morris. Morris had served with Silas Deane on the Continental Marine Committee, and worked with all three American Commissioners (Franklin, Lee, and Deane) in arranging sales of tobacco to France to pay for arms shipments to America.⁸³ Another key player in the trading and shipping of tobacco, as well as privateering in the West Indies, was William Bingham, Morris's commercial partner, and also the Continental government agent in Martinique. In addition to all those connections, Dr. Thomas Walker had met Benjamin Franklin at least once, having dined with him in Philadelphia in March 1755.⁸⁴

In order to cover Floyd's living and travel expenses the commissioners issued him 10 Louis d'ors — gold coins approximately equal in value to English guineas. Floyd carried the following note from Continental Commissioner Arthur Lee to Commissioners Benjamin Franklin and Silas Deane:⁸⁵

Challiot, Thu, Oct 30, 1777

Mr. Lee presents his Compliments to Dr. Franklin and Mr. Dean. He has been prevented from waiting upon them this morning as he intended, but will do it this Evening having a Letter to communicate. The Bearer Mr. Floyd will wait to carry Dispatches, if the Gentlemen think it necessary; if not he is sollicitous to go off this Evening, and wants an advance of 7 Louis in addition to the three already given, which if Messrs. F. and D. think proper Mr. Lee will furnish him with, taking a receipt for the whole in the name of the Commissioners and payable to the President of Congress.

The reply from Franklin and Deane was as follows:⁸⁶

Messrs. Franklin and Deane present their Compliments to Mr. Lee. They very much approve of the Assistance within propos'd to be afforded Mr. Lloyd [sic]. They would not detain him for Dispatches.

Floyd's receipt for the money is also dated the same day:⁸⁷

John Floyd to the American Commissioners: Receipts Challiot. October 30th 1777. Received of the Commissioners at paris the Sum of ten Loudiores which I promise to repay to the Honble. the president of the United States of America or to his Order.
John Floyd of Fincastle County Virga.

When Silas Deane was later called before Congress he provided bookkeeping accounts relating to John Floyd as shown below:⁸⁸

7	Advance	24 10
28	at J. Deane's	20 4
30	at the play of Supper & Expenses on Town 24/0	24 10
	for furniture for 8 Americans escaped 25/6 8 pence	
	then 30 lbs. each to go to France	175 16
	Three months of Expenses	7
	John Floyd a Prisoner belonging to Virginia - 260	
	Kill the Younger Bill	506 2
31	at the Chamber of Deputies for keeping Records	160 2 3
	at the Chamber of Deputies for printing an Report	27 6
Nov 1	for Dutchards Maps on board the Cuttle	7 8
	the other 1/2 of the Deane's & Expenses of Home 26/	68
3	expended at Fincastle	208
5	at the Bridge credited by him to Congress	192
	Capt. Welch 1/2 of 1064 10 60	512
6	at the play of Supper & Expenses	24

Oct. 30, 1777, entry shows 10 Louis (240 livres) advanced to John Floyd
Nov. 5, 1777, entry shows 312 livres advanced to Capt. Welsh

It is interesting that Capt. John Welsh in Forton Prison gave Floyd a letter and two notes to carry with him during Floyd's trip to France. John Welsh's October 20, 1777, letter to Benjamin Franklin, carried by Floyd from Forton Prison to Paris, reads as follows:⁸⁹

Sir,

Excuse the Freedom of my Presumption, in Writing to you tho not Personally Acquainted. Still from the Charector you bear from every Loyal American, induces me to let you Know of my Misfortune of being taken Prisoner, and brought here from the Westindias, Where I commanded a Privatier fitted out by Wm. Bingham Esqr. Agent of the Honourable Congress of the United states. Am in a Distress'd Situation, the Particulars you'l Excuse as time does not permit. Begs your Assistance if Convenient and hopes you'l make Known to Congress, as we may Expect a Carteel [for the exchange of prisoners] some time tho' God Knows when. However any service I may Recieve will be Greatly thankful, as Wm. Bingham or Richd. Harrison⁹⁰ of Martinicoe [Martinique] Wood be Answerable. I am sir Yours

Jno. Welsh

n.b. Those letters you'l be Pleas'd to forward to Martinicoe: I mention to these Gentlemen in these letters of my application made to you, Which I hope will Reach them. If this Answers you'l Direct to Portsmouth at Fortune Goal I draw for 20 Guineas as per Note. Superscription thus To Capt. Jno. Welsh at Portsmouth in the Goal of Fortune [Forton Gaol]

One of the other notes that Welsh had Floyd carry gave the bearer bank credit in Cherbourg for 4 or 5 guineas, probably to help with travel expenses. A second note asks Floyd to make out a 20-guinea draft on William Bingham in Martinique so that Benjamin Franklin could forward money to Forton Prison for Welsh, and to beg Franklin to arrange Welsh's exchange.⁹¹

Capt. Welsh was apparently confident that Bingham would honor a 20-guinea draft from Floyd, a confidence likely based on prior dealings between Bingham and Floyd. Taking prize ships captured by the *Phoenix* into port and selling them in Martinique provided an opportunity for Bingham and Floyd to meet and make Bingham fully aware of the privateering activities of the *Phoenix*. Capt. Cunningham later referred to sales of prize ships taken by the *Phoenix* to Martinique after he heard from John Rowe that Morris was dissatisfied with the price received from these sales.⁹²

The Benjamin Franklin papers do not mention fellow prisoner William Radford, although Floyd and Radford were said to be together part of the time in Paris. A memorandum provided to the American Commissioners in France⁹³ lists William Radford among Forton prisoners on December 29, 1777, so Radford must have escaped after that date.

While Floyd was in Paris, “he obtained his wedding Clothes, a rich and beautiful pair of brilliant shoe buckles for his intended bride, a Scarlet Coat for himself.”⁹⁴ He returned to Virginia, arriving in America in February 1778.⁹⁵ When he reached home, his friends and his fiancée Jane Buchanan had given him up for dead. According to a family story, Floyd unexpectedly showed up just after Jane agreed to marry Robert Sawyers, a distant kinsman of hers.⁹⁶ The engagement with Sawyers was broken, and after months of recuperating from his illnesses, Floyd married Jane Buchanan on November 2, 1778.⁹⁷

Floyd’s activities as captain of the marines on the *Phoenix* were at an end. Nevertheless, the owners of the *Phoenix* were forced to deal with issues of criminal and civil liability relating to the illegal capture of the Portuguese ship *Our Lady of Mount Carmel and Saint Anthony*.⁹⁸ Claims by the owners of that ship and related legal proceedings continued for years, eventually requiring the attention of the War Board in Massachusetts, the Continental Congress, and others including Virginia Attorney General Edmund Randolph and Virginia Governor Thomas Jefferson. Carter Braxton was relieved of criminal charges, but was found to possibly be liable for civil damages, according to the legal opinion of the Attorney General.⁹⁹

Eventually, *Phoenix* owners were assessed damages amounting to £3,440. These losses were paid entirely by Robert Morris at first and then charged to Carter Braxton. In 1781, Braxton requested payment of £172 from syndicate partner Michael Gratz, as his share of the damages.¹⁰⁰ Court proceedings disclosed *Phoenix* owners Braxton, Phripp and Morris, but other owners such as Floyd were apparently not disclosed. Braxton eventually lost most of his fortune. Robert Morris became a U.S. Senator from Pennsylvania 1789 – 1795. He bought a large part of western New York State in 1791, including, with some exceptions, the six western counties of New York lying between Pennsylvania and Lake Ontario.¹⁰¹ Morris also speculated by purchasing millions of acres in the South, eventually leading to a collapse of his financial empire. William Bingham was said to be the richest man in America. In addition to his landholdings in Pennsylvania and New York, he owned some three million acres in Maine.¹⁰² He became a member of the Continental Congress and followed Robert Morris as U.S. Senator from Pennsylvania. Beginning in 1795 and for many years

afterward, the head of Liberty on United States coins was based on a portrait of Bingham's beautiful wife, Anne Willing Bingham, daughter of Thomas Willing of Willing & Morris.

Regarding the money that Floyd had borrowed from the Continental Commissioners in Paris, Dr. Thomas Walker wrote to Col. Preston on July 9, 1778, "Please give my compliments to Captain Floyd, and tell him I have paid the ten guineas, he had of Dr. Franklin, to the Treasurer, who is thought the proper person to receive it."¹⁰³ Record of the repayment eventually found its way into the Franklin papers provided to the Continental Congress, listed as "May 19, 1779, John Floyd, 140.00."¹⁰⁴

Floyd returned to the Kentucky he loved, never to be a privateer again. His property, known as "Floyd's Station," is now part of Louisville, Kentucky. Among other things, Floyd was to be remembered as a militia colonel under Gen. George Rogers Clark and as one of the founders of Louisville. Highway markers scattered around Kentucky today memorialize Floyd's Kentucky activities. He was ambushed and killed by Indians in April 1783 while on horseback, wearing the scarlet coat he had brought from Paris. John Floyd's widow Jane preserved the scarlet coat until 1812, when the coat was buried with her, as she had requested.¹⁰⁵

John Floyd's posthumous son, John Floyd, became governor of Virginia 1830 – 1834, and his grandson, John B. Floyd, was governor of Virginia 1849 – 1852. Col. William Preston's son, James Patton Preston, was governor 1816 – 1819. Preston's daughter, Letitia, married the first governor John Floyd, and Letitia's sister, Sarah, married James McDowell, whose son, also named James McDowell, was governor 1843 – 1846.

Appendix—Carter Braxton Instructions to Captain Joseph Cunningham¹⁰⁶

Sir

Williamsburg Decr 16th 1776

With the materials with which I have now supplied you I expect you will be ready to embark on a Cruize in a short time with the Men under your command now and such as Mr. Floyd shall enlist to the time of your sailing. The Company to whom the Privateer *Phenix* belongs have instructed Mr. Phripp and myself to give such directions as appear to us necessary for my part I shall rely in a just measure on your skill and judgment in this Cruize, knowing you are so much better acquainted with these things than myself and only give general directions in

particular circumstances. You are I presume to proceed to the West Indies and there endeavour to apprehend some of the English Vessels either those belonging to Great Britain or such as belong to any of their Islands or countries except Bermudas or the Bahama Islands, or should you hear that the Portuguese are actually taking our Vessels in that case you may seize any of theirs. If you make any captures of any ships or Vessels above described you are to send them into this State directing them to Mr. Phripp and myself, but if you should know that our State is stopt up in that case you will order them to Philadelphia to the care of Mr. Morris or the nearest Port, giving Orders that immediate notice be sent by Express to Mr. Phripp and myself. Should any accident happen to you at Sea and a refit be necessary you will apply to Mr. Isaac Gouverneur at Curacoa or to my Mr. Rawleigh Colston at Surinam with my Letters of Credit or any others on whom Mr. Phripp shall give you credit for such assistance as you may want which expense is to be charged to the Company as your Men are not enlisted to serve longer than some time in January should they insist any of them to return home to Boston when their time is expired you are by no means to go there with your Vessel but rather put such Men on board some Vessel that may be going to Boston. The terms of their enlistment do not oblige you to carry them home at the end of the time, and the Company will by no means agree that the Vessel should be carried so far out of her way If you prove unsuccessful during the continuance of your Provisions and Stores which expect will serve you three Months, after they are expended you are to return home to receive another recruit of necessaries and Men which are to be engaged on account of the Company but at present I have obliged myself and Messrs Willing and Morris to find a three Months supply of all necessaries whatever, Powder I put over a thousand weight you will remember is our property after the Cruise is over by Agreement.

You are to send me before you sail from York a perfect Account of all your disbursements since you came to this Country and the Articles that have been added to your Vessel &c. Mr. Reynolds at York will Supply you with any thing further you may have occasion for there.

Those of the Company that are here have agreed that if you are out near three Months & can take no Prizes, in that case you may return to Boston to discharge these Men and enlist others for a five Months Voyage and that you will apply to Mr [John] Rowe for such necessaries as you may want until you can get here to take in your stores for a further Cruise.

You will remember to send with any Vessel you may take all the Papers belonging to said Vessel with respect to her clearance, age, Owners &c.

CARTER BRAXTON

Endnotes

* The authors are great-great-great grandnephews of John Floyd. They express grateful appreciation to Alexandra Luken and especially to Isobel Ellis for their contributions.

1. Hambleton Tapp, "Colonel John Floyd, Kentucky Pioneer," *Filson Club History Quarterly* 15 (January 1941): 1–24.
2. Anna M. Cartlidge, "Colonel John Floyd, Reluctant Adventurer," *Register of the Kentucky Historical Society* 66 (October 1968): 317–66.
3. Charles H. Ambler, *The Life and Diary of John Floyd, Governor of Virginia, an Apostle of Secession, and the Father of the Oregon Country* (Richmond, Va.: Richmond Press, 1918), 24–25.
4. Lyman C. Draper, *The Life of Daniel Boone*, ed. Ted Franklin Belue (Mechanicsburg, Pa.: Stackpole Books, 1998), 559–63.
5. Wirt H. Wills, "The Phoenix Caper — A Frontiersman Goes to Sea," *Smithfield Review* 10 (2006): 21–32.
6. William Bell Clark, ed., *Naval Documents of the American Revolution* (11 vols.; Washington, D.C.: Naval History Division, Department of the Navy, 1964 – 2005), 2: 442. Hereafter referred to as NDAR.
7. *Journals of the Continental Congress, 1774 – 1789* (34 vols.; Washington, D.C.: Government Printing Office, 1904 – 1937), November 25, 1775.
8. NDAR, 11: 447–53, lists 235 ships.
9. *Journals of the Continental Congress*, March 23, 1776.
10. David John Mays, *Edmund Pendleton, 1721 – 1803: A Biography* (2 vols.; Cambridge, Mass.: Harvard University Press, 1952), 2: 40.
11. Meredith Mason Brown, "The Central Role of William Preston and Other Smithfield Region Leaders in the Opening up of Kentucky," *Smithfield Review* 13 (2009): 33.
12. Cartlidge, "Colonel John Floyd, Reluctant Adventurer," 326.
13. George Washington to William Preston, March 27, 1775, Correspondence and Miscellaneous Notes, 1773 – 1799, Series 8a, George Washington Papers, 1741 – 1799, Library of Congress.
14. Ambler, *Life and Diary of John Floyd*, 15.
15. Cartlidge, "Colonel John Floyd, Reluctant Adventurer," 330.
16. Patricia Givens Johnson, *William Preston and the Allegheny Patriots* (Pulaski, Va.: B. D. Smith & Bros., 1976), 135.
17. Cartlidge, "Colonel John Floyd, Reluctant Adventurer," 332.
18. Johnson, *William Preston and the Allegheny Patriots*, 148.
19. Draper, *Life of Daniel Boone*, 560.
20. Draper, *Life of Daniel Boone*, 411–21.
21. Theodore Roosevelt, *The Winning of the West* (4 vols.; New York: G. P. Putnam's Sons, 1889 – 1896), 1: 159.
22. Wills, "Phoenix Caper — A Frontiersman Goes to Sea," 23.
23. Sarah S. Hughes, *Surveyors and Statesmen: Land Measuring in Colonial Virginia* (Richmond, Va.: Virginia Surveyors Foundation, 1979), 85.
24. Letitia Preston Floyd to Benjamin Rush Floyd, letter, in "John Floyd, Kentucky Hero, and Three Generations of Floyds and Prestons of Virginia," transcribed by June Stubbs, introduction by Wirt H. Wills, in *Smithfield Review* 2 (1998), 43. Hereafter referred to as Letitia Preston Floyd letter.
25. Alexander C. McLeod, "A Man for All Regions: Dr. Thomas Walker of Castle Hill," *Filson Club History Quarterly* 71 (April 1997): 173.
26. McLeod, "A Man for All Regions," 180.
27. Samuel Eliot Morison, *The Oxford History of the American People* (New York: Oxford University Press, 1965), 163.
28. McLeod, "A Man for All Regions," 177.
29. Hughes, *Surveyors and Statesmen*, 74, 94.

30. John Floyd to William Preston, December 16, 1776, in "Letters of Col. John Floyd, 1774 – 1783," 1783," ed. Neil Hammon and James Russell Harris, *Register of the Kentucky Historical Society* 83 (1985): 215–17.
31. *Journals of the Continental Congress*, December 11, 1775. The Marine Committee was formed with one member from each colony: Josiah Bartlett, Samuel Adams, Stephen Hopkins, Silas Deane, Francis Lewis, Stephen Crane, Robert Morris, George Read, William Paca, Richard Henry Lee, Joseph Hewes, and Christopher Gadsden. The entry that added members Carter Braxton, Robert R. Livingston and Matthew Tilghman is in *Journals of the Continental Congress*, June 6, 1776.
32. Johnson, *William Preston and the Allegheny Patriots*, 173.
33. *American Archives, Fourth Series* (Washington, D.C.: M. St. Claire Clark and Peter Force, 1851), 3: 334–85 and 4: 87. The Committee of Safety was formed August 17, 1775, on the day the convention chose as president Robert Carter Nicholas, who was the last treasurer of the Virginia colony and a cousin of Carter Braxton. Other 1775 members of the Committee of Safety were John Page, Richard Bland, Paul Carrington, Dudley Diggs, James Mercer, Joseph Jones, and John Tabb.
34. NDAR, 6: 1039, "September 28, 1777 [sic 1776]."
35. Jacob M. Price, *France and the Chesapeake: A History of the French Tobacco Monopoly, 1674 – 1791, and of Its Relationship to the British and American Tobacco Trades* (2 vols.; Ann Arbor: University of Michigan Press, 1973), 2: 690, 701.
36. Mary Carter, Carter Braxton's mother, was a sister of Anne Carter, mother of Benjamin Harrison and grandmother of Benjamin Harrison Jr.
37. John E. Selby, *The Revolution in Virginia* (Williamsburg, Va.: Colonial Williamsburg Foundation, 1988), 172–73.
38. Marine Committee to James Nicholson, April 8, 1777, in Paul H. Smith, ed., *Letters of Delegates to Congress, 1774 – 1789* (26 vols.; Washington D.C.: Government Printing Office, 1976 – 2000), 6: 556–57.
39. William Vincent Byars, ed., *B. and M. Gratz, Merchants in Philadelphia, 1754 – 1798: Papers of Interest to Their Posterity and the Posterity of Their Associates* (Jefferson City, Mo.: Hugh Stephens Printing Co., 1916), 14.
40. Byars, *Gratz, Merchants in Philadelphia*, 22, 162, 200–205, 227, 229.
41. Purdie's *Virginia Gazette*, December 5, 1777.
42. "Petition of Owners of Sloop Phoenix," in *American Archives, Fifth Series*, 2: 787.
43. *American Archives, Fifth Series*, 2: 787.
44. Charles Henry Lincoln, comp., *Naval Records of the American Revolution, 1775 – 1788* (Washington, D.C.: Government Printing Office, 1906), 18. Hereafter referred to as NRAR.
45. *American Archives, Fifth Series*, 2: 789.
46. Mays, *Pendleton*, 2: 369–70n52.
47. NRAR, 11.
48. Gardner W. Allen, *A Naval History of the American Revolution* (2 vols.; Boston: Houghton Mifflin Company, 1913), 1: 75–77.
49. A possible owner is "Mr. Reynolds at York," mentioned in Capt. Cunningham's instructions in the Appendix. Yorktown merchant William Reynolds had previously been with the firm of John Norton & Sons, along with John Hatley Norton, whose wife was Sarah Nicholas, daughter of Carter Braxton's cousin, Robert Carter Nicholas. Another possible owner is "Joseph Webb, Esq. of Boston," mentioned in a letter from Joseph Cunningham to John Wardwell, August 28, 1777, "Claims for Captured Vessels, 1777 – 84," *Papers of the Continental Congress, 1774 – 1789* (microfilm, National Archives, Washington, D.C.), 57. The authors' list of owners omits doubtful or uncertain references to "Col. John Radford" mentioned in Draper, *Life of Daniel Boone*, 560, also "Col. William Radford" in Tapp, "Colonel John Floyd, Kentucky Pioneer," 9, and in Mays, *Pendleton*, 2: 369n52.

50. Anne R. Cunningham, ed., *Letters and Diary of John Rowe* (Boston: W. B. Clarke Company, 1903), 318, entry for September 24, 1776: "went to Watertown w. Capt. Jos. Cunningham, Mr. Parker & Mr. [Elias] Warner, 'I had some business with the Council'" [submitting a petition for commissioning the *Phoenix* as a privateer].
51. E. James Ferguson et al., eds., *The Papers of Robert Morris* (9 vols.; Pittsburgh: University of Pittsburgh Press, 1973 – 1995), 2: 333n1. See mentions of Phripp in the Appendix.
52. NRAR, 95.
53. Rawleigh Colston later married Elizabeth Marshall, sister of Chief Justice John Marshall.
54. Carter Braxton, "Instructions to Capt. Thomas Chamberlain, Sloop *Molly*, May 24, 1777," in *Pennsylvania Evening Post* (Philadelphia) IV (April 1, 1778), 143 (American Antiquarian Society).
55. NRAR, 30.
56. Floyd to Preston, December 16, 1776, in "Letters of Col. John Floyd, 1774 – 1783," *Register of the Kentucky Historical Society* 83 (1985): 215–17.
57. Robert Morris to James Searle, NRAR, 93.
58. Byars, Gratz, *Merchants in Philadelphia*, 204.
59. Floyd to Preston, December 16, 1776, in "Letters of Col. John Floyd, 1774 – 1783," 215–17.
60. Carlidge, "Colonel John Floyd, Reluctant Adventurer," 343, cites Draper 33S312, Collection of Lyman C. Draper, Wisconsin Historical Society, Madison, Wisc.
61. Purdie's *Virginia Gazette*, December 27, 1776, 3.
62. "Domestic Intelligence, America, New York, March 24, 1777," *London Town and Country Magazine* [for 1777]: 278.
63. *Boston Independent Chronicle*, April 10, 1777, in NDAR, 8: 308–9; in Dixon and Hunter's *Virginia Gazette*, May 9, 1777, 2.
64. Carlidge, "Colonel John Floyd, Reluctant Adventurer," 343–44.
65. Floyd was at this time engaged to Miss Jane Buchanan, daughter of the late Col. John Buchanan, also a kinswoman and ward of Col. Preston.
66. NDAR, 9: 242.
67. NDAR, 9: 241–42.
68. NDAR, 9: 247–48.
69. Joseph Cunningham to Willing and Morris, July 23, 1777, item 46, Correspondence Regarding Naval–Maritime Matters, 1775 – 1783, Franklin D. Roosevelt Naval and Marine Manuscript Collection, Franklin D. Roosevelt Library, Hyde Park, N.Y.
70. Joseph Cunningham to John Wardwell, August 28, 1777, "Claims for Captured Vessels, 1777 – 84," *Papers of the Continental Congress*, 57.
71. "A Yankee Privateersman in Prison," *New England Historical and Genealogical Register* 30 (July 1876): 346. From the journal of Timothy Conner, one of the crew of the brigantine *Rising States*, committed to Forton Prison the 14th of June, 1777, the first prisoners in that place: "October the 13th, this day twenty-two more prisoners were sent on shore Capt. John Nicholson of the *Hornet*, and Capt. Welch, and all their officers and men."
72. David L. Mordy and James C. Mordy, "William Radford, Revolutionary Patriot of the Continental Marines," *Smithfield Review* 15 (2011): 23–34.
73. Robert H. Patton, *Patriot Pirates* (New York: Knopf Doubleday Publishing Group, 2008), 34, 142.
74. Draper, *Life of Daniel Boone*, 560.
75. Marion Kaminkow and Jack Kaminkow, comps., *Mariners of the American Revolution* (1967; reprint Baltimore, Md.: Genealogical Publishing Company, 1993), xxi.
76. Patton, *Patriot Pirates*, 143, 144.
77. Sheldon S. Cohen, "Thomas Wren: Ministering Angel of Forton Prison," *Pennsylvania Magazine of History and Biography* 103 (July 1979): 279–301.

78. Nathaniel Fanning, *Fanning's Narrative* (1912; New York: *New York Times*, 1968), ed. John S. Barnes, 18.
79. Benjamin Franklin to David Hartley, October 14, 1777, in *The Papers of Benjamin Franklin*, ed. Leonard W. Labaree et al. (39 vols., New Haven: Yale University Press, 1959 – 2008), 25: 64–68.
80. Franklin to Hartley, February 12, 1778, *Papers of Benjamin Franklin*, 25: 650.
81. Patton, *Patriot Pirates*, 140.
82. Letitia Preston Floyd letter, 43.
83. Price, *France and the Chesapeake*, 2: 700–717, discusses Arthur Lee, Silas Deane, Benjamin Franklin, Robert Morris and William Bingham in relation to sales of tobacco to France to pay for arms supplied for the French.
84. McLeod, “A Man for All Regions,” 180.
85. Lee to Franklin and Deane, October 30, 1777, *Papers of Benjamin Franklin*, 25: 125.
86. Franklin and Deane to Lee, October 30, 1777, *Papers of Benjamin Franklin*, 25: 125.
87. Floyd to American Commissioners, October 30, 1777, *Papers of Benjamin Franklin*, 25: 124.
88. Silas Deane, “Accounts While in Europe 1776 – 1781,” *Papers of the Continental Congress*, 162.
89. John Welsh to Benjamin Franklin, October 20, 1777, *Papers of Benjamin Franklin*, 25: 92–93.
90. Baltimore merchant Richard Harrison was an agent in Martinique for both Maryland and Virginia.
91. John Welsh to John Floyd, *Papers of Benjamin Franklin*, 25: 93n.
92. Joseph Cunningham to Robert Morris, December 24, 1777, item 61, Correspondence Regarding Naval–Maritime Matters, 1775 – 1783, Franklin D. Roosevelt Naval and Marine Manuscript Collection, Franklin D. Roosevelt Library, Hyde Park, N.Y.
93. “List of the American Prisoners Confined in Forton Prison Decr 29th 1777,” NDAR, 11: 885–91.
94. Letitia Preston Floyd letter, 43. Letitia’s account is more prosaic than family stories of Queen Marie Antoinette giving the shoe buckles to Floyd and Radford after they were introduced to the Queen by Benjamin Franklin or the Marquis de Lafayette. The Lafayette version can be dismissed, as he was in America at the time, not in France.
95. William Preston to Col. Peachey, April 29, 1778, item 1P9267f, Preston Davie Collection, Virginia Historical Society, Richmond, Va.
96. Tapp, “Colonel John Floyd, Kentucky Pioneer,” 12.
97. Cartlidge, “Colonel John Floyd, Reluctant Adventurer,” 346.
98. *Papers of Robert Morris*, 2: 333–36.
99. Edmund Randolph to the Governour [Thomas Jefferson], November 13, 1779, in Dixon and Nicholson’s *Virginia Gazette*, January 8, 1780, 3. Edmund Randolph’s wife, Elizabeth Carter Nicholas, was a daughter of Carter Braxton’s cousin, Robert Carter Nicholas.
100. Byars, *Gratz, Merchants in Philadelphia*, 204–5.
101. F. W. Beers, ed., *Gazetteer and Biographical Record of Genesee County, N.Y., 1788 – 1890* (Syracuse, N.Y.: J. W. Vose & Co., 1890), 22.
102. Abstract, 3, Collection 53, William Bingham Correspondence, 1791 – 1803, Historical Society of Pennsylvania, Philadelphia, Pa.
103. Draper, *Life of Daniel Boone*, 574n15.
104. “Benjamin Franklin account, May 31, 1783,” *Papers of the Continental Congress*, 1: 137.
105. Letitia Preston Floyd letter, 43, 48.
106. Ezekiel Price copy from original, “Claims for Captured Vessels, 1777 – 88,” Papers of the Continental Congress, 17; transcription in NDAR, 7: 497–98.