

“ they did ^{it} without consulting you, they have come themselves to state to you what they have”
 “ done; and to solicit you to fulfil the trust they have thus sought to confer upon you they are now”
 “ at your door, and have deputed me to make this communication in their behalf.”

Mr Wythe who had arisen when General Nelson first entered the study, had listened to these words with that sort of impatient anxiety that is produced by the anticipation of hearing something interesting, but of what nature we cannot conjecture. — So soon as the communication was ended however he exclaimed, “At my door sir;” and immediately quitting the study went to the front door. We all followed him, and when we joined him at the door, the loud shouts with which he had been received by the assembled multitude were still ringing. A hundred voices exclaimed at the same time, “Will you serve? — We have elected you without your knowledge, will you serve us” — Mr Wythe was much agitated, every muscle of his face was in motion, and when the good old man standing on his steps his bald head quite bare attempted to speak, tears flowed down his cheeks in copious streams, and he could utter incoherent sentences. — It was to me the most interesting scene I had ever witnessed and the swelling of my little heart was only relieved by a flood of tears also. — General Nelson seeing Mr Wythe's agitation, promptly observed,

“My dear Sir we prize you too highly to suffer you to expose yourself thus”
 “uncovered. Come into the house, and let me repeat your answer”
 “which I hope will accord with all our wishes.” Mr Wythe however was

still unable to say more than — “Surely” — “How can I refuse” — “Yes I will do all my friends wish!” Hearing which General Nelson immediately announced — “He will serve” and bowing to Mr Wythe left the house.

Again the shouts of the multitude made the welkin roar and they passed respectfully by the door towards Mr Blair's. Mr Wythe remained bowing most gracefully to the throng as it moved by him, and when they left retired to his own apartment, and was seen no more that day.

I have already stated that Judge Taywell was opposed to the adoption of the Constitution. In this opinion the majority of the people of Virginia concurred, as was plainly evinced by the number of votes given at the next session of their regular Assembly, which met in October 1788, soon after the Convention adjourned. — At this session the Antifederalists had a decided majority and Richard Henry Lee and Mr Spayson, both of whom had been opposed to the adoption of the Constitution, were elected by considerable majorities as Senators for Virginia against Mr Madison, the late President of the

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United States who had been in favor of it. These causes induced the ratification of the Constitution in Virginia against the will of a majority of its people. The defects of the Articles of Confederation experience had strongly evinced and had manifested the utter impossibility of conducting the affairs of the Union much longer with the very limited powers conferred upon Congress by that Instrument. A change therefore was indispensable. But while all acknowledged this, there were many who thought that if this Constitution was not adopted, it was highly probable the States might not concur in any other. Obedient to this, while they could not approve this instrument, yet they preferred trying it with all its defects, to risking everything longer under the old confederation, or taking the chance of getting a better Constitution in rejecting the one proposed. These considerations were very operative with the old and cautious statesmen, who were willing to yield much that they did not wish, rather than risk all that they valued most. Before the Convention met in Virginia, several of the other States had already ratified the proposed Constitution, and there existed very great probability, that even if she rejected it, a sufficient number of ratifying States would be found to put it in operation amongst themselves and so terminating the existing confederation dissolve the Union. - But what had most effect was, the power of amendment which the instrument itself provided for; which power it was most confidently expected would be effectually exerted, whenever experience should manifest the necessity or propriety of employing it. Confiding in the exertion of this power, many who thought they saw, and certainly feared its imperfections, were nevertheless willing to take them as it was, and to remedy its evils thereafter. - These reasons, or some of them, operating with those who really disliked the Constitution, and combining their numbers, with those who entirely approved of it, made an aggregate of adopting votes which exceeded those who were for rejection by a majority of ten.

X The Antifederalists as they were called, objected to the adoption of this Constitution, principally upon these grounds. It professed to derive all its powers, not from the States but from the people directly; and exerted these powers, not only over the people themselves, but over the States also. - In the list of these powers, that of taxation, of creating fleets and armies and offices were without limit or restrictions. Hence that such a government, possessed as it would be of the purse, the sword, and the patronage of the Nation must ultimately crush and extinguish all the State governments, which would sink into mere corporations, while itself would become a great National consolidated

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government, whatever might be its present appearance. That the United States were too populous, too extensive, and too diversified in their interests, to be governed by ^{any} one consolidated government that should be republican, and preserve and protect their liberties. - Hence that such a government must necessarily fall to pieces of itself, whenever it attained the point to which it ultimately tended, unless the powers of its executive were made stronger and more efficient than they then seemed to be. But if this was done (and such most probably would be the result) whatever might be the name by which the Chief Magistrate was designated, he would be a King in fact, and the government become essentially monarchical. In one word that the preservation unimpaired of all the rights and powers of the State authorities, was indisputably necessary to the freedom of the people; and that the operation of the proposed government was inconsistent with this.

Such were the opinions of the Antifederalists generally, and certainly of Judge Jaywell, as I have often heard them expressed by him. Whether they were well founded or not time is yet to decide. But altho' the proceedings of the Government of the United States, since the adoption of this Constitution, has certainly contributed much to induce the belief with many, that the consequences apprehended from it were without cause and its dangers imaginary, yet I am not one of those who believe that the experiment is yet complete. Thirty odd years of experience under this government has weakened it is true much of the dread of consolidation, but has also presented these awful questions, whether the Union of these wide spread states so diversified in interests habits and pursuits as they are, can be preserved without a more vigorous government than the Constitution offers. And whether any government effectual to preserve the Union of the States, must not be too strong for the liberties of the people. - If to preserve our freedom, we are at any time prepared to sacrifice our union, will not the hazards of conflict to which neighbouring states are always exposed, necessarily beget a species of government as incompatible with political liberty as any to which consolidation itself can lead? At least we are but trying an experiment to ascertain the truth of the maxim, that extent of territory is inconsistent with the duration of republican government. - And if we too find it correct, the only question will be whether our government shall rule an extended or contracted empire.

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In October 1788 a new organization of the judicial establishment of Virginia was created by the Assembly. At this time there was a single Court of Chancery, which consisted of three judges, Pendleton, Wythe, and Blair. - The general Court was composed of five judges only, Barrington, Fleming, Lyons, Breese and Taywell - And the Court of Admiralty of three Cary, Henry, and Tyler. - These eleven judges constituted the Supreme Court of Appeals, in which none of the judges sat on the examinations of the decisions of their own courts. The adoption of the new Federal Constitution, by transferring all Admiralty to the United States, would when this government went into operation, necessarily extinguish the state court of admiralty, a new arrangement therefore of the Court of Appeals was indispensable.

~~A scheme~~ A scheme of Courts of Appeals had been adopted in 1784, but had been postponed from time to time in its ~~actual~~ execution. As the project however required the agency of all the eleven judges of the Court of Appeals, whose numbers would be reduced to eight by the extinction of the Court of Admiralty, the modification of that scheme became also requisite. In this state of things the Assembly repealed the law establishing Courts of Appeals, and passed the various acts altering the Courts of Appeals and General Court and creating District Courts.

Under the new system, the Court of Appeals was made a district Court and five judges were appointed to this Court exclusively. The High Court of Chancery remained as before but was to be held by a single Judge only. The state was divided into five different Circuits each containing four districts and two judges of the General Court was assigned to each circuit, in all the districts of which Courts were to be held by the two judges, on certain appointed days twice ^{each} in ~~each~~ year.

In the designation of the Judges to these different courts Mr Pendleton, and Mr Blair were taken from the Court of Chancery, Mr Barrington, Mr Lyons, and Mr Fleming, the senior judges of the General Court, were taken from that Court and these five were made Judges of the new Court of Appeals - Mr Wythe the other Judge of the Court of Chancery, preferred remaining in that Court, and was therefore made the sole Chancellor.

Mr Breese and Mr Taywell being thus left the only two Judges of the General Court, it became necessary to add eight others to their number, in order to provide a sufficient number of Judges for the five circuits into which the State had been divided. The three Judges of the former Court of Admiralty, were therefore appointed judges of the General Court, and five new judges of this Court were also elected by the Assembly which completed the establishment

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of the new General Court. - This new system was the first severe blow aimed at the Judicial establishment of the State. - Its effects soon began to be felt and seen every where; but instead of producing a wish to retrieve the ground lost, it was the immediate cause of introducing the present system, which was adopted some years since, and which has reduced both the bar and bench of Virginia from the lofty eminence they before held, to the humble state in which they now considered as standing. - Formerly when all the important business of the country was found in the General Court and High Court of Chancery, every lawyer of standing or promise in the State resorted to Richmond, where these Courts were held. - The assemblage of such a body of lawyers, and their daily discussions, was well calculated to produce emulation and invite improvement even with these. And their example plainly marked out to the young aspirants for ~~political~~ ^{professional} distinction, the attainments they must they must possess before they could expect to enter the lists successfully with such competitors. Thus a perpetual source was provided, from which vacancies on the bench might be at all times supplied with lawyers of the first distinction and to this fund while it lasted, the Assembly always resorted to procure such supply. - But when the new system was adopted, by distributing the business of the old general court into the different circuits, it broke up the bar of that court and distributing the legal rays in twenty foci instead of concentrating them in one, thus necessarily diminished their heat and force. - If emulation and excitement of course then existed, the old therefore did not improve so much, and the young necessarily felt the influence of their example. - The depreciation was considerable but still the collection of counsel at the bars of the different district courts, altho' much reduced in numbers was yet respectable. - The same levelling principle went to work again, and dividing out the business of the different districts amongst the present superior courts, all the bars of the state were then filled with mere county court practitioners and very soon there will be none other. - From such a stock all the judicial appointments have been and must be made filled. The judges therefore must soon become worse lawyers than those at the bar; and the time must come, when if the judicial system of the country be not altered, it will become the cruellest curse Virginia will have to deplore.

In the year 1789, Mr Blair one of the judges of the Supreme Court of Appeals in Virginia, was appointed one of the Judges of the Supreme Court of the United

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States; and the vacancy thus produced, was filled soon after by appointing Judge Mercer - the chief Justice of the general Court, - to Mr Blair's seat in the Court of Appeals. When this appointment was made Judge Taywell became of course the Chief Justice of the General Court. In this situation he remained until the year 1793. when the death of Judge Mercer occasioning a vacancy in the Court of Appeals he was transferred to that bench. And here I cannot avoid mentioning a curious circumstance in the public life of Henry Taywell which seems to have brought him either to the beginning or the end of every public institution into which up to this period he had ever been introduced as a member. He commenced his public career as a member of the Assembly in June 1775; and this was the last session of the ^{last} House of Burgesses that ever met under the colonial government. He was a ~~member~~ member of the Convention and of the Committee, which prepared and adopted the existing Constitution of Virginia in May 1776; and this was the last Convention that ever met, during the interregnum caused by the abdication of the royal governor, and the want of any established government in the country. He was next a member of first house of Delegates that convened under the new constitution in October ~~1780~~¹⁷⁷⁶. While a member of the house of delegates in 1785 he was placed on the bench of the old general Court, of any reputation there who was ever made a judge, and the last judge of that court ever appointed. When the present General Court was created, in 1785. he was the second judge on its bench, and by the death of Judge Mercer very soon became its chief justice. - And when in 1793 he was translated to the bench of the Court of Appeals, he was the last judge of the old general Court, and the last chief justice of the new Court, who was so transferred. Up to this period the Assembly had always filled the bench of the Court of Appeals, by translating hither the senior Judges of the other courts. No departure from this rule had ever occurred except in the case of Mr Wythe, who did not wish to quit his own court. But after the old stock of Judges drawn from the ^{bar of the} old general Court, had become exhausted by the appointment of Judge Taywell, no instance has ever occurred, in which a senior Judge has ever been translated to the Court of Appeals, altho' the practice has still continued of filling that bench with Judges taken from the other Courts. From hence we may infer what must be the character of the Judges of the General Court generally in the opinion of the Assembly at least; and reasonably conclude, what must one day be the fate of the Court of Appeals while depending upon such materials. -

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Judge Taywell did not long remain a member of the Court of Appeals. Richard Henry Lee and Dr Grayson the two first senators from Virginia in the Congress of the United States had both died and Colonel John Taylor of Caroline and Mr Monroe the present President of the United States had been elected to supply their places. - In the year 1794 the latter of these gentlemen had been appointed by President Washington Minister to France, and the former resigned his seat in the Senate, thus leaving Virginia unrepresented in that body. So soon as these events were decided upon by Messrs. Monroe and Taylor, they each of them notified Judge Taywell of what they contemplated and both most earnestly solicited him to fill the seat which each would leave vacant and when it was known generally through the state that these vacancies would exist, applications were made to Judge Taywell from every quarter to ^{consent to} fill one of them. He was at this time probably the most popular man in Virginia, and his letters about this period were filled with applications to him, from most of the prominent men in the state, requesting him to suffer himself to be put in nomination, for all the most important offices in Virginia, which either then were vacant, or were expected to become so. - These applications directed his attention to the Government, to Congress, &c &c. - Three causes may be assigned as the principal reasons of his popularity. His situation as one of the Judges of the general Court, by imposing upon him the duties of riding the circuits, had necessarily made him known to all the influential men in every part of the State. With a great majority of these he concurred in opinion in relation to the system of policy then adopted by the Government of the United States. And the urbanity of his manners, and uniform correctness of his deportment, together with the high reputation he had acquired as a lawyer placed him very high in the estimation of all who knew him altho' many of these were opposed to him in politics. Under such circumstances he had only to decide as to the ^{as to} ~~upon~~ the situation he would occupy, and his election might be considered as certain. After much deliberation he selected the Senate of the United States as the station which he preferred and chose to be the successor of Colonel Taylor in that body; he was accordingly appointed to that office in December 1794 by a very large majority of the General Assembly. In 1795 he was elected President of the Senate of the United States, in which capacity he continued to act during the remainder of that session. At this period, and for several years afterwards, the Senate of the U.S. held all its sessions with closed

doors, but little opportunity therefore was afforded to any others than the members of the Senate itself, to judge of the powers and efforts of the different Senators. Notwithstanding Henry Tazewell was estimated however by the members of the Senate, may be conjectured from the fact of his being made President of that body, ^{soon} after he had become one of its members. The Journals of the Senate show that he was generally opposed to the ^{measures} Acts of the Administration, while he continued a member of that body; and by the prominent part he was represented to have taken, in opposition to the ratification of the Treaty between the U.S. and Great Britain, in 1795, as well as to the proposed impeachment of Dr. Blount as Senator from the State of Tennessee, exalted him very high in the opinion of all the Democratic party throughout the U.S. In opposition to the latter measure, Henry Tazewell for some time stood alone in the Senate. But his opinion upon this point ultimately prevailed, and by universal consent and has ever since been regarded as the true interpretation of the Constitution. These circumstances go far to establish the soundness of his judgement and the firmness of his conduct.

The period for which he had been first elected to the Senate would have ~~terminated~~ terminated on the 3^d of March 1799, it therefore became necessary for the Virginia Assembly to fill this station after that period, during its session commencing in 1798. Parties at that time ran very high, and the known and decided political opinions of Henry Tazewell, arrayed against him almost all the Federalists as they were then called in the Assembly. Their efforts however to prevent his election proved entirely unavailing, and he was again elected a Senator of the U.S. for six years from the expiration of his then existing term of service.

His health at this time was not very good, but as the session of Congress had already commenced, and some important business was expected to be brought before the Senate at an early day of its session, he felt it his duty to proceed to Philadelphia so soon as he was able to travel. He therefore made a rapid journey in 1799, passing through Richmond without stopping anywhere. The season was inclement and he caught a violent cold, which very soon became an acute bilious pleurisy, that terminated his existence in three days. The customary honours were paid to his memory by the Senate, and his mortal remains were interred in Christ Church yard in Philadelphia, over which I had a marble monument erected. Henry Tazewell was in stature above the middle

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size, His limbs were finely proportioned and his figure graceful while he was young - Altho' his skin was brown yet it was so clear, that his complexion was healthful and ruddy during his early days. - His picture which I have was a very excellent resemblance of him at the age of twenty three, when it was taken by Peale. In the year 1780 however he had the small pox most dreadfully indeed. It was long before he recovered the effects of this disease but after he did so he became very corpulent and fat. Seamed with scars his face was then deprived of all its former beauty and comeliness, and his unwieldy bulk shewed nothing of the agility and grace his form had once exhibited.

Even then however there was a dignity in his carriage, such as I have seen among other people, and his appearance on the Bench of Justice or in the Presidential chair in the Senate commanded more than ordinary respect from all who ever saw him in such situations.

His disposition was gay and cheerful, and he was very fond of society. For company he was generally vivacious and sprightly, but when alone with his family he was remarkable for his taciturnity and for an apparent reserve in his manners which gave him the semblance there of mouse stoniness. Nothing was more erroneous however than such an opinion, for his temper was exceedingly mild and amiable and he was an affectionate and indulgent parent and a kind relation.

After I was old enough to observe and judge of him correctly he was never studious and I do not think at any period of his life he could have been fond of books consequently but his penetration was very quick, his understanding vigorous and his judgement sound; and aided by such qualities, his opinions and reasoning were formed with less labor, and in the general were more accurate and correct, than those of others formed upon more research. He was more pleased with active pursuits than sedentary occupations, and most of the leisure his public employments allowed him was employed in rural sports of which he was so passionately fond, that he indulged in them to great excess. - He was remarkably attentive to his person, and invariably dressed twice each day, altho' at home and quite alone.

The correctness of his general conduct, the dignity of his manners and the character of his understanding, qualified him in a high degree to preside on the judicial bench, or over the deliberations of a public assembly, in each of which situations he was most conspicuous and admired. As a practitioner of the law he met with great and I believed

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well merited success; but of this I cannot so well judge, as he had relinquished his
practice before I was old enough to form any correct opinion.
Henry Tazewell (as I have stated) was married before he was of age. He began to act
for himself in 1774 and died very early in 1799 just after he had entered upon
his 46th year. Of the interval between his manhood and his death, a period
exceeding twenty four years were dedicated by him to public in some
situation or other which precluded him from engaging in any other
pursuit. The profits and emoluments of his public offices did not
probably much exceed the expenses necessary incident to them; so
that there remains a period of only ~~ten~~^{eleven} years during which he had any
opportunity to increase his fortune. Of this period he was ten years a member
of the State legislature and the frequent interruptions of his professional
pursuits, occasioned by this cause, and the long and repeated
of the Courts of justice during the revolution, together with his frequent
changes of abode, left but a short time for him to employ in bettering
his condition in pecuniary matters. He lost some of his property too by
the savages of the British army, and his habits were rather expensive.
So that his circumstances at his death, were not much better than
when he commenced life; and altho' he died possessed of property of
much greater value, yet he left it heavily encumbered with debts,
which I afterwards paid.

When he came of age he went to reside in the County of Brunswick
where his father had lived - Here he continued so long as my mother
lived - but soon after her death he purchased an establishment in
Williamsburg from his uncle Dr John Tazewell and removed thither in
1778. The removal of the seat of government to Richmond, and the
events of the war, induced him to sell this establishment in 1780 and
he afterwards unfixed until 1784. Dr Fanning - his stepfather died in 1782,
when the situation of his mother and sister and daughter rendering it
proper for him again to locate himself somewhere; and the peace with
Great Britain in 1783, having once more restored tranquillity to the country,
he then purchased another establishment in Williamsburg, and brought
thither his mother and her family. In 1787 he purchased Kings-mills; and
in the autumn of that year removed there, where he ever afterwards resided.
He acquired from his father two landed estates in the County of Brunswick,
both of which he sold during his life, and purchased two others near

Williamsburg. One on York river called Capehorick, and the other on James River
called Kingsmill. These he devised to me by his will, together with all the rest of
his estate, chargeable however with the payment of his debts, which were of considerable
amount, and with the payment of a legacy of £2,000 to my sister

Altho' Henry Tazewell became a widower in 1777, when he was not twenty four years
of age, yet he never married again. My mother (of whom I have no recollection) left
two children, myself, and my sister, who was younger - She married Dr. Benjamin
Taliaferro in the year 1795 by whom she had several children, all of whom however died infants
Her husband died in 1801, and after his decease she again married Col. Larkin
Smith by whom she also had several children, all of whom are now dead. My
sister died in 1812

Besides the several situations I have mentioned as being filled by Henry
Tazewell, he discharged the duties of many others I have omitted. Two only were
ill here mention. While in the practice of the law, about the year, 1784, he was
unanimously elected chosen Recorder of the Borough of Norfolk. He
had never resided in Norfolk, and this honorary appointment was cast
upon him, merely as a testimonial of the esteem in which his legal
talents were held by the citizens of that place, to most of whom
he was personally unknown - In the year 1790 he was appointed by the Assembly
one of the revisors of the existing Statutes. Dr. Pendleton who had been
at the head of this body, declined to act, in consequence of which Henry Tazewell
became its chief; and the report to the Assembly of 1792 is the work of his

I have thus brought down our little family history to my own day. As
will follow I shall of course be more minute, since it will relate
exclusively to myself; but I shall for the most part confine myself
to the bare facts, leaving to such of you as may choose to continue
work hereafter, to fill up the picture I shall draw of myself; a task
your personal knowledge of me will enable many of you to perform
much more correctly probably than I could.

The following is taken from Dr. Grigsby's Discourse on the ^{Virginia} Convention of 1776.
"Another member of that youthful group of which Randolph formed
"his stature, and more developed form, was a more prominent figure
"was Henry Tazewell. He, too, was in the twenty third year of his age, as
"above than below the middle stature, and though not as portly as
"Randolph, or as he himself subsequently became, possessed a form of
"of perfect symmetry, and was a model of model of manly beauty. He was

" descended from William Jazewell who came over from Somersetshire in 1715,
 " who married a daughter of Col. Southey Littleton, and who engaged in the "
 " practice of the law Henry Jazewell's father Littleton Jazewell resided in the "
 " County of Brunswick, where in 1753 Henry was born. He lost his father in early "
 " life, became a student of William and Drury, and studied law with his "
 " uncle John Jazewell, who was the clerk of the Convention then sitting of which "
 " he was now a member, and was soon admitted to the bar. Like Pendleton, he may "
 " be said hardly to have known a father's care, and like him married before he "
 " was of age: and shared with him the misfortune of losing the bride of his youth in "
 " the short space of three years after their marriage. Her name was Dorothea Elizabeth "
 " Waller. Tradition has handed down to us a glowing picture of young Jazewell in "
 " the first flower of his manhood. Fortunately an admirable portrait by the "
 " elder Peale sustains the impression which he made upon his contemporaries. "
 " At the court of Elizabeth of the second Charles, his mere physical qualities "
 " would have won his way to the highest offices in the state. His face was "
 " extremely beautiful. His bright hazel eye shaded by long black lashes, his nose of "
 " Greek rather than of Roman mould, his forehead full and high, his "
 " auburn locks, parted at the foretop, and falling "not beneath his "
 " shoulders broad," presented a striking picture; while the tints of his "
 " skin, partaking more of the Italian than the Saxon hue, bespoke, like "
 " his name, which, though assuming an English form, was of French "
 " origin, - the foreign blood in his veins. His carriage was altogether becoming, "
 " and blended the freedom of the cavalier with the more chastened demeanour "
 " of the scholar. But, however prepossessing as his personal appearance "
 " undoubtedly was, none knew better than he none knew better than "
 " that at a time when men's lives and liberties and those of their children "
 " were dependent upon the wisdom and courage of their representatives "
 " other and far higher qualities were indispensable to a successful "
 " public career; and to attain such qualities had long been the scope of his "
 " ambition. He had thus prepared himself with the utmost deliberation "
 " for the scene which was now opening before him. In 1775, in the twenty-second "
 " year of his age, he was returned by the county of Brunswick to the House of "
 " Burgesses, which was convoked to receive the conciliatory propositions of Lord North "
 " and with an alacrity that did him much honour, he prepared an answer in "
 " detail which was read and approved by Nicholas and Pendleton, but from "
 " a casual ^{absence} ~~accident~~ or from some trifling accident he was anticipated

History, presented to his I was ultimately adopted. That at so early
" an age he should have prepared with such promptness on so important a
" question a paper which received the sanction of two of the most ablest
" members of the house, reflects the highest credit upon his intellect
" and his patriotism. In the Convention now sitting he appeared as a
" delegate from Brunswick, and young as he was, was placed on the grand
" committee which reported the Declaration of Rights and the Constitution. He
" was regularly returned a member of the House of Delegates for some years
" under the new Constitution until his elevation to the bench; and it was in that
" school he earned some of his most precious titles to the esteem and gratitude
" of his countrymen. Nor could a better school be found for statesmanship than the
" House of Delegates from the declaration of independence to the adoption of the federal
" constitution. All the leading topics of a republican system, all the great
" measures of domestic legislation, were perpetually brought into view and were
" discussed with extraordinary ability. The law of primogeniture, the laws of
" entails, the expediency of a church establishment, paper money, the payment
" of taxes in kind, the confiscation of British debts, the discrimination
" in regard of emigrants, the mode and means of conducting the war,
" the expediency of forming the Articles of Confederation, and, subsequently
" of amending them, the regulation of commerce, the disposition of the public
" lands, stretching to the northern lakes in one direction and to the Mississippi
" in another; these were some of the subjects discussed at that time by the
" public men of the new Commonwealth; and it was in this school that the
" talents of Jayewell were displayed with such effect as to make a strong
" impression of his qualities as a jurist and as a statesman.
" It has been observed that Jayewell engaged early in the practice of the law.
" He soon relinquished the ordinary county business, and confined himself
" to the General Court, at the bar of which he rose to eminence, and enjoyed
" a large and ^{lucrative} general practice. Hence in 1785, at the early age of thirty two,
" an age when others were in their novitiate at that bar, he was elected to a seat
" on its bench, and consequently became a member of the full Court of Appeals.
" In 1793 he was elected a member of the Court of Appeals now consisting of five
" judges: and in 1795 was chosen a Senator of the United States, as the successor
" of John Taylor of Caroline, even though the name of his friend Madison was
" put in opposition to his own. The office of a Senator the United States has
" has always been held in high honour; nor is its importance likely to be

diminished with the exposure of our country, which this country must ever long maintain among the nations of the earth; but it would be improper to overlook the fact that the relative importance of the individual members was greater more than fifty years ago than it is now, and that the body itself consisted of men of a higher order of talent than is now to be seen in the present day. The number of Senators was then small, hardly exceeding that of the independence committee of the convention now sitting or of the committees on the legislative executive or the judiciary department in the convention of 1829-30, and did not exceed thirty members. A single vote would have ordinarily to decide the most serious questions. A single vote would have rejected the treaty with Great Britain negotiated by Mr. Jay. Moreover the time when Jaywell took his seat in the Senate, was one of unprecedented difficulty. It was indeed a sphere congenial to his tastes and for which his career in the House of Delegates eminently qualified him; still his position was peculiar and deeply responsible. He was the youngest member whom Virginia had yet sent to the Senate. As an American and above all, as a Virginian, he cherished the highest admiration and the warmest affection for that illustrious man who then presided in the federal government; yet, painful as the office was, he was constrained by his own sense of duty and by the well known wishes of his constituents, to oppose the great measures of the administration. The question of the assumption act, and of the Bank of the United States, had already been settled; but he was called upon immediately to consider the British treaty which the president had just communicated to the Senate, and to oppose its ratification with all its zeal. In the discussions on the merits of the treaty he bore a distinguished part, and proposed a series of resolutions embodying the principal objections to that instrument, which involved one of the most memorable debates in our history, and which were ultimately lost by a vote of twenty to ten. But we cannot dwell longer on his course in the Senate than to observe that he performed with unqualified applause the office of leader in the republican party during a period of five years the most remarkable in our annals. As a state politician, he approved the abolition of primogeniture and entails, and the church from the state. He was a friend of religious freedom in its largest sense; and when Priestly, flying from a persecution which had reduced his library to ashes, and threatened his life, arrived in this country, he became his friend; and a copy of his work on a casual accident or

History, presented to him by the author, is still to be seen in the library of his
son. On the subject of State taxation he was in advance of his times; and after
the war resisted the policy of the payment of taxes in kind as equally injurious
to the interests of the planter and of the Commonwealth; and, although that
system was upheld by Henry Pendleton, Leabell of Union Hill, and other prominent
men, he finally succeeded ^{with others} in effecting a change. His career in the federal
councils drew to a sudden ~~change~~ ^{close}. He was taken ill from exposure on his
journey to Philadelphia in which city Congress then held its sessions, and
died in the winter of 1799 in the ~~forty eighth~~ ^{forty sixth} year of his age. There his re-
pose near those of the eloquent Innis. Thus passed away one of the
distinguished of our early statesmen, who from his youth, in the sunshine
of peace and amid the storms of revolution, had devoted all his his facu-
lty to the service of his country; and if the light of his glory in the long lapse of years
has seemed to grow dim, it is a subject of gratulation that it has been
as his fondest wishes would have led him to lose it, in the blaze which the
genius of his only son has kindled about his name.

VII Littleton Waller Tazewell

I was born on the 17th of Dec^r 1774, in the city of Williamsburg, and in the house of
my mother's father, which is now occupied by Dr^r William Waller his grandson.
My mother (who then resided in the County of Brunswick,) like all other women, residing
being with her mother, at the time of the birth of her first child, and there came to
Williamsburg to prepare for this event, which soon afterwards took place.
So soon as I was able to bear the journey, I was taken to my father's house in Brunswick
and remained there until the death of my mother in May 1777. When this
event occurred, I was carried home by my maternal grandmother, to be taken
care of by her; and my sister was taken for the same purpose, by some of my
father's relations.

My mother's father (as I have stated) lived in Williamsburg; but the disturbed
or exposed state of that part of the country, during the storm of the revolutionary
war, had induced him to remove from thence once or twice, when the
peril was deemed most imminent; at last being wearied out with the
inconvenience of such temporary removals, the old gentleman
determined to fix himself in some secure place at once, and to remain
there during the war. The county of Brunswick was then considered
as offering a perfectly safe retreat, and the residence of his daughter

1774
in that part of the country, decided her father to fix himself here. A short time before her death therefore he had purchased an estate near my father's, and removing thither had fixed himself very comfortably, and as he subsisted safely. A few minutes therefore sufficed to translate me from the house of my father, to that of my grandfather Waller. Here I remained until the next year 1778, about the last of which the long state of peace which Virginia had been suffered to enjoy since its evacuation by Dunmore and his crew in the year 1776, having induced my grandfather to believe that the tranquillity of Williamsburg would not be again interrupted by the enemy he ventured to take ~~of~~ his family back to that place, and I was taken with them. - Soon after our establishment in Williamsburg, having completed my fourth year, I was put to school to an old woman by the name of Hatton, who resided near my grandfather's house; Under her instruction I first acquired the rudiments of the English Language, which I learned how to spell and even to read a little. - The only occurrence of this period of my life, which I recollect, that deserves mention is, that while at school with M^o Hatton, in some of my childish gambols, I fell from a small height and broke my right arm.

I continued to reside with my grandfather in Williamsburg, going to school to M^o Hatton until the autumn of the year 1780, when the invasion of Virginia by the British forces under the command of General Leslie, putting Williamsburg once more in a state of peril, my grandfather's family again prepared for a temporary removal, and I was sent by my father to the County of Greensville to M^r Fanning's who had married his mother after the death of my paternal grandfather. At M^r Fanning's I saw for the first time my friend M^r John Wickham, ^{who} the events of the war had also driven from his home in the State of New York, and who like myself had sought a place of safety and tranquillity in the house of M^r Fanning - his uncle. - He was then a youth probably about eighteen years of age, who having little else to occupy his attention, undertook the superintendance of my commencing education; and under his direction and that of my father M^r Fanning himself, I continued my English studies, until the latter end of the year 1781. - By that time I had learned to read pretty well, and being then seven years of age, I was placed under the tuition of the Rev.^d Arthur Emmons, to begin the study of the Latin rudiments. M^r Emmons had married an aunt of my father's and at that time kept a small school in the County of Greensville, but a few

I well recollect that the commencement of my Latin studies was delayed some time, & the want of a Latin grammar which could not be then procured in that part of the Country. At length however my father succeeded in purchasing one of Ruddiman's in Williamsburg for which he had to pay \$10.00, in the depreciated paper money of that day!!

I did remain very long at Mr Emmerson's, for the death of Mr Fanning in 1782, making necessary for my father to find out a new home for me; and the very great probability then existing, that a restoration of peace might soon be expected, indeed my grandfather, who but a short time before lost his wife, to desire to have me with him once more in August 1782 I left the County of Greenville, and returning to my grandfather in Williamsburg, remained with him ever afterwards so long as he lived. And here I will make a remark, which the events of that day, and a subsequent experience, amply justified I think - that whenever a war of invasion occurs in any country, it is a folly for any of its inhabitants to remove from one part of it to another, under the expectation of finding a place of quiet and safety. My grandfather (who had never had the small pox and was very apprehensive of its effects upon his advanced years) removed many times from Williamsburg, when invasion threatened to avoid this disease which ever follows in the train of the British army. - Wearied out at last by our repeated removals, he determined to remain at his home, which an enemy had never yet visited, He had not made this resolution to however, before the British army under Lord Cornwallis appeared in Williamsburg, and he contracted the very disease he had ever been so solicitous to avoid, and which had very nearly proved fatal to his life. And during the war every spot in Virginia to which he had ever fled for safety, was in like manner visited; so that he had better have staid where he was from the beginning. -

The County of Greenville, which my father had selected as the safest retreat for me and whither many of the inhabitants of the lower country had also fled for safety, presented to every probable calculation of that day, so fair a prospect to escape the visits of the of the enemy, any other in the state. But yet I had not long been fixed there, when Lord Cornwallis passed with his army through this county also, and all its inhabitants were just as much exposed as those of any other part of the state. Having now given an account of myself from my birth to the

left, before I proceed further with this account; it is proper that I should here
you acquainted with this excellent man, whose conduct towards me had so
much influence upon all my succeeding life - It is a debt of gratitude
I owe to this my earliest benefactor to whom I have ever ascribed whatever
worthy of imitation there may be in any part of my character; and who
if he could have been spared to me yet awhile longer would I doubt not
have improved greatly the good foundation he began; and by his precept,
and example, and continued care, have eradicated every evil germ my
nature produced - He certainly would have assayed this task, for he doted
on me as the comfort and solace and ~~solace~~ companion of his declining
years; and he alone could have achieved it; for I loved him with an affection
approaching devotion. For several years we lived together, seldom separated
for a single day, and always to our regret even then. When the occasion
passed which had taken me from him even for an hour, I flew to his bosom
as to that of my best friend, and he pressed me there with a warmth which told
me I was its choicest treasure. I heard him breathe his last sigh, and although
but a child, I felt I had lost what my heart valued most dearly, and would
most willingly have gone down with him into the same grave.

Benjamin Waller my maternal grandfather was born in the year 1716, of
parents both of whom were English, and who had migrated to Virginia
many years before. He was the youngest child of a numerous progeny, and
was born in the county of King William on the Mattapony river, opposite
to what is now called Walker-town, where his father Edmund Waller then
dwelt. I have often heard him speak of the antiquity and respectability of his
descent. He claimed to be a connexion of Edmund Waller, the poet, in the time
of Charles the second, and traced back his lineage to the days of Henry the
fifth, saying that one of his ancestors greatly distinguished himself in the
battle of Agincourt, where he made prisoner one of the royal peers of France,
and that in testimony of this Henry the fifth gave him as a crest, the
arms of France suspended on an English oak, with the motto "Hæc Francus
Virtutis" To which armorial insignia suspended in his great hall, the old
gentleman of ten drew my attention, for the purpose of stimulating my
my exertions. His father was a plain planter, who altho he possessed a competent
fortune, was not wealthy, and had a numerous family. When my grandfather
was about ten years of age, John Carter esq: then then Secretary of the colony, a man

of immense wealth, and whose office placed him in a situation infer-
more in the colony, save only that of the Royal Governor himself was
occasionally detained at the house of old Dr. Waller by some diff-
he experienced in crossing the Mattaponi river, while making a journey
from Williamsburg to his seat at Curatoman in the Northern Neck.
In the course of the evening my grandfather came in from school, and
the Secretary, either to amuse himself, or please his host, calling the little boy
to him began to question and examine him upon the subjects of his school study.
Struck with the quickness and correctness of the boy's replies and suppos-
that he had found a boy of uncommon parts, which would not probably be
fully developed in his situation, for the want of a proper education, the
Secretary observed to old Dr. Waller, that he must give him that boy, and
would make a man of him. To this the old man assented very readily,
supposing however that the Secretary was not in earnest. Dr. Carter thereon
stated, that he should return that way on a certain day, and expressed
wish that his boy might be got ready in the mean time, to accompa-
him on his return to Williamsburg. On the very day appointed, the
Secretary, punctual to his promise, again came to old Dr. Waller; he,
never having believed the Secretary to be serious in what had been said, and
not supposing therefore that he should ever be called upon to comply with
his promise, had done nothing towards getting his son ready to leave home
during the Secretary's absence, and so stated. Dr. Carter was vexed
with this and insisted upon taking my grandfather with him as he was; this
being at last consented to by his parents, he was placed in the Secretary's chaise
and carried by him to Williamsburg. Upon his arrival in Williamsburg
was immediately placed by the Secretary in William & Mary college, where he
remained a student for several years, during which he completed his college
studies, with much reputation to himself, and to the great satisfaction
his patron. - Having finished his college education when he was between
sixteen and seventeen years of age, he was then placed by Dr. Carter
in the Secretary's office under the direction of a Dr. Kemp the clerk of
the General Court. This establishment I have before described in
speaking of my paternal grandfather, who was also brought
up in it at a subsequent period.

My grandfather remained in the Secretary's office for several
years, in the course of which time he on

clerk. When he was about twenty years of age however, that is to say in 1736, his patron the Secretary, advised him to study the law, to which he readily assented, as all the wishes of this venerated friend were to him commands requiring the most and implicit obedience. The Secretary therefore obtained permission of Lady Randolph, the widow of Sir John Randolph, the former Attorney General to allow my grandfather the use of her deceased husband's excellent law library, and he commenced the study of the law, which he prosecuted most indefatigably at every leisure moment when the business of the Secretary did not require his attention on other subjects.

He obtained a license to practice about the year 1738, and immediately entered upon his professional career in the County Courts in the vicinity of Williamsburg. After he had been engaged in the practice of the law a few years, the Clerk of the County of James-City then one of the most valuable clerkships in Virginia, died suddenly; and about the same period Dr. Kemp, the Clerk of the General Court, died also. - The Secretary was absent from Williamsburg when these events occurred; and as the session of each of these Courts was soon to commence, and business of great importance required, that these sessions should not be prevented by the want of a clerk, my grandfather (who was ever watchful to every thing regarding the Secretary's interests) dispatched an express to him to acquaint him with what had happened, and to state the necessity existing for the early appointments to the vacant clerkships.

Immediately upon the receipt of this express, the Secretary repaired to Williamsburg where he arrived on the very morning of the day appointed for the session of James-City court. - Upon his arrival he sent for my grandfather, and directed him to bring with him a blank commission for a Clerk of James-City County. This was accordingly done, when the Secretary, after amusing himself for some time in affecting doubts as to the proper person to whom this commission should be given, and in pretended consultations with my grandfather upon this subject, at last directed him to fill the blank in the commission with his own name. - This act of favour and kindness on the part of the Secretary towards him, was not expected at all, and was received with the warmest gratitude. The liberality of the good Secretary was not yet satisfied. So