

Assembly to succeed Edmund Randolph as Attorney General of Virginia,⁷ an office he was able to fill for ten years--until ill health forced him to resign.⁸

Williamsburg remained his home, though his house had been damaged during the Revolution.⁹ In 1785 he purchased the lot on the corner of Waller and York streets adjoining Christiana Campbell's property,¹⁰ and the house there doubtless became his principal residence. There were times, however, while he was Attorney General when his family was living near the new capital--perhaps at Randolphsville. In 1790, for example, he wrote Tucker from Richmond:

I arrived safely at the hotel of St Tamany¹¹--and found all well at home, the Turtle not excepted--Tell Barraud [the Williamsburg doctor] it dies on Tuesday next and will be interr'd with the honors of War-- Will you & he come up and grace his Funeral?¹²

Several times he was asked to fill a national office but refused because of his health and perhaps as a secondary consideration the insecurity of his personal finances. In 1782 on the nomination of Theodorick Bland, Jr.,

⁷ Election November 23, 1786, in 4 C 184.

⁸ Letter of resignation, James City, November 13, 1796, in 8 C 397.

⁹ Probably the one on Prince George Street which he advertised for sale in 1779. VG(CD) 3 J1 79:23. Cf. the frequent visits of Dr. Galt to Innes and his servants recorded several times each month in 1783. John Minson Galt, MS Medical Account Book, December 1782-September 1783, pp. 3-154, Colonial Williamsburg Archives.

¹⁰ Deed, William Ramsay and Frances his wife to James Innes, April 18, 1785, recorded in York County Records, Deeds, VI, 1777-1791, p. 263.

¹¹ A Society of St. Tammany, patron saint of the American Colonies, was active in Norfolk in 1774. 6 R 217. A Richmond branch held regular meetings in the 1780's. Beveridge, Marshall, I, 180-189. For this witticism, Innes apparently uses "hotel" in the French sense of a public building or town hall.

¹² Innes to Tucker, Richmond, August 26, 1790, Tucker-Coleman MSS. This year he was interested in buying Gloucester lands, but there is no record of purchase. George Washington to Innes, September 28, 1790, in John C. Fitzpatrick, ed., The Writings of George Washington (Washington, 1931-1944), XXXI, 127.

the Continental Congress elected him Judge Advocate of the Army,¹³ but he declined the office.¹⁴ In 1791 Secretary Jefferson suggested that he stand for election to Congress:

...I wish you would come forward to the federal legislature and give your assistance on a larger scale than that on which you are acting at present. I am satisfied you could render essential service; and I have such confidence in the purity of your republicanism, that I know your efforts would go in a right direction. Zeal and talents added to the republican scale will do no harm in Congress.... I repeat my wish that I could see you come into the federal councils; no man living joining more confidence in your principles and talents to higher personal esteem than, dear Sir, your most obedient humble servant.¹⁵

Four years later, when John Marshall refused Washington's offer of the attorney-generalship of the United States, Innes was one of the others being considered for the post. In a series of private letters to Edward Carrington, Marshall's brother-in-law, the President requested a confidential Virginia estimate of Innes to supplement information available in the national capital. Washington, who had no definite personal knowledge of him, was under the impression that he possessed great natural endowments but was extremely indolent. At the same time, Patrick Henry's problematical willingness to accept appointment as Secretary of State was being investigated; if he should wish to accept this post, Innes was not to be asked to fill the other. Marshall and Carrington apparently decided not to act definitely on either appointment but suggested instead that Innes be offered John Blair's seat on the Supreme Court. Washington's reaction to this suggestion is not known; shortly after

¹³ Gaillard Hunt and others, eds., Journals of the Continental Congress, 1774-1789 (Washington, 1904-1937), XXII, 378.

¹⁴ Ibid., XXIII, 572.

¹⁵ Jefferson to Colonel Innes, Philadelphia, March 13, 1791, in Andrew A. Lipscomb and Albert E. Bergh, eds., The Writings of Thomas Jefferson (Washington, 1903-1904), VIII, 145-146.

receiving Carrington's letter he made Samuel Chase an Associate Justice.¹⁶

Two national appointments Innes did accept. In the fall of 1794 he went to Kentucky as a special messenger of President Washington to inform the Kentucky people of the state of negotiations with Spain for free navigation of the Mississippi River.¹⁷ His elder brother Harry, soon to be Judge of the Federal District Court, had already established a flourishing law practice in Kentucky and was active in the political intrigues that later merged with the Burr Conspiracy.¹⁸ As a final preparation for the western journey James Innes sent off a short note to Tucker:

Inclosed is my last will and testament, which I deposed in yr Care-- Should the Scalping Knife of the tawney tenant of the Wilderness--or any other Casualty prevent my ever seeing you again--you will remember yr friend.¹⁹

The enclosure, no longer filed with the covering letter, was probably a will dated March 20, 1790, of which Tucker and Harry Innes were to be two of the executors. The estate was to go to Eliza during her widowhood, then to the children Robert²⁰ and Anne.²¹ If Robert should study law, he was to inherit his father's library.²²

¹⁶ Fitzpatrick, Writings of Washington, XXXIV, 317-318, 331-333, 354, 405, 424.

¹⁷ Selections from the correspondence of George Rogers Clark in the Draper Collection, abstracted in American Historical Association, Annual Report, 1896, p. 943.

¹⁸ See Thomas Perkins Abernethy, The Burr Conspiracy (N.Y., 1954), Chapter VII.

¹⁹ Innes to Tucker, October 26, 1794, Tucker-Coleman MSS.

²⁰ Apparently the child born in 1780 who was still living at the time of his father's death, but he did not grow to manhood.

²¹ Innes's only descendant, born not later than 1783; married Peyton Randolph of Wilton.

²² Draft filed in the Tucker-Coleman MSS under date of the will.

Again in 1796 Washington gave Innes a diplomatic assignment.

In a letter of April 4th the President informed him that the Senate had confirmed his nomination as a United States commissioner to negotiate the details of damages awarded to citizens under Act VI of Jay's Treaty. He was to act with Thomas Fitzsimmons of Pennsylvania at a salary of approximately £1,000 a year.²³ Innes promptly accepted the assignment in a letter of April 8th.²⁴

He was in Philadelphia engaged in these negotiations when he died suddenly of "a dropsy of the abdomen" on August 2, 1798, and was buried in the graveyard of Christ Church, not far from the tomb of Benjamin Franklin.²⁵ The epitaph inscribed on his tombstone was composed by his brother of the F.H.C., St. George Tucker:

²³ Fitzpatrick, Writings of Washington, XXXV, 14.

²⁴ Ibid., 14n.

²⁵ Hugh Blair Grigsby, The History of the Virginia Federal Convention of 1788..., ed. by R. A. Brock (Richmond, 1890-1891), I, 328-329n.

To the Memory of
James Innes Esqr.
of
V I R G I N I A.
formerly Attorney General of that State.

A
Sublime Genius
improv'd
by a cultivated Education;
united
with pre-eminent Dignity of Character
and greatness of Soul,
Early attracted the notice
and obtain'd the Confidence
of his
Native Country;
to whose Service he devoted
those conspicuous Talents
which, to describe,
would require the powerful Energy
of his own nervous Eloquence.
His domestic & social virtues
equally endear'd him to
His family & friends,
as
his Patriotism and Talents
to his Country.

He died in this City August the second, 1798, whilst invested
with the important trust of one of the Commissioners for
carrying into Effect the Sixth Article of the late Treaty
with Great Britain.²⁶

²⁶ The inscription was almost illegible when Grigsby had it copied. This is Tucker's MS draft except for the date of death, which appeared on the stone itself. Tucker-Coleman MSS.

A few miscellaneous papers connected with the administration of the estate, together with Henry Tazewell's draft of a later will of Innes, may be found in the Tucker-Coleman MSS.

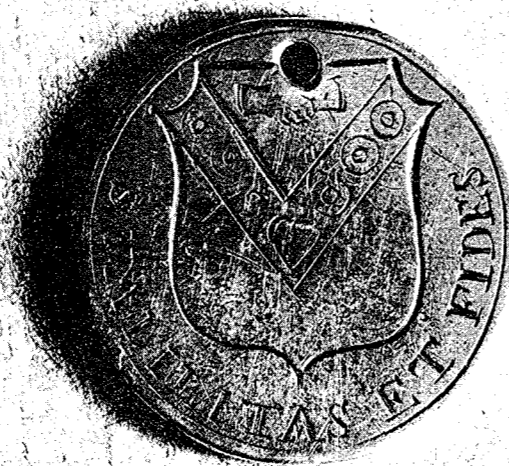


F. H. C. MEDAL formerly owned by James Innes

Photograph from original, December 1916



GEDDY MEDAL



KENDRICK MEDAL

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