

128  
159  
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streamed copiously. But it was the only chance we had to save our lives, and we did not desert. At length Bannister, whose strength was nearly exhausted, made some violent effort, which failing he sunk. He was drifted immediately upon me however and I caught him by the hair, and so saved him from drowning. And even afterwards by some means of which I am not now conscious, I fortunately succeeded in extricating myself, and pulled him out after me.

But our danger was not over yet. When we got into the air our wet clothes immediately froze upon us, and became so stiff and heavy and the soles of our boots so slippery that we could not walk. We therefore assisted each other in cutting them off, the only means by which we could rid of them. And in this situation, bare headed, bare footed and without coats we commenced our journey for the nearest land which was distant much more than a mile from us. It was now nearly dark, and before we proceeded far, either our vision failed us, or it became so exceedingly dark that we could not discern the land, and were directed solely by conjecture. How long we continued wandering about in this manner I know not; we began to experience however that drowsiness and torpor which always results from stagnating circulation and felt an unconquerable disposition to sleep. We were both fully sensible of the cause of this and that if we went to sleep we should awake no more and therefore for a time stimulated each other to further exertions. But at last we could no longer resist the inclination and stretched ourselves upon the ice to sleep. In the very <sup>act</sup> of doing so a shriek of despair was wildly uttered by us both, that was instantly answered by a halloo very near us. Roused by this I raised myself up for a moment and hailed in reply begging for assistance. I could do no more but, again sunk down by the side of Bannister who already slept soundly. Before I closed my eyes however, a sailor stood beside me, who finding our situation took Bannister on his back and me by the hand, quickly carried us to his vessel, which lay but a little way off frozen up in the ice, but concealed from our view by the darkness. When we got on board the vessel we were both stripped naked by the good sailor, who after bathing us first all over with cold water, and chafing our limbs and bodies, at last rolled us up together in the same blanket, and putting us into his narrow berth kindled a large fire in his cabin and closing the door, left us to go to my father's house for assistance. He had scarcely left the vessel, when the fire was communicated to the wooden chimney, and setting that in a blaze would soon have consumed the vessel and

all in it but for his instantaneous return. With admirable presence of mind he instantly threw the chimney overboard, and throwing our wet garments upon the fire soon extinguished it. Our lives were thus twice preserved by this good man for we were both fast asleep and knew nothing of the fire ~~and~~ although so near us.

Having secured every thing better, he set off a second time for my father's house, and returning to the shore near us with a carriage and dry clothes for us, we were soon conveyed to my father's house where we arrived about midnight, our limbs swollen to an immense size occasioned by the cold, and the irritation of the numerous wounds we had received on the ice. For my part I never felt the slightest inconvenience afterwards from this dreadful occurrence, except what was produced by the pain of the wounds into which the cold having penetrated deep, they were long in healing and very troublesome. Poor Banister did not escape so easily. He caught a violent cold, that falling on his lungs, terminated in a pulmonary consumption, which brought him to his grave during the next year. Nothing particular occurred to me during the residue of the year 1791. I still lived with Bishop Madison, and my college studies and duties went on regularly as before. In the spring of the year 1792 after an examination of all the classes, Mr Madison being much pleased with my performances, advised me to prepare myself to apply for a degree. I refused at first, not believing him in earnest, but upon communicating this to my friend Thompson, added his persuasions so strongly, that I at last determined to do so. The mode of obtaining a degree in William and Mary was very different then from what it was afterwards. The course was this. The student who wished to obtain a degree, notified this wish to the President, and applied for an order for his examination. This order the President immediately gave him, directed to some one of the professors. When the examination by this professor was completed, (which usually occupied several days,) the student received from him a sealed report directed to the President. Upon presenting this, he received from the President a new order for examination directed to some other professor, who pursued the same course with the first. When all these reports were presented if a majority of them were unfavourable to the applicant he was told by the President that he was not considered as sufficiently

prepared to receive a degree. But if some one or two only of the reports were unfavourable, the student was advised by the President, to pay special attention to the particular subjects in which he was then believed to be deficient; and having done so, to apply thereafter for a new order for a fourth examination upon these studies. So soon as favourable reports were received from each of the professors, the student then received an order to attend a convocation of all the faculty of the college, for the purpose of undergoing a new examination by this convocation. At this meeting the President presided, and the examination was conducted by each professor in turn who did not then confine himself to his own branch, but in the course of his examination ranged through all the <sup>collegiate</sup> obligeate studies. When this examination was over, the student retired and on the next day was informed by the President of the result. If this was favourable, he was then directed to prepare a thesis upon any subject he thought proper, and to deliver the same when prepared to the President. If this thesis when <sup>exhibited</sup> prepared was found objectionable, in subject, style, or matter, he was required to prepare another or to a new that which he had prepared. And when the thesis was finally approved, he was then informed that he was entitled to a degree, which would be conferred upon him in the college chapel, on its foundation day, the first of August, before a public assembly that always convened there on such occasions. He was therefore directed to commit his thesis to memory, to be delivered by him as an oration on that day, and to apply to each of the professors, for a list of such questions and duties as they would propound to and impose upon him at his public examination, to the end he might be fully prepared for this last experiment

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all these fiery ordeals did I now resolve to expose myself. I was well aware of the difficulties I would have to encounter, and in deciding to meet them, I also decided to leave nothing untried which I thought could contribute to my success. Early in the spring I therefore began to revise all my college studies, with much more care and attention than I had originally bestowed upon them. I read constantly, both by night and by day, scarcely allowing myself time for necessary refreshment and repose. So soon as I had gone through this revision, I applied for the necessary orders for my private examinations, each of which I passed not merely with success, but with high approbation from all the p

My examination before the convened faculty was also satisfactory. My thesis was approved by the President without the slightest alteration, and on the 1<sup>st</sup> of Aug<sup>r</sup> 1792 I received my diploma in the chapel of William and Mary from the hands of its venerated President Bishop Madison, who accompanied it with a high eulogium upon me, delivered before a large concourse of persons, who were there assembled, to witness this then singular spectacle. I say singular spectacle, because such was the difficulty of obtaining a degree in this seminary at that time, that no such honor had been conferred for many years before, and I believe was the last which was conferred in this mode. Some years afterwards this rigorous course was changed, time was then and has been ever since regarded as sufficient evidence of qualification in the applicant, and the test of examination, became a mere matter of form, as was the public examination of that day.

Having finished my collegiate course before I was eighteen years old I returned home early in August 1792. The pleasure my father ~~was~~ received ~~was~~ from my success was not a little damped by the appearance I then exhibited. I had imposed too much upon myself <sup>during</sup> the preceding six months, and now that the excitement was over, which alone had sustained me under the labor privations and fatigue I had voluntarily endured during this time, I was ready to sink under their effects. Pale and haggard in appearance, my emaciated form, hollow cheeks, and a troublesome cough, were to my good father the sure presages of a fast approaching decline, into which his boy, then more endeared to him than ever, was rapidly sinking. - Medical aid was instantly obtained for me, and by the advice of my physicians I was forbidden by him from even looking ~~into~~ a book. To guard me effectually from the dangers he apprehended from study, he proposed for me a trip to the Northern and Eastern states, from which I was strictly enjoined not to return, until the approaching winter. His friend Bishop Madison was then about to proceed to New York, to assist in the consecration of some Bishop there, and I was immediately provided with every thing necessary to enable me to accompany him.

A journey from Williamsburg to New York, was then a much more difficult and arduous undertaking than it has since become. The roads throughout a great part of the distance were scarcely passable and the accommodations execrable and a single stage which in some parts of the route, travelled but twice a

week, and carried but three passengers was the only mode of public conveyance. Rather than encounter all these inconveniences Bishop Madison determined to travel by water. A vessel was therefore hired, and we went on board at Yorktown from whence we proceeded up the ~~river~~ <sup>Chesapeake</sup> to the village of Elkton, from which we calculated we should meet with no difficulty in reaching Philadelphia. Upon our arrival at Elkton however but a single hack could be procured. This Bishop Madison and his companion the Rev<sup>d</sup> Sam<sup>l</sup> M<sup>r</sup> Carsbery took for their own use, and left Rob<sup>t</sup> Carter myself and servant to follow them as we could thereafter. Soon after they left us we learned by accident, that a line of packets had recently been established between Baltimore and Philadelphia by the way of Frenchtown and Newcastle which run once a week, so that if we could get to Frenchtown, we might there very possibly find some means of crossing to Newcastle and thence up to Philadelphia. We therefore hired a cart, in which causing our baggage to be transported, we walked from Elkton to Frenchtown, where we were lucky enough to procure a shattered old vehicle, in which we got safely to Newcastle. Here we were detained several days, waiting for the packet, in which we at last reached the City of Philadelphia. I mention these things merely to show you what was the situation of the country as to the conveniences of travelling at the time I am now speaking of, thirty odd years ago. Upon my arrival in Philadelphia, the first object which attracted my attention was, a man cover'd with the small pox, near to whom I had been standing some time, before I knew what was his situation. Neither Mr Carter or myself had ever had the small pox, it therefore became indispensably necessary in our opinion, that we should immediately undergo inoculation, to guard - if possible against the danger to which we had been <sup>so</sup> exposed. We took lodgings at once and submitted to this process on the same evening. We were both inoculated by Dr. Kuhn. Carter had the disease very favourably, and soon recovered, but I was afflicted by it most sorely indeed, I was confined by it for several weeks, and greatly reduced, so much so that as soon as I was able to move about, my physician very strongly recommended change of climate to me, and advised me not to leave the sea coast. In consequence of this advice, I left Philadelphia about the last of September, and went to New York. Here my sole companion Robert Carter left me and returned home, Bishop Madison had done so before, his public duties requiring his presence at his college early in October. I was thus left alone in New York, in very delicate health. So soon as I had satisfied my curiosity in this city, I proceeded to Boston, I had not reached this but a short time, before the weather became quite cold; a change very little suited to my debilitated and impoverished

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state. - I soon felt the effects of this change. - It gave me a violent cold, that terminated ere long into a severe quartan ague, which confined me to my bed every third day. - My health and strength now failed so rapidly, and my spirits became so <sup>much</sup> depressed, that the physician I had called in advised me to return as quick as I possibly could to the South. - I therefore quitted Boston about the last of October, and took my course homeward, travelling only two days in three, being confined to my bed every third day wherever I then chanced to be. Travelling in this way I reached Philadelphia again about the first of November, but so much exhausted that I was no longer able to travel by land. I therefore got on board of a brig in Philadelphia, bound from thence to Norfolk, and arriving there safely, made my way to Kingsmill once more. I arrived here much more dead than alive, about the 20<sup>th</sup> of November 1792.

When I reached home I found nobody there but the overseer and the negroes. My father was absent in Richmond attending the general court, my grandmother had removed with Dr<sup>o</sup> Wickham to Richmond, and my sister after her departure was boarded in Richmond Williamsburg. I was too weak to leave the house, and had become so much broken in spirits, that I was perfectly indifferent as to my future destiny. I could not summon up resolution ~~enough~~ to open a book even, but spent my whole time in bed, patiently waiting for the moment I expected soon to arrive, when I should cease to be. - In this situation my father found me when he returned. Medical advice was immediately taken, in pursuance of which I was covered with flannel from head to foot, and directed to take a great deal of exercise. To induce me to comply with this direction more readily, my good father provided me with horses, dogs, and guns; and whenever his avocations would permit it, he accompanied me himself into the field. My disease altho' mitigated, by the regimen which was prescribed for me, still continued however; and with it the apathy and listlessness which is one of its accompaniments. Altho' forced by my father to join him in all his rural sports, there was nothing I disliked more. Exercise had become painful and disagreeable to me; and I greatly preferred remaining at home, and amusing myself with books to all the pleasures of the field. But study was prohibited to me, and I incurred my father's displeasure whenever I was found reading. About the last of this year 1792, a young

gentleman by the name of Locke came to our house. He was the son of a very old friend of my father's, Col. Richard Locke of Surrey, who had requested of my father to suffer his son to read law with him, and in order to obtain some companion for one during the periods of his necessary absence from home, my father had consented to ~~superintend~~ <sup>direct</sup> his studies. Dr. Locke had been an old school fellow of mine at Henry's school, and a fellow student at William and Mary. He was a very amiable, honourable, worthy, young man, who having the misfortune to be a cripple from his birth, could not participate in the exercises prescribed for me, but was confined to the house and to his legal studies. The winter of 1792-3 proved to be very wet, I was thereby often prevented from going out, and during such periods I was suffered to spend my time with Dr. Locke in the study. I soon learned from him the course of study my father had prescribed; and of my own accord pursued it. Altho' my reading was carried on by stealth, and unknown to my father, yet I found no difficulty in keeping up with Locke, notwithstanding the frequent interruptions to which I was exposed.

I continued this mode of life until June 1793, when, as my disease still continued, my physicians recommended that I should be sent to the springs, and not to return home until cold weather. I pursued these directions I was accordingly equipped for this journey, and directed by my father to travel by very short stages to the Berkley springs. I pursued these directions and after passing through Richmond, where I spent some days with Dr. Wickham and Fredericksburg, I arrived at Winchester. On the very day I crossed the Blue Ridge, I missed my ague for the first time, and finding my health then rapidly improving, and the season being yet not sufficiently advanced for the company to assemble at the springs, I remained in this neighbourhood for some days, when I proceeded to Bath, where I arrived about the last of July 1793. I was soon joined by my father at the Springs by my father's former fellow student and much esteemed friend John Drexler of Fredericksburg. He had accompanied his Uncle Genl Weedon to this place, but after some days of experiment, the waters not agreeing with the old gentleman, and being unwilling to return to the ~~country~~ <sup>lower</sup> country at that season, they proposed to make an excursion through the valley of the Shenandoah, and wished me to join the party. My health was now nearly re-established, my curiosity fully satisfied, and as after the departure

of Mercer, there would be none left at the springs, in whose society I should take any pleasure, I readily agreed to join them. We left the springs about the middle of August, and after visiting Harper's Ferry, proceeded up the valley to Staunton, stopping by the way to see Madison's cave. From Staunton Mercer and myself went to the Natural Bridge; and upon our return to Staunton, where we had left Gen<sup>l</sup> Woodson, I very unexpectedly found my father there. He had exchanged his circuit for this, and had just arrived in Staunton to hold his court there. I remained in Staunton with my father while this Court sat there, and upon its adjournment accompanied him to Charlottesville, where his next Court was to be held. During the session of this, I amused myself in the neighbourhood, where I found many of my old fellow-students; and when the Court adjourned, instead of proceeding to Fredericksburg with my father, where I had once been, I proposed to him to suffer me to return home. My health being now perfectly restored, he agreed to my proposition; and after spending some days in Richmond with Mr Weckharm, I preached some once more about the first of October 1793.

Nothing now existed to prevent my commencing and continuing <sup>any</sup> ~~any~~ regular course of study I thought proper. I had health, strength and abundant leisure to do so, and might have prosecuted it without interruption. But Locke had had left my father's house when he went from home, and I had no example to imitate or competitor to stimulate me. My horses and hounds and very fine weather presented many temptations too to return to the sports which I had formerly disliked when my health was bad, but for which I now began to feel some relish. Yielding to such temptations, I now instead of reading commenced the life of a sportsman, spending all my time in the woods and fields. My father returned home about the last of October, but seeing the very great changes which had taken place in my appearance, and ascribing it to the exercise I was in the constant habit of taking, he could not prevail upon himself to check me, but instead of doing so, even inciting me to a continuation of my present course by his example. About this time too he was translated to the Court of Appeals, and soon leaving home to attend to his new duties in Richmond, I was left again to my own controls.

The whole winter of 1793 and the spring of 1794 passed away in this

manner; nor until the hunting season was over did I ever open a book or think of study of any kind. When the warm weather commenced however, finding no amusements out of doors, I betook myself once more to my study for occupation; but I had then been so long idle, that I could not reconcile it to myself to pursue any regularly course of study, and altho' I then read a good deal, yet my reading was very desultory, and I derived but little benefit from it. At length my father became sensible of the impropriety of the course I was pursuing, and advised me seriously to commence the study of the law. This I accordingly did but had scarcely revised the books he recommended to me and which I had formerly read with Dr. Cocke, unknown to my father, when another event occurred which again interrupted my new course. I had been for some years enrolled in the militia, and the insurrection in Pennsylvania occurring at this time, in the month of September 1794, I was detailed as one of the quota Virginia was required to furnish, to constitute the army intended to quell the insurgents. The novelty of this situation gave me much pleasure, but it produced in my father who reflected upon it much better than I did great anxiety and uneasiness. His situation was such at this time however, that he could not properly object to my going and with much reluctance I was equipped for this new mode of life. The regiment to which I was attached was directed to rendezvous at Hanover Court-house, but when I joined my detachment at Williamsburg, I was immediately detached by the commanding officer, to Richmond, with a communication to the Governor and orders to rejoin my detachment at the place appointed for the Regimental rendezvous. Being well mounted, I proceeded rapidly towards Richmond, to execute my orders. Exclusive fatigue however, and travelling in the hot sun at this season of the year, was more than my constitution could bear. I was taken very ill before I got to Richmond, and with difficulty could reach that place. Here I remained confined for so long a time, that the regiment to which I belonged had marched from its rendezvous before I could leave my bed; and I was then so weak that the commanding officer advised me to return home, and not to join the army. This I accordingly did, and arrived at <sup>middle</sup> things mill about the best of October 1794.

My health was then too feeble to permit me to resume my studies, and by the direction of my father, I was again made to recur to

to the same mode of life, from which I was supposed to have derived so much benefit on a former occasion - Shooting and hunting again were my sole occupations, and all reading was entirely neglected. I continued this course until September 1794, when my father being elected to the Senate of the United States, determined to take me with him to Philadelphia. My health by this time was entirely re-established. We left Kingsmill the latter part of December, and travelling by Norfolk and Baltimore arrived in Philadelphia early in January 1795. This was probably a most fortunate change for me. Had I been left at home by my father, as had formerly been the case, I had contracted such habits of idleness, and had become so much devoted to rural sports, that I should have found it difficult ever to have changed my course thereafter but by removing me from my idle companions, and placing me in a new situation, a new direction was given to my inclinations, and a new course opened for my pursuit.

Soon after our arrival in Philadelphia, I was directed by my father to attend Dr<sup>r</sup> Edmund Randolph, who was then the Secretary of State and who I was told would advise me what course of reading and study I ought to pursue. As Dr<sup>r</sup> Randolph was a lawyer of much distinction I took it for granted I was placed under his care for the purpose of prosecuting the study of the law, and accordingly I bought some law books & again began to revise what I had before read. I attended at the secretary's office every morning, but instead of telling me what books I should read or what course of study I should pursue, so soon as I appeared, I was put to transcribing some public document or other, and kept at this employment until three o'clock, when the office was closed, and I saw nothing more of the secretary until the next morning. In the evening, of my own accord, I occupied myself with revising my legal studies, and read a good deal. I was now seriously disposed to study, and if I could have received any encouragement or direction what to do, I have no doubt I should have profited much, but I was turned over to Dr<sup>r</sup> Randolph exclusively, who only employed me as I have stated. I continued this course for some weeks, when discovering no change, I mentioned to my father how my time was wasting, and begged him to place me in some other situation, where I might prosecute my legal studies to more advantage, and with less interruption. He then, for the first time informed me that he wished to bring me up for diplomatic employment

149

and that <sup>this</sup> was his reason for placing me in the office of the Secretary of State. I was utterly confounded at this communication, which seemed to render useless all I had acquired for some years past, and this under my father's own advice. Considering the profession of the law as that for which I was ultimately destined, I had made up my mind to become a lawyer - if I could, and already began to derive pleasure from the study. I felt moreover much aversion to public life, and was confident that I never could qualify myself to become a diplomatist. I expressed these opinions to my father fully and begged of him to suffer ~~him~~ me to return to Virginia, and study the law with my friend Dr Wickham. He would not consent to do it however but directed me to continue my attendance at the Secretary's office as before, informing me at the same time that he expected in a few days to obtain for me the appointment of Secretary to some of our foreign ministers.

In a few days afterwards, I was presented to the President Genl Washington in order to enable him - as I supposed - to judge of my qualifications and fitness for the appointment my father desired for me. The President received me very courteously, conversed with me a short time as to my family, where I had been educated, what had been the course of my studies. He had been intimately acquainted with my grand-father Waller, for whom he expressed very high respect, and made many inquiries as to his family & descendants. - Whether the President was not satisfied with me, or what other may have been the cause - I know not but in a few weeks after this, my father informed me that if I still persisted in my inclination to study the law, and still wished to go to Dr Wickham, he had no objection to my doing so. I was highly gratified at this, and so anxious was I to get away from Philadelphia, lest something might occur to change my father's purpose, that I set off for Richmond on the very next day, and travelling through Georgetown, Baltimore, Alexandria, and Frederickburg, I arrived at Dr Wickham's early in February 1795.

My situation now was most agreeable indeed. With Dr Wickham I had already passed many years of my life, and was sincerely attached to him. With Dr<sup>o</sup> Wickham I had been brought up, and altho' the sister of my father, yet being somewhat younger than myself, I had always considered and treated her as my own sister, and she felt for me the affection of a sister. My paternal grandmother had resided with her daughter ever since her marriage, and my own

sister had recently become an inmate of Mr Wickham's house also. So that I found myself placed in the bosom of my own family, there were a number of young gentlemen moreover in Richmond at this time in Richmond who had like myself just begun the study of the law. We soon formed a little society of our own, in which, each stimulated and excited the others to study, both by example and conversation. I read a great deal, and aided by the society of these young men who were engaged in the same pursuit as well as by the conversation of Mr Wickham, I profited much by what I did read by what I did read; and very soon made such progress in my studies as to render myself of some use to my friend Mr Wickham, which gave me great satisfaction.

My course of life was this. I rose very early in the morning, and went into the office, where being then free from every interruption I prosecuted the regular course of legal study, which was recommended to me, until after breakfast. After breakfast I returned to the office with Mr Wickham, and assisted him in attending to its current business until this was completed, when I again resumed my regular course of study. - So soon as I had completed the last in this that I always imposed upon myself, and which usually employed me about six hours, I laid aside the books I was reading, and amused myself with tracing some of the subjects which had engaged my morning's attention through the different authors; this occupied me until dinner. After dinner I employed myself in reading decultorily any books other than law books, to which my attention was attracted. And the evening was spent either in company with my fellow students conversing upon the subjects of our studies or in visiting with some of them at the houses of some of the respectable families in Richmond, or at home in the society of Mr Wickham and his family. This regular and proper disposition of my time was rarely interrupted by any cause, during the whole period I remained in Richmond. By a strict adherence to it, my health was perfectly re-established, my progress and improvement was rapid and considerable and my life was passed in useful and agreeable occupation. In looking back I do not think that any period of my life was ever passed as profitably, and satisfactorily to myself, as that which I spent in Richmond, while I was there studying the law under the direction of my good friend Mr Wickham. With the exception of a very few days spent at Ringmill, during the autumn

of this year, upon the occasion of the marriage of my sister to Dr Benjamin Taliaferro during the autumn of this year, I never lost an hour in the prosecution of my legal studies. My advancement in these was such, that in the month of May 1796, Dr Wickham after examining me very closely, decided that I was qualified to commence the practice and advised me to apply for a licence. This I accordingly did. I found no difficulty in obtaining my licence to <sup>commence</sup> practice, which was granted by each of the judges by whom I was examined with high commendations upon my acquirements, and I was considered at this time by my fellow-students as the best read lawyer belonging to our society. After getting my licence, I remained but a few weeks in Richmond, when I once more returned to my father at Kingsmill, in June 1796 prepared to begin the world on my own account. I was then a little more than twenty one years of age.

The first question for me to settle now, was, where I should locate myself, and begin the practice of my profession. This important subject occupied a great deal of my own reflection and I frequently consulted all my friends, in order to obtain their advice and opinion before I came to any decision upon it. My own inclination was to establish myself somewhere in Kentucky or Tennessee. To this all the friends whom I consulted objected very much and recommended an establishment in Virginia as preferable. Dr Wickham advised me to return to Richmond and settle myself there. My father disapproved of this, and preferred my fixing myself either in Fredericksburg, Alexandria, or Winchester, and my uncle Benjamin Waller who was then at the bar, advised me to remain where I was, and to commence the practice in Williamsburg and its vicinity. Each of them urged so many cogent reasons in support of his own opinion, and my own being in favour of the Western Country was so strong, that I felt much embarrassed in coming to any decision. Accident at length however terminated my perplexity and fixed the course I was afterwards to pursue. Some weeks after I had been at home I rode up to Williamsburg one morning, to the post office. There I met with my uncle, who was on his way to James-City Court, and who proposed to me to accompany him. Having no engagement to prevent it, I readily assented to this proposal, and we walked up to the Court-house together. Soon after the court met, my uncle being engaged in a suit then about to be brought on, proposed to me to join him in the argument of the cause. This I at first refused to do, but his repre-

152  
= feeling that my engaging in the mere arguments of causes must certainly be of  
advantage to me thereafter and could not possibly interfere with any determination  
I might be disposed to form as to my future location, I finally agreed to join him  
in the disquisition. My uncle who was the plaintiffs counsel opened the cause  
He was replied to by two other gentlemen of the bar, who were engaged for the defendant;  
and the conclusion of the cause was left to me. The case altho' of not much  
consequence in itself, yet turned upon the proper application of a legal maxim  
which is not even now generally understood. The defence rested upon the legal  
proposition *ex nequibus pactis non oritur actio*. I had ~~occasion~~ had occasion  
to investigate this matter very minutely with Mr Wickham a short time  
only before I left his office and was of course perfectly prepared for  
its disquisition at this time. I managed the cause much to the satisfaction  
of my uncle and his client and having succeeded in it received the  
congratulations of my acquaintances and a fee from the successful party  
This was on the 11<sup>th</sup> of July 1796, from whence may be dated the commence-  
= ment of my professional career

When I returned home in the evening, I mentioned to my father what had  
occurred, and he was pleased at it and advised me to continue to argue  
causes with my uncle in this mode for some time longer, before I made  
I made up my mind decisively where to fix myself. But to be very cautious  
not to commit myself in such a way as to make it necessary for me to remain at  
that part of the country one moment longer than I chose. This plan I  
determined to pursue, and accordingly accompanied my uncle the following  
week to York Court. Here I argued several causes with him and performed  
 sundry other professional duties out of court, from which I derived some  
emolument. The success which has as yet attended all my professional  
 exertions began now to give me some little reputation, and I received  
several propositions from clients to engage in their causes. These however  
I always accepted conditionally, informing the applicants, that it was yet  
uncertain how long I might continue to attend the Courts in this part of the  
country. At the next court of Williamsburg which came on in August 1799,  
I was employed to argue a very important cause depending in that court in  
which I was alone, and opposed by my uncle and the most distinguished  
practitioners at that bar. The case was one of a good deal of complexity, and  
occupied a good deal of time. By great exertions however, I made myself  
master of the cause and succeeded in it, contrary to the expectations of

my uncle and of the bar generally. This enhanced my reputation much, and gave me a standing at the bar which probably did not merit. My father was ~~now~~ much congratulated by his acquaintance upon my success in this cause particularly; and now seemed to be exceedingly anxious, lest influenced by my success I should hastily resolve to fix myself in this part of the country, but as yet I had no such wish. One day about the last of August 1796 while my father and myself were engaged in conversation upon this subject, my uncle came to Kingsmill bringing with him sundry bonds amounting to several thousand dollars due by several persons in the county of Elizabeth-Country to some merchants in Philadelphia. These he said he had just received from the obligees with instructions to collect them, or to place them in some other hands for collection. And that as he did not practice himself in Elizabeth city, he had determined to offer them to me in the first instance. Adding that there were some other bonds due to persons in Williamsburg of his own acquaintance which he had been desired to offer to me also, provided I would undertake the collection of them. I refused at first to undertake this business, stating that if I should do so, it would be decisive of my future course, inasmuch as it would constrain me to remain here until the collection could be completed which might not occur during any definite period of time; and that I resolved not to commit myself in this way. My father concurred with me in this opinion. But my uncle (who seemed to have set his heart upon fixing me in this part of the country) readily answered that I could take the bonds and proceed to Hampton the next day if I pleased where if I succeeded in getting the money due without any suit, it would yield me a good commission; and if I did not do so, I could bring suits upon them, which suits I could readily turn over to any other lawyer at the bar, whenever I decided to remove. To such a course no reasonable objection occurred to either my father or myself. and I therefore decided to adopt it. My uncle took this occasion to enter into a very long discussion with my father as to my future establishment. In this he stated to my father, that from he had witnessed himself at the several courts which I had attended with him he would undertake to pronounce that my success was certain, if I would settle in this part of the country. Nay, that I had already succeeded to a much greater extent than any other young man within his knowledge had ever done before in the same time.

And that all this votage ground would be lost and abandoned, if I were removed and settled myself elsewhere, when I must again begin a perfect stranger in an unknown place, and must of course encounter all the risks of failure, which every one under such circumstances must overcome. These remarks had no influence upon my father however. He replied, that if I had succeeded here, it must have been by the same means which promised success any where else; and that the utmost success in this part of the country where the sphere of practice was very limited would bring with it little emolument and less eminence in any profession. Whereas success in many other places where the field was larger, would be crowned with much greater advantages. Finding my father unmoved by what he had stated, my uncle then changed his ground, remarking that altho' the consequences here were not as advantageous as they might be elsewhere, yet that it would yield me an ample fund for my support and that the certainty of this ought to be estimated very high in comparison with the mere contingent prospects elsewhere. Besides the public duties of my father would compel him to be absent very often and for long intervals from home, when his affairs would certainly suffer, but that if I remained at home, my presence there would correct many of the mischiefs likely to flow from his absence and that this advantage ought to be taken into also, in order to enable us to a right conclusion, and he concluded by oberving to my father, that as I was his only son, he would probably bestow upon me, should I survive him, a large part of his real estate situated in this part of the country. That should I remove from hence now, such a disposition as my father would certainly ~~make~~<sup>intend</sup> to be beneficial to me would not prove so, for that when I should succeed to the estate, I must either break up my new establishment and return here again to enjoy it, or I must dispose of it, which would not probably be effected except at a great sacrifice, or I must manage it by an agent, which every one well knew would probably be productive of loss and injury. Whereas if I remained where I was, by aiding my father in the management of his affairs, which I could well do without detriment to my professional avocations, I should be rendering him him great assistance, but at the same time acquiring that kind of information which every man in Virginia must find requisite and useful at some period of his life; and that I should in truth be commencing at once the execution of permanent plans, which if postponed many years I should most probably

never live to realize. This last remark of my uncle seemed to produce great effect upon my father, who made no reply to it at this time, but changed the subject of conversation. On the next day I went to Hampton. It was Elizabeth City court day. At this Court I was employed to argue several causes, which I did successfully. I also concluded an arrangement with the several persons whose bonds I held, whereby they severally confessed judgements for the amount of their respective bonds, and I allowed them a stay of execution on that judgement until the fate of to be instituted on other bonds which they gave me to collect, and which much exceeded these judgements in amount should be ascertained. Under this arrangement a great many suits in Elizabeth City county court on the bonds I had so received. Upon my return home I was engaged to defend a prisoner, charged with murder in the District Court of Williamsburg, from whom I received a fee of \$100. I also received two letters, one from a gentleman in Petersburg containing another fee of \$100 as a retainer in an important cause he had depending in the same court, and the other from my friend Dr. Wickham. In this he requested to know, whether I had decided to fix myself where I then was as he presumed I should do; stating as my reason for this inquiry that if I should come to such a determination, he would attend the District Courts of Williamsburg and Suffolk at their next terms, for the last time, and would then surrender to me his dockets and papers in these courts, and requesting one in the interim to attend to some of his business in the former of these courts. These letters of course required a prompt reply, and it was obvious, that by the reply he should give <sup>to</sup> them, my future course must be fixed. If I declined the offers they made, it was certain that no occasion so fair for establishing myself in this part of the country, was likely again to present itself, and if I accepted them, I could not properly afterwards recede from the engagements my acceptance would impose upon me. I felt a good deal embarrassed how to act, and the more so as my father was then absent, and I had no opportunity of consulting with him. His return was however expected the next day, and I employed myself in the mean time in preparing for my own satisfaction a statement of the sums I had already received, of the suits in which I was then engaged, and in forming from these an estimate of the amount I might reasonably hope to earn in the course of a year, provided I determined to settle where I then was. To my great astonishment I found, that after making every proper deduction from this estimate, if I con-  
-tinued to enjoy only the same success in future, which I had during the last

two months, I might reasonably calculate upon clearing at least \$1,000 per annum. This sum so far exceeded any thing. This sum so far exceeded any thing to which my most sanguine hope had ever reached, and so far exceeded the profit earned by my friend Mr Wickham during the first year of his practice in the same courts, that it decided me at once to remain where I was provided my father would consent to it.

He returned as was expected the next day. On his return I showed him the letters I had received, mentioned the necessity they produced of an immediate answer, stated why this reply must be decisive of my future course, and exhibited to him the estimates I had made; observing that its unexpected result was such that I was perfectly content with it and was willing to stake myself upon it, as the sum was abundantly sufficient to gratify all my reasonable wishes. To my great surprise and satisfaction my father very promptly replied, that he believed my calculations were all correct, and that he concurred entirely in my opinion. This point being fixed, he suggested to me that as I had now staked myself upon my success in the prosecution of my profession in this quarter of the country, I had better remove to Williamsburg, where I should be more convenient to my courts, my clients, and my business, than I could be any where in this country, and that I should not hazard my success by any want of diligence, or punctuality, or permit my legal studies in any degree, when my business would suffer me to attend to them. I was fully sensible of the propriety of these suggestions, and on the very next day, I went up to Williamsburg, where I rented a house, and office which my father assisted me to furnish, by supplying me with his law library, and the apparatus of his study, with a bed, chairs &c

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The manuscript of Littleton Waller Tazewell ends abruptly in this place.

I will try to supply some facts with regard to his later years; ~~but~~ ~~as my own knowledge of his later years is very imperfect.~~ Of his career as a lawyer and statesman, more than I can say will be found in the pages of Mr Wingby's Discourse on the Life and Character of Governor Tazewell. My father qualified as an attorney in the Hustings Court of the Borough of Norfolk, on the 26<sup>th</sup> of June 1801, and was married in Norfolk on the 15<sup>th</sup> of July 1802, to Ann Stratton, eldest daughter of Col. Geo. Divison. She died on the 15<sup>th</sup> of September 1858, after a happy married life of fifty <sup>or</sup> years.

My father practiced his profession in Norfolk most successfully, until 1824, (but during this time he was sent to Assembly) and was a member of the Virginia <sup>Convention</sup> of 1829, which was called together to revise the first Constitution of Virginia. In 1824 he was elected to the Senate of the U.S. Senate, and having served one term, was re-elected, and remained in the Senate, until the close of his second term, which expired in 1833. He then retired - as he thought, from public life, - but in 1834 he was elected Governor of the Commonwealth, and true to his principles, ~~with~~ of never refusing any position, whether lowly, or exalted, when his state called for his services, he accepted the office, but resigned before his term expired. The remainder of his life was passed at his home, and I think he was always in Norfolk, except when he visited his estates on the Eastern Shore of Virginia. This pithy sketch is all that I can <sup>state</sup> of the facts concerning the public life of my father, as I have not had access to his papers. - Such of his speeches as I have been able to collect, I place in this book. His speeches in the Senate I presume are on the records of that body, I enclose one or two which have accidentally come into my possession. Of his course in the Convention, much may be found in the "History of the Convention of 1829" by H. B. Grigsby. This book I have not been able to procure, but perhaps I may yet see it, and if so, I will copy such parts as refer to him. His life ended before slavery was abolished, and his indulgence as a master was so well known, that in the settlement of estates, <sup>when</sup> negroes had sometimes to be sold to effect a division of the property, (they most generally being allowed to choose their homes,) all in the surrounding country, who could do it, would apply to him to purchase them, and in a great many instances he did do so. His daily life was devoted to his family, and as a husband, and parent, his appreciation of, and tender affection <sup>for</sup> ~~for~~ <sup>them</sup> was beautiful to see. No language could express my profound admiration for my father; nor ~~can~~ <sup>will</sup> I attempt it. The ~~public~~ <sup>public</sup> resolutions passed at a meeting of the bar in Norfolk, and the notices and remarks of the newspapers at the time of his death, - not only in Norfolk, but throughout the country, - give ~~some~~ <sup>some</sup> ~~idea~~ <sup>idea</sup> of the estimation in which he was held as a lawyer, and statesman; but of his life in his own home, none can speak but those who were nearest <sup>and dearest</sup> to him, and with whom he was constantly associated, and they are all dead except my sister and myself. My

150  
father died — after a short but severe illness — on the 6<sup>th</sup> of May 1860 in the 86<sup>th</sup> year of his age. He had quite a large family. Some of his children died before he did, but many survived him.

His eldest daughter Louisa Rivison Tazewell was born in Norfolk in 1804 and died there unmarried, in 18 . Interred in Elmwood cemetery Norfolk

His eldest son, Henry Tazewell was born in 1805 in Norfolk and died, unmarried, on the Eastern Shore of Virginia in 1828. Remains removed and re-interred in Elmwood.

His second son J<sup>no</sup> Rivison Tazewell was born in Norfolk in 1807 and died — unmarried — in Norfolk in 1869. Interred in Elmwood

His fourth child and second daughter Sarah was born in Norfolk in 18 and died in Norfolk while an infant in 1809. Her remains are interred in Old St Paul's church yard.

His fifth child Sarah Ann Tazewell was born in Norfolk, in 1812 and is still ~~unmarried~~ living and unmarried.

The sixth child and last son Littleton Waller Tazewell was born in Norfolk in 1815. Was married in 1844 to Dr<sup>ss</sup> Sarah Harris widow of Harris. He died in 1848. He was interred on the Eastern Shore of Virginia. His remains were removed to Norfolk and re-interred in Elmwood.

The seventh child Anne Elizabeth Tazewell was born in Norfolk in 1817, was married in 1847 to Lieut. Edmund Bradford U.S.A. of Philadelphia, who died April 26<sup>th</sup> 1889. She is still living. He was interred in Elmwood.

The eighth child Mary Tazewell was born in Norfolk in 1822 was married in 1848 to Matthew Page Waller of Williamsburg, Virginia; who died in 1861. He was interred in Williamsburg from there they were removed to Norfolk and re-interred in Elmwood. She died in 1886 and was interred in Elmwood

His last and ninth child Ella Wickham Tazewell was born in 1826 and died in 188 . She was interred in Elmwood.

Since writing the preceding account of my family, I have received sundry letters and documents, from Mr. George Morris Taswell of Saint Martin's, Canterbury, in England, who is the son of George Taswell, formerly of Madras in the East Indies - This George Taswell, is, probably, the same person referred to in the commencement of this work, as having sent me a message concerning my family, by the friends of Mr. Thomas Moran, about the year 1811.

By the evidence thus obtained, I am perfectly satisfied that the Tagewell and Taswell families were the same, although the names are now spelt differently and the coats of arms are unlike. The following account, will shew the reasons of this opinion; and will furnish all the information I have yet obtained in reference to this subject.

A family tradition, derived from a Mr. Charles Tagwell of Weston Toyland, in Somersetshire, renders it very probable that the family is of Norman or Faenah descent; and that the name was Tafsouil. This was pronounced, in English, Tagewell, and for brevity's sake Tapsell. The latter was the name, as it was afterwards written, in Suffolk, by Wyllm<sup>t</sup> Tapsell of Burye Sant Edmond, in that county, as appears by the Pedigree of his family, extracted from the Herald's Visitation of the County of Suffolk, made in the year 1561. The arms of this family, are those that have come down to me and which I now bear.

Another branch of the same family, is found in Dorsetshire, in 1588; and the name is there written, at first, Tarswell, but afterwards Tagewell and Taswell. But one of this Dorset family, having removed to the Isle of Wight, before the year 1649, the name appears to have been there written Taswell and Tafsowell. Such differences in the orthography of the same names, <sup>were</sup> are very common at that early day.

The first of the family of whom I have obtained any certain information is William Tarswell of Buckland, in Dorsetshire. He must have been born before the year 1566: because, in the Baptismal Register of the Parish of Buckland Newton, in that shire, the following entry still exists. 1588 - "Julii - Vicesimo quinto die mensis predicti baptizatus fuit Jacobus" "Tarswell, filius Williomi Tarswell de Buckland." Therefore, as he was the father of a son baptised in 1588, this William or Wyllm Tarswell must have been born at least as early as 1566.

Of him, I know nothing more, with certainty. But I conjecture that he married a <sup>grand</sup> daughter of Wyllm<sup>+</sup> Tapsell of Bourge Saint Edmond, in Suffolk; and that she was his relation. The only reason I have for this conjecture, is the identity of the arms borne by my ancestor William Tazewell with those given to this Wyllm<sup>+</sup> Tapsell, as appears by The Herald's Visitation of Suffolk, in 1561, to which I have before refer'd.

By this, it appears probable, that the family of this Wyllm<sup>+</sup> Tapsell of Bourge Saint Edmond became extinct in its male line, by the death of his only son Wyllgarn Tapsell without issue, after 1561. But Wyllm<sup>+</sup> Tapsell, the father, left two daughters, Ann and Margaret, each of whom was twice married. After the death of their brothers without issue, these his sisters would have become entitl'd to the arms of the Tapsell family. Therefore, if William or Wyllgarn Tazewell of Buckland married a daughter of either Ann or Margaret Tapsell, (as he might have done) the issue of this marriage would have been entitl'd to the same arms; and the title to these arms would have been stronger, if Wyllgarn Tazewell was, as I believe he was, a cadet of the same Tapsell or Tazewell family. - No arms appear to have been granted to the Tazewell family until 1664.

Be this as it may, however, it is certain that William or Wyllgarn Tazewell had a son James, who was baptis'd by that name, at Bucklands New town, in Dorsetshire, on the 25<sup>th</sup> of July ~~1638~~ 1588. The name of this James, who I shall distinguish hereafter as James the first, is written Tazewell, in the Herald's Register, marked ~~Worfolk~~ 8. folios 97 and 98. He married Mary, the daughter of Hunt of Forson, in the parish of Chardminster, Dorsetshire. By her he had issue James, who I shall distinguish hereafter as James Tazewell the second, after the death of his first wife, James the first married his own servant, by whom he had issue another son; and he died in 1663, aged seventy four.

James Tazewell the second, whose name is sometimes spelt Taswell, became a considerable merchant. He removed from Dorsetshire to Cowes in the Isle of Wight, where many of his children were born. On the 26<sup>th</sup> of March 1649, he married Elizabeth Upball of Brighton, Sussex, who was born in 1624. She is described as being "accomplish'd as to her person, sensible and of a very good extraction." By this marriage he had twelve children. But all of them died young, during ~~the~~ his life, except four. Of these, three were sons, James, William and Stephen; and one a daughter, Hannah. All these four, survived their parents, married and left children.

In 1655, James Tazewell or Taswell, the second, moved from Cowes to

Bright helmstone, in Suffex, where the family of his wife resided. He did not remain here long, however, for in 1657, he removed to London; and in 1662, he bought a good house in Greenwich, though he lived the greater part of the time in town, (London) employed in merchandize.

After the death of his first wife (who died in ~~1670~~ <sup>his James Tazewell</sup> 1667), married Elizabeth Kingsmill of Andover in Hampshire, in 1673. By this marriage he made a considerable accession to his property, I do not believe however that he ever had any issue. After his second marriage, he seems to have treated his children by his first wife, unkindly. In 1676, he purchased the Manor of Limington, near Gosvil, in Somersetshire, to which he afterwards removed; and died there, after the year 1682, certainly, but when I know not. He was cotemporary with Colonel Nathaniel Littleton; but must have been younger than Colonel Littleton.

James Tazewell, the Third, <sup>who</sup> was the eldest son of James the Second, was born at Cowes, in the Isle of Wight, on the 20<sup>th</sup> of February 1659, when he was about twenty three years of age, his father, having married a second wife, withdrew his allowance from him and treated him unkindly otherwise. Upon this account, he went into the Navy and was in three engagements with the Dutch. He afterwards retired to India, in the East, as a Merchant. Having amassed some property there, he returned to England and married Anne daughter of Major John Kingsmill of Andover, Hampshire. Upon the death of his father, he inherited the Manor of Limington, where he was living in the year 1700, certainly.

By his marriage with Anne Kingsmill, James Tazewell, the Third, had seven children, whose names are all stated in the Parish Register of Limington, and are there written <sup>at first</sup> ~~sometimes~~ Tazewell, afterwards Tazewell and lastly Tazewell. Of these seven children, three were sons, James, John and William; and four of them were daughters, Anne, Frances, Elizabeth and Constance.

James, the eldest child, died June 11<sup>th</sup> 1710, without issue, I believe. What became of John, the second child, or of his four sisters mentioned above, I know not. But of William, the Third child, I will speak hereafter.

James Tazewell, the Third, although a few years younger, was cotemporary with Colonel Southy Littleton, and survived him many years.

William Tazewell, the Third son of James Tazewell the Third, was baptized in the Parish Church of Limington, July 17<sup>th</sup> 1691. He migrated to

Virginia, about the year 1715, where he married Sophia the daughter of Henry Starmanson of Northampton County. Of him I have already given an account in the body of this work.

William Taswell, whose name and that of all his descendants is always written Taswell, was the second son of James Taswell the Second. He was born at Cowes in the Isles of Wight, May 1: 1652. He was educated at Oxford; and seems to have been a good scholar. He wrote memoirs of his family, beginning with the year 1629 and ending with 1682. These memoirs were written in Latin, a copious extract from a translation of the original manuscript have been furnished to me, by his descendant George Morris Taswell. Of these, I have made free use in the preceding account.

This William Taswell entered into Holy Orders, in 1683; and was afterwards made Rector of the Parishes of Newington Butts and Bermondsey, in the County of Surry, on the 21<sup>st</sup> of May 1695. He married Frances daughter of Doctor Edward Lake, Rector of Saint Mary at Hill, London; and died June 20. 1731. He had many children. Of these, William the sixth son, but the second of those who survived their father, is the only one of whom I have any certain information.

He was born at Newington, in Surry, December 20. 1708. — was a Master of Arts. — received Holy Orders. and became Rector of the Parishes of Wootton under Edge and of Almondsbury, in Gloucestershire. On the 13<sup>th</sup> of December 1755, he married Dorothy daughter of Roger Kennett of Faversham, in Kent; died August 6. 1775. He had many children. Of these, George the third son, is the only one of whom I have any certain information.

George Taswell was born at Wootton in Gloucestershire October 17. 1744. He married, first, Anne daughter of Charles Bristow, of Bristowville in the County of Antrim, Ireland. But she dying soon afterwards, without issue, he went to Madras, in the East Indies. — On the 13<sup>th</sup> of June 1776, he there married Honora daughter of Richard Dawkes of Dover, the widow of Captain Pitman, by whom he had issue two sons, William and George Morris. — On the 11<sup>th</sup> of December 1810, his wife died at Madras and George Taswell then returned to England and settled at Cheltenham, in Gloucestershire. — From thence, however he removed to Tours in France, where he died November 20. 1814.

William the oldest of the two sons of George Taswell, was born at Madras, March 29. 1777. He married Octavia daughter of Charles Partridge of Cotham House, Gloucestershire, July 24. 1809; but had no issue. He resides now

(1843) at Tockington, Gloucestershire.

George Morris the other son of George Taswell, was born in London, September 10. 1784. He married Anne daughter of the Reverend George Gippo, Rector of Ringswood, in Kent. He has many children; and resides at Saint Martins Canterbury, Kent.

Stephen, whose name is also spelt Taswell, was the third son of James Taswell the Second. He was born at Brighton, Sussex, December 26. 1656. When he came of age, the same cause that sent his eldest brother James into the Navy, as has been before stated, induced Stephen to go to Jamaica. From thence he returned to England and settled himself at Limington in Somersetshire, where he married Barbara daughter of John Penny of Haidington in that county, about the year 1690. By her he had many children: but of none of these have I any certain information.

The arms now borne by the Taswell branch of the family, are different from those of the Taswell branch, although the two branches have sprung from the same stock, James Taswell, the Second. The reason seems to be this. The Taswell arms are copied from the tombs of Barbara the wife of Stephen Taswell, who was buried at Limington in 1706, and of Frances the wife of William Taswell, who was buried at Newington Butts in 1720. These arms may, therefore, be those of either of the families of Penny or of Lake. No arms belonging to the <sup>Taswell</sup> Taswell family can be found in the Herald's College, before 1664; and even then they are undefined. But as the arms I bear and which I derive from my ancestor William Taswell, were certainly granted to the Tassell family, before 1561. these two families were either of the same origin, or James Taswell the First became entitled to them as the heir of his mother, who was a descendant of the Tassell family, that had become extinct in its male line, before his birth in 1588.