

succeeded him as the representative of Southampton County in the Virginia Assembly. But about the year 1795, he was elected a member of the House of Representatives of the Congress of the United States, for the District of which the County of (p. 78) Southampton was a part. He continued to represent this district for a great many years, and so long as he resided in it. In the latter part of his life, however, he married a second wife, a lady who lived in the town of Portsmouth, after which event, he removed thither. Here he dwelt ever afterwards while he lived; and here he died without issue.

I also remember James Gray, the younger son of Colonel Joseph Gray, but not so well as I remember his brother Colonel Edwin. James Gray resided in the County of Southampton, on the family estate which he derived from his father and on which his father had lived. I recollect visiting him there, when I was a boy, in pursuance of my father's directions. At the commencement of the Revolution, James Gray enter'd the Army of the United States and served in it throughout the war. He bore the commission of a Captain; and was severely wounded in the battle of Germanteen. I am not aware that he ever filled any civil office. He left several children when he died. His eldest son, John C. Gray, was a member of the Virginia Assembly while I was a member of that body. He afterwards succeeded his cousin Edwin, as a member of the House of Representatives of the United States. But he resigned this situation after serving a single term, I believe.

Of the five daughters of Colonel Joseph Gray, I can say but little. Mary his eldest child married Littleton Taxewell, as I have said. She survived her husband and married a second time, the Reverend William Fanning. By this marriage she had a single child, a daughter, Mary Smith Fanning, who when she grew up intermarried with her cousin John Wickham esq:—Of these, I shall have occasion to speak more fully hereafter—Mary Gray survived her second husband and all her children. She died about the year 1807, at the house of her sister

Mrs. Edmunds, in the County of Brunswick, where she had resided during her latter years.

The second daughter of Colonel Joseph Gray was called Sarah. She married Major James Wall, a respectable gentleman who resided in the County of Brunswick (now Greenville) on the (p. 79) south side of Meherrin river, a few miles above the present village of Holfield, where he held a large landed estate—They left many children, with all of whom I was well acquainted when I was young; but I know very little now of their descendants.

The third daughter of Colonel Joseph Gray was called Ann. She married a Mr. Blount, of the County of Southampton, who she survived and afterwards married a Mr. Blow of the same County. She survived her second husband also and then married a third time Mr. Mills Godwin of Chuckatuck in the County of Nansemond. By her first husband, Blount, she had one child, a son, Henry Blount, who I remember as a student of law in my fathers office, when I was very young. He died, as I have understood, unmarried. His mother had no children by either of her two last marriages.

The fourth daughter of Colonel Joseph Gray was called Martha. She married a Mr. Newsom, a respectable merchant of the town of Petersburg. They both died before I was born, leaving an only child, a son, William Newsom—With him I was very well acquainted. He married and removed to Norfolk, where he held some property. When I came to Norfolk to reside, I found him living in the County of Princess Ann, which County he then represented in the Virginia Assembly. During the administration of Mr. Jefferson, he was appointed Post-Master of Norfolk, an office which he held for many years. But having lost his wife, by whom he had two sons, both then married, they all removed to the State of Tennessee. There he married a second time, as I have heard, but I know nothing more of him or of his descendants.

The fifth and youngest daughter of Colonel Joseph Gray was called Lucy. She married Col. John Flood Edmunds, a very respectable gentleman who resided in the County of Brunswick. They left many children, I believe. But with the exception of their eldest, a daughter, who I recollect as a visitor at my fathers house, while he lived in Williamsburg, I never was acquainted with any of them. I have good reasons for believing, however, that the descendants of Colonel Edmunds are numerous and very respectable in the County (p. 80) of Brunswick even at this day, although I know none of them.

This is all I think it necessary to say here concerning the descendants of Colonel Joseph Gray the father of my paternal grandmother.

Littleton Fawcett lived but a few years after his marriage and died March 17th, 1757. His remains are deposited in the present county of Greenville on the estate he formerly held there situated about four miles from the present village of Belfield on the Otterdam Swamp. This was then a part of the county of Brunswick and hither my grandfather removed during his life disliking his first residence which was situated on Rottoway river in what is still a part of that county. My father during his life sold both these estates. After the death of my grandfather my grandmother married a second time the Rev. William Fanning a learned, worthy, pious, and good man by whom she had issue a single child a daughter called Mary Smith Fanning. I was brought up with her she was a few months younger than myself and I felt for her the affection of a brother. When she grew up she married John Wickham esqr: of the city of Richmond and dying left two, William Fanning Wickham and Edmund Fanning Wickham whom I now regard and value as the nearest connexions I have except my own children.

Littleton Fawcett died intestate. At his death he left two children Henry Fawcett and Sarah Fawcett. Of these Sarah died soon after her father an infant of tender years and without issue.

Of Littleton Tagwell himself altho' he lived in times comparatively recent I have been able to collect less information than of any other of my ancestors. The nature of his office would have excluded him from all others if in other respects he might have aspired to such. And his rapid transitions and frequent changes of residence during his short life gave but little opportunity for any to become well acquainted with him. His youth was spent in Williamsburg in the Secretary's office there; his early manhood in Northampton County in the study of the law and his last four years in Brunswick and during his short residence here he changed his place of abode. All I have ever heard of him was from my grandmother his wife who used to say he was a very industrious worthy good man much devoted to his family but carried off so frequently from them by his business that he spent but little of his time at home during the short period of their marriage.

Henry Tazewell, the only son of Littleton Tazewell and of Mary Gray his wife, was born in the County of Brunswick, on the 15th day of November 1751. His father died, intestate, when Henry Tazewell was quite young, leaving two children, himself and a younger sister called Sarah. She did not survive their father long, and died an infant. In consequence of these events, the whole estate of Littleton Tazewell devolved upon Henry Tazewell, his sole surviving child.

This estate consisted of two plantations in the County of Brunswick, with all the necessary Slaves, Stocks &c. for their proper cultivation. One of these plantations, that on which Henry Tazewell was born, was situated on the south side of Nottoway river; the other, to which his father afterwards removed and where he died, was situated on the Otterdam swamp, on the north side of Meherrin river, four or five miles below the present village of Solfield, then called Hicks's-ford—Both these plantations were afterwards sold by Henry Tazewell, when he purchased estates in the neighbourhood of Williamsburg. The former, to a Mr. Mason, I think; and the latter to Colonel Benjamin Harrison of Brandon.

After the death of his father, Henry Tazewell was placed under the guardianship of his maternal grandfather Colonel Joseph Gray, of whom I have already spoken. By this guardian, he was sent to school and put under the tuition of a Mr. Salter, an Englishman, who kept a school, then much celebrated, in the County of Surry, near Colonel Allen Cocke's, with whom Henry Tazewell was boarded. This mansion of Colonel Cocke, of late years, has been called Bacon's Castle.

Under the tuition of this Mr. Salter, Henry Tazewell learned to read, to write and to cipher—He wrote an excellent hand and was a good accountant.

I have often heard him say, that all Salter's scholars were remarkable for writing well and being good accountants. It was this saying of his, probably, which, when I began to practice the law, caused me to notice that the handwriting of all my clients from this region was unusually good. An observation, the truth of which I have had occasion to witness often since; and which proves very strongly the lasting effects of early habits and associations.

(p. 82) While he was at this school, his mother married the Reverend William Fanning; and Colonel Gray, his grandfather and guardian, dying soon afterwards, Henry Taxswell was then placed under the guardianship of his step-father—Mr. Fanning was a worthy man, who had been well educated himself, and having no child of his own, he became much attached to his step-son and ward—By Mr. Fanning, Henry Taxswell was soon removed from Salter's school, and placed under the tuition of a Mr. Gordon, to learn Latin and Greek. Gordon was a Scotchman, who kept a Grammar school in the County of Surry, at Swan's Point, near Mount Pleasant, the mansion of Colonel Hartwell Cocks, with whom Henry Taxswell boarded.

Mr. Gordon was thought to be an excellent tutor of boys. This character of him I have often heard from his pupils, with many of whom I afterwards became acquainted. And that such was the opinion of my father and grandfather, is certain. In the year 1783, they united in a very strong application to Mr. Gordon, who was then established in Smithfield, requesting him, earnestly, to come to Williamsburg, to superintend my early classical studies. But he declined this application upon the ground of his advanced years.

Henry Taxswell soon became a great favourite of his tutor, as I have often heard from his schoolfellows of that day. Mr. Gordon bestowed upon him unusual attention, so much indeed as to bring upon the old man, from the other scholars, the charge of partiality to this favourite pupil. Of this partiality, if it really existed, Henry Taxswell was prudent enough to profit, I suppose. His

progress in this school must have been very rapid, for about the beginning of the year 1770, he was taken from it and placed by his guardian Mr. Fanning at the College of William and Mary, then the most distinguished Seminary of learning, probably, in any of the British Colonies in America, and certainly the most so of any in the Southern Colonies.

Henry Taxewell continued at William and Mary until sometime in the year 1772. During this interval, he passed through all the classes established there, and was consider'd by his guardian Mr. Fanning (a very competent (p.83) judge) as sufficiently qualified to commence the study of the law. He was, therefore, removed from College and placed as a student in the office of his uncle Mr. John Taxewell, who was a Lawyer of high reputation and very extensive practice in the City of Williamsburg.

This gentleman was very much attached (as was quite natural) to his promising young nephew, and devoted more than the customary attention to the direction of his legal studies. Under such favourable auspices, Henry Taxewell advanced rapidly and in December 1773 he obtained a licence to practice. He had then just enter'd upon his twenty first year; but the law then in force did not require the applicant for a licence to be of age. His licence was granted by John Randolph the Attorney General and by George Wythe esq: each of them filling a highplace at the bar of the old General Court, by which Court they had been appointed examiners, in pursuance of the Act of Assembly, upon this subject, then in force.

While residing in Williamsburg, as a student of law, Henry Taxewell had become attached to Dorothy Elizabeth Waller, one of the daughters of Benjamin Waller esquire of that City. This attachment had been reciprocated on her part, and met the full approbation of all their friends. Their marriage was postponed only to allow him an opportunity of completing his professional studies and of obtaining a licence to practice. This being granted him, they were married in January 1774.

Soon after his marriage, Henry Fazewell removed to the County of Brunswick, and established himself on his patrimonial estate on the Otterdam Swamp. Having settled himself, he immediately commenced the practice of the law in the Counties of Brunswick, Southampton, Sussex and Sarry. His commencement was made under most flattering prospects, far exceeding his expectations and fully equal to his most sanguine wishes. But this bright dawn was soon obscured by unexpected events, over which he had no controul.

Many years before the period of which I am now (p. 84) speaking, the fees of the different Officers of the Government had been regulated by an Act of Assembly that prescribed the mode in which these fees might be collected. It had long been the custom to make this a temporary Act, and to renew it from time to time when it was about to expire. The last Act of Assembly upon this subject, was passed in February 1772. It declared that it should "continue and be in force from and after the twelfth day of April next (when the preceding Act would expire) for and during the term of two years, and no longer." The Assembly which met in 1774, was suddenly dissolved by the Governor, Lord Dunmore, before ~~the~~ an Act for renewing the Fee Bill, as it was called, could be passed. In consequence of which, the Act of 1772 expired, according to its own limitation.

At first, this circumstance does not seem to have been generally noticed, or if observed to have produced any effect, for such things had occur'd before without being productive of any mischief or even inconvenience. At length, however, some distinguished lawyers expressed an opinion that during the suspension of the Fee Bill the Courts of Justice ought not to proceed to the trial of any of the cases depending before them. This opinion, it is probable, was rather the result of what they thought would be highly expedient, than of any conviction of what the law required. The condition of the Colony, at that time, was awfully perilous; and nothing seemed to promise any relief, but the

convention of the Assembly. A measure to which the Governor was known to be much opposed. To compel him to convene an Assembly, no means seemed to be so efficacious as the exclusion of the Courts of Justice, for a cause which none but the Assembly could remove. Besides, the storm of the Revolution was obviously approaching fast, and it was thought highly inexpedient, at such a juncture, to suffer the people to be harassed by the demands of their creditors, the greater part of whom were British merchants.

These opinions, were for some time confined to the leading men only. At length, however, they were generally disseminated; and as they spread into the country, they were adopted and acted upon by the (p. 85) Magistrates of the different County Courts, who all of whom, by the early part of the year 1775, had refused to go upon their dockets, before the General Court had sanctioned this, by their course—Thus the Courts of all the counties in which Henry Taxewell practiced, were virtually closed for the transaction of business; within very little more than a year after he had begun to practice the law.

In the spring of the year 1775, Lord North's conciliatory plan, as it was called, for restoring quiet to the Colonies, was communicated by the British Ministry to all the Colonial Governors in America. Upon the receipt of this communication, Lord Dunmore, the Governor of Virginia, determined to convene an Assembly, to which this plan might be submitted. For that purpose, he order'd writs to issue for holding elections of members of the Assembly, which body he required to convene in Williamsburg, the seat of Government, on the first day of June 1775.

At this election, Henry Taxewell became a candidate to represent the County of Brunswick, in which he then resided. He was opposed by the two old members, who had represented the County for several years, and who were endeared to the people by the course they had pursued as members of the preceding Assembly of 1774. But such was the popularity he had acquired, that although he was then

quite young, (only in his twenty second year), and had resided in the County but little more than twelve months, he was elected as one of its delegates, beating Colonel Daniel Fisher, one of the old delegates.

In April 1775, the gunpowder was secretly removed from the public magazine in Williamsburg by order of Lord Dunmore the governor. In consequence of this Patrick Henry at the head of a body of men from Hanover marched down towards Williamsburg and having compelled Col. Gorbin the Receiver general of the royal revenue in this colony to pay the amount of the supposed value of the powder and retired again to their homes. This is the first act of open resistance to the royal authority in Virginia produced such excitement among the people every where. Lord North's conciliatory plan (as it was called) arriving in America about this time. To appease this excitement and to obtain the adoption of this plan, if possible, the governor Dunmore called a new Assembly to meet on the 1st of June 1775.

At the time appointed the Assembly met (p. 86) but soon after the session commenced the governor being alarmed retired from his palace in Williamsburg on board a man of war then lying in the river opposite York-town. The necessary intercourse between the Executive and Legislative branches of the government being then cut off the Assembly could proceed no further in its business and therefore adjourned to meet on the 12th of October following. A sufficient number to form a quorum not meeting on that day those who did meet adjourned to March 7th, 1776. On that day also a quorum not appearing the numbers present adjourned to meet again on the 6th of May, 1776. On this day however, the Convention (composed of the same persons) was also convened and when several of the members of the Assembly met on that they would "neither proceed to business nor adjourn as a house of Burgesses" and thus terminated the political existence of the last Virginia assembly held under the regal government.

After the adjournment of the Assembly as such in June 1775. the members (who were also delegates to the Convention) agreed to meet in Richmond as a Convention on the 17th of July following. This body accordingly assembled at that time and place and made the necessary preparations for resisting the royal forces under the governor who was still in the colony at Norfolk. A military force was created and organized and a temporary executive established called the Committee of Safety and having completed the arrangements the Convention~~ed~~ (sic) adjourned to meet again at the same place on the 1st of December 1775.

On that day the Convention again assembled and having made some further ordinances necessary for the good of the colony dissolved themselves. In April 1776, a new election of delegates to the Convention took place under an ordinance which had been adopted by that body in 1775. The new members then elected assembled at Williamsburg on the 5th of May 1776; when the old assembly being terminated as I have before stated the state of the colony, at that time requiring the establishment of some more permanent form of government on the 15th of May a committee was appointed to prepare such a form of government as would be most likely to maintain peace and order in this colony and secure substantial and equal liberty to the people. The committee reported this the present constitution of Virginia which was unanimously adopted by the Convention on the 29th of May and on the 4th of July following the Congress of the United States declared these colonies "free and independent." Thus terminated forever, the political connexion between Great Britain and this her most ancient and formerly her most loyal colony. At the commencement of the difficulties between Virginia and the mother country, which may be traced to the year (p. 87) 1775, there was probably not a single man in the whole colony who had ever thought of resistance and certainly not one who wished a separation. The harsh measures against the colonies adopted by the mistaken councils of the mother country excited irritation and resentment but

these might have been soon quieted and appeased if prudent plans had been adopted. Unfortunately for Great Britain however she selected as governors for her colonies a set of men probably the most unfit of any that could have been found at such a critical juncture. The follies and indiscretions of these men precipitated measures that a little discretion would easily have averted, and changed mere irritation and temporary resentment into fixed and settled purpose to obtain even though arms must be resorted to as the only means of insuring success. Still however separation was not desired, even the necessity of a resort to arms was deplored by those prepared to use them as much as by those who thought such a resort unnecessary and some of the best patriots in this country were warily opposed to the organization of a military force adopted by the Convention in July 1775. The abandonment of his government in June 1775, produced the necessity for organising a provisional government for the Country; and the base barbarous and infamous course he pursued compelled the employment of the employment of the forces that had then been provided for defence merely. The opposing forces first met in Virginia in December 1775, and at the Battle of the Great Bridge the first blood was spilt. Their success in this first encounter gave confidence to the colonists and prepared them for the war. This however could not be carried on with the temporary government then existing; Of course a new government was necessarily created, and thus their independence was almost forced upon a people who began the struggle with feelings as loyal as subjects had, and were driven by wicked misrule to assert as rights what they would then have been much better pleased to have enjoyed from the indulgent kindness of the mother country

It is not my purpose to write the history of the Nation but merely that of a single family. To this therefore let us return. The act under which most of the legal fees in Virginia were demandable, was but a temporary statute, and was limited

in its duration to the 12th of April 1774, by the last statute passed upon the subject in February 1772. When the Assembly which met in May 1774, would have continued this act longer no doubt but that body being suddenly dissolved by the governor in May 1774 as I have stated, the consequence was, that the fee bill not being then continued expired of course, and thus the Courts of justice in the Country were closed

Henry Tazewell who had just before this commenced the practice of the law, as I have said was thus deprived almost entirely of all opportunity of (p. 88) prosecuting his professional course. In this situation he raised a troop of Cavalry in the County of Brunswick (where he resided) under the recommendation of the Convention of March 1775 and was made its Captain. With this body he afterwards marched to Williamsburg, but the organization of the forces adopted by the Convention, providing a more permanent force, this with all the other volunteers were then discharged.

In April 1775 an election of the members of the Assembly (which as I have stated was summoned by the Governor to meet the 1st day of June) was to take place. The members of (sic) chosen at this election would also be delegates to the Convention according to the ordinance of the last Convention upon this subject. This Convention election therefore was one of great interest, and Henry Tazewell declared himself a candidate for his County. The County of Brunswick was then very large and he had not resided in it more than twelve months. The old members were both men of influence had long represented it and were moreover endeared to the people by the course they had pursued during the sessions of the Convention, and of the Assembly in the preceding year. Yet such was the standing he had acquired in the Country during his short residence there, that he was elected after a severe contest. He then was but little more than twenty one years of age.

When the Assembly met (which as I have stated was the last held under the royal government) Henry Tazewell altho' a very young man and a new member took an active part with those who were not disposed to press matters to extremity but to adopt some conciliatory course that might leave open the door of reconciliation between the colony and her parent state and terminate the differences then unhappily subsisting and restore tranquility to the agitated country in this course he was supported by some of the warmest and truest patriots in the Assembly, by Nicholas, Fendleton, Bland, Harrison etc but were opposed by Henry the Less, Page and Jefferson.

An anecdote I have very frequently heard related, will shew, that the course then pursued by Henry Tazewell, was much disapproved of by the latter gentleman particularly. During this session of the Assembly Mr Tazewell prepared a set of resolutions expressive of his own opinions and of the plan which ought to be adopted. These Resolutions he designed to offer upon some fit occasion; and in the mean time was solicitous to submit them to the examination of those for whose opinions he felt the most respect Mr Nicholas had seen and approved them and upon some occasion while Mr Tazewell was exhibiting his paper to another gentleman, a Mr Lyne another member from King and Queen, passing by at time either looked over their shoulders and read it or (p. 39) or heard it read by one of them. Lyne either did not understand or understanding did not approve of the resolutions and immediately communicated to Mr Jefferson what he conceived to be the object of this paper, by whom it was prepared and how it was proposed to employ (sic) it Mr Jefferson when the house met, took occasion in some address he was making to denounce as enemies all those who contemplated proposing any measures calculated to paralyze (sic) the efforts the house was then making or to impede its course; and stating that he was informed such a plan was then in contemplation, he therefore bade the young gentleman who projected

such a course to reflect upon it calmly and beware its consequences. The remarks naturally produced enquiry as to the person to whom they were intended to apply and Mr Taxewell having been designated as that person, he rose in his place and avowed himself to be the young member who had contemplated proposing a set of measures that his judgement approved and which he hoped the house would adopt whether this was the result or not however, he should do he should do what he believed to be his duty by exhibiting these proposed measures at the proper time; and that he should not be deterred from the performance of this duty by such denunciations as the house had heard addressed to him. Some warm discussion was produced by these circumstances and the house adjourned under great excitement. At the adjournment many members became desirous to see the proposed Resolutions which had yet been publicly exhibited and Mr Taxewell very willing to shew them to all who wished to see them. By some they were highly approved of, and by these a desire was expressed that they should be proposed the next day. To others the objects and sentiments of the resolutions were also agreeable, but they didnot consider the present as the fit occasion for presenting them. And by others again they were disapproved entirely. Even this latter class however while they disapproved of the resolutions, were highly incensed at the course which Mr Jefferson and those who acted with him pursued. They considered this as highly improper, calculate to disturb express all freedom of deliberation and to stifle any measures which certain members might not choose to approve. Such members therefore, while they were opposed to the resolutions, concurred with those who approved them entirely, in the desire that should be proposed the next day in order that while they opposed the resolutions themselves they might have an opportunity of expressing their respect and regard for those who might advocate them, and their indignation at the course pursued by Mr Jefferson and his allies in that occasion. In this class was Colonel Edwin Gray, a member from the

district of Southampton (p. 90) and the Uncle of Henry Tazewell. This gentleman was an old member, known to be one of the firmest and most zealous whigs in the County and when roused was apt to be very violent and implacable. He took occasion in the course of the evening to let those with whom he usually acted distinctly understand that the resolutions would be proposed the next day and altho' he was opposed to them himself, yet he highly respected all those who would support them, and was prepared to censure in the strongest terms, all or any who should make such an attempt as he had witnessed that day. An attempt which he regarded as more dangerous to the liberties of the people than any they were then opposing, inas much, as its necessary effect was, to prevent all freedom of deliberation, and to submit the direction of all matters, to the dictation of a few leading men. The confersations which took place between many different members during the course of this evening indicated very plainly the debate that the debate the next day would be renewed with more warmth on the next. To prevent this Robert Carter Nicholas esqr: who had seen the resolutions and had approved them, but didn't wish them then brought forward, applied to Henry Tazewell early the next morning to lend him the paper. This application was readily granted; and Mr Nicholas being thus in possession of the paper, carried it to Mr Jefferson for his perusal, stating to him at the same time what he had heard would be the course pursued that day. The perusal of the document satisfied this gentleman that it had been misrepresented and the remarks of Mr Nicholas convinced him that his conduct on the preceding day was alike unwarrantable and unwise. These opinions he expressed very frankly to Mr Nicholas and authorized him to express the regret Mr Jefferson felt at what had occurred. Both these gentlemen while they differed as to the opinion expressed in the resolutions concurred in thinking that was not the proper time to announce it. Mr. Jefferson therefore readily prevailed upon Mr. Nicholas to use his influence with the

author not to press them at that time This the author latter had no difficulty in effecting, for the author had not intended originally to bring the resolutions forward at on (sic) that occasion; and was stimulated to change this purpose, merely by the irritation produced by what had occurred, and the persuasions of some of his friends who had become highly excited by the same cause. This irritation and excitement being appeased however by the frank acknowledgments of Mr Jefferson, Henry Tazewell very willingly acquiesced in the advice of his worthy friend Mr Nicholas and readily agreed to postpone his plan to a more fit occasion. The conduct of Lord Dunmore by confining the attention of the House to the preservation of its own privileges and the (p. 91) vindication of its own rights, during the residue of its short session which he soon precipitated to a close, allowed no opportunity for reviving this subject, and the resolutions prepared were never afterwards proposed.

This occurrence I am induced to believe produced the best effects. It taught those who were disposed to be violent, and of this description there were several members in the house, that such a course was neither calculated to produce harmony or secure success; and inspired the majority with sentiments of deference and respect for the minority which never afterwards were altered. This circumstance alluded to produced no lasting impression upon the opinions of either Mr Jefferson or Henry Tazewell of each other. They became after this very intimate friends and their friendship continued without further interruption until the death of the latter. Since that event I have received many letters from Mr Jefferson expressive of the warmest attachment to his departed friend and kind offers to myself as his son

This assembly adjourned the latter part of June 1775. Previously to their separation however the members (as I have before stated) agreed to meet in Convention on the 17th of July following at Richmond. Thither, therefore Henry

Taswell repaired, and took his seat as a member of that body. At this session Patrick Henry brought forward his great proposition for "raising and embodying a sufficient force for the defence and defense protection of the Colony." The force proposed was only two regiments; but this was then deemed adequate to defend and protect the country against the attempts of the abdicated governor, this was the only enemy Virginia had to apprehend at that time. A committee of safety was also created, to discharge executive functions which the governor had renounced. And after providing for a new election of members to their own body to be made in the following April, and passing some other ordinances of less importance, the Convention adjourned to meet again at the same place on the 1st of December 1775. Before this period arrived there had been several skirmishes between Dunmore's motley forces and the militia of the Colony in which some blood had been spilt, and during the session of the Convention, the more sanguinary conflict at the Great Bridge had taken place, and the burning of Norfolk had taken occurred place. Every thing therefore manifested the the necessity of organising additional forces; and hence seven new regiments were created; a mode of appointing sheriffs was also devised; and a tribunal erected for the trying offenders, and particularly the enemies of the country. This Convention during its session adjourned from Richmond (p. 92) to Williamsburg in order to be nearer the scene of conflict, and after dispatching its business dissolved itself. All the proceedings of this body during each of its sessions were such as the good of the country imperiously demanded, the most absolute unanimity therefore prevailed amongst its members and no diversity of thought or of sentiment existed as to the adoption of any of its ordinances

In April 1776. a new election of delegates to the Convention took place in conformity to the ordinance of July 1775. At this election Henry Taswell was again elected as one of the delegates to represent the County of Brunswick; and repaired

to Williamsburg where the Convention met on the 6th of May 1776

Before this body convened the situation of the country had become obviously such, that all concurred in the opinion, some better and more permanent government was necessary than what then existed. The acts of the different revolutionary tribunals then existing throughout the whole country, although sustained by the opinion of the people yet wanted the sanction of law. A legislature endowed with plenary ~~power~~ legislative powers was therefore indispensable; not only for this reason, but to provide the necessary ways and means of calling forth the resources of the country, to carry on the conflict in which it was then engaged. The committee of safety, the only executive then existing, was too numerous to possess either that unity of purpose, or that promptitude of decision and action, which military operations above all others must require. Hence the people loudly called for a new government; and the members chosen to this Convention were every where elected under the expectation that a new government would be established by them. Soon after the meeting of this body therefore on the 15th of May 1776 it was resolved that "a committee be appointed to prepare a declaration of Rights," "and such a plan of government as will be most likely to maintain peace" "and order in the Colony, and secure substantial and equal liberty to the " "people. Such a committee was accordingly appointed, consisting of the most distinguished members and esteemed patriots in Virginia the Convention. Amongst these the names of Mr Archibald Cary, Mr James Mercer, Mr Robert Carter Nicholas, Mr Patrick Henry, Mr Bartholomew Dandridge, Mr Richard Bland, Mr Paul Carrington, Mr Thomas Ludwell Lee, Mr Jas. Blair, Mr William Flemming, Mr John Hannister, Mr Mann Page, Mr James Madison, Mr George Mason among several others, are still remembered with high veneration: and of this committee Henry Taxwell was one of the members. On the 12th of June 1776 the declaration of rights and on the

29th of the same month the present plan of government were reported by this committee and adopted without a dissenting voice on those days respectively.

(p. 93) It is unnecessary to relate the particular acts of this Convention further, it will be sufficient to state that after choosing a governor, and other officials necessary to put the new government into operation and adopting such ordinances as the public good was thought to require as to all of which the utmost unanimity prevailed, it adjourned to meet again on the 7th of October 1776. as one of the component branches of the General assembly

Henry Taxewell continued to attend this body as a member during this session, and was elected a third time as one of the delegates from the County of Brunswick in April 1777. As nothing occurred however in relation to him particularly during any of the sessions of the of the Assembly I shall pass them by without notice except to say that at the October session 1777. an act was passed opening the Courts of Justice and another establishing a General Court. By the former of these Acts the path of his profession was again opened to his pursuit and under the latter his uncle Mr John Taxewell having been appointed as one of the Judges of this new Court and so constrained to relinquish his extensive and lucrative practice at the bar, he used his influence very successfully with his nephew, who had then recently lost his wife, to induce him to abandon his residence in the County of Brunswick and to remove to Williamsburg there to wind up Mr John Taxewell's legal business and to take a stand at the bar of the General and other superior courts- In 1778 he therefore quitted Brunswick as a residence and fixing himself in Williamsburg closed for a season his political life and resumed his professional labours that had been so long interrupted

Mr John Taxewell was a lawyer of high standing who for many years prior to his

elevation to the bench had enjoyed probably the most extensive and certainly the most lucrative practice of any lawyer in the State and to all this his nephew and eleva had Henry Taxewell had now a fair prospect of succeeding. The superior Courts of Virginia too at this time presented the fairest field for the advancement of a young practitioner which could be desired. The crowd of old and eminent counsel who formerly thronged to these bars was all (with a very few exceptions indeed) removed and occupied in other pursuits. Pendleton, Wythe, Blair, Mason, and Nicholas, had been elevated to the bench, Henry had been made Governor and Jefferson was in Congress. None of the old practitioners of such standing, remained at these bars; and of the young men who entered the lists with him at this time, Edmund Randolph the Attorney General was the only one who promised to become a formidable competitor to Henry Taxewell.

Such were the flattering prospects before him at this period and which elated his hopes of soon acquiring both fame and fortune in this new pursuit upon which he entered his twenty fourth year. These hopes however sanguine they might have (p. 94) been were fully realized for a time at least. Business flowed in upon him from every quarter and he soon stood at the head of his profession dividing its highest emoluments with his friend Edmund Randolph. These halcyon days were not of long continuance however the frequent invasions of the country by the enemy during the years 1779, 1780, and 1781, produced the necessity of frequently closing the Courts of Justice; and the perils impending over Williamsburg induced the assembly in the year 1779. to remove the seat of government from thence to Richmond. The bright prospects of Henry Taxewell to attain wealth and eminence in his profession were thus suspended by these events; and not knowing what to do with himself, he sold off the property he had purchased upon his removal to Williamsburg and for some years led an unsettled and vagrant life,

passing his time occasionally in Greenville at his plantation there and at other times attending his Courts when they would be opened for a season. In this state he knew not what to do, or where to fix himself and being constantly exposed to the infection of the small pox, which the British armies had brought with them and spread throughout the country

he submitted to inoculation for this disease. He had the small pox most dreadfully indeed and it was several years before his constitution recovered from the shock so inflicted upon it. To add to his misfortunes, the British army under Lord Cornwallis in its march from the more southern states into Virginia, in the year 1781, passed the Meherrin at Hick's ford, very near the estate of Henry Tasewell, and while there plundered him of many slaves and much other property, so that when the war terminated in 1783 he found himself in no better circumstances than he had been when he began the world in 1774.

The capture of Cornwallis at York on the 19th of October 1781. terminated the war which had raged so fiercely in Virginia for some time previously to that event. And the presence of the French army which remained in Williamsburg during the winter of 1781-2 (sic) and part of the succeeding spring, inspiring the people with perfect confidence in their security, restored tranquillity and invited the resumption of regular pursuits- Henry Tasewell availed himself of the first gleam of the first gleam of the approaching sunshine, to reestablish himself somewhere, and to re-commence his professional labors. Williamsburg was the spot where most of his early friends resided, where he had first begun his harvest of professional acclamation, and to which some interrupted and unfinished legal engagements again called him. It was here therefore that he again fixed his abode, and from hence he attended the supreme and superior Courts which sat in Richmond, and the Court of Admiralty that notwithstanding the removal of the seat of government

still sat continued to hold its sessions in Williamsburg. (p. 95)

Altho' after the conclusion of the war, the bars of the different courts, were attended by many more and more distinguished counsellors, than had appeared there when Henry Taxewell had first taken his stand at these bars, yet he soon rose above these competitors to his former rank. His business was inferior to that of none, save only the Attorney general Randolph and in its profits probably exceeded even his. And he continued to maintain this high standing ever afterwards, while he remained in practice. During this period the leading counsellors besides those I have mentioned were, ⁵ Herman Baker from Petersburg, Colonel John Taylor of Caroline, Thomas Mason, Charles Lee, John Francis Mercer now of Maryland, Samuel Hardy, Andrew Ronald, John Marshall, now Chief Justice of the United States, Colonel James Innis afterwards Attorney general, and occasionally Patrick Henry with many others not now recollected. Many of these then were, or ^{very} soon became the most eminent lawyers in the United States. To have acquired and maintained such a rank as he held amongst such competitors and especially with such judges as Fendleton, Wythe, Blair, Lyons, and Waller, who then presided in these courts, is sufficient evidence of the legal acquirements of Henry Taxewell. Soon after his second establishment in Williamsburg, Henry Taxewell was unanimously elected by its citizens a member of the assembly from that City; and continued to represent it ever afterwards without opposition as long as he was eligible to that body. In this situation and while he was in the mid-career of his professional course, the death of the honourable Bartholomew Dandridge one of the Judges of the General Court, occasioning a vacancy in that Court, Henry Taxewell was prevailed upon by his friends and particularly by the solicitation of Patrick Henry, esqr. the then governor of Virginia, to accept this appointment. He was accordingly commissioned by the executive in the summer of 1785.

1785. and this appointment was confirmed unanimously by the Assembly, at the October session in this year. At this time he was not yet two and thirty years of age. In the year 1787. (sic) the Convention which had met in Philadelphia for the purpose of revising the existing federal system, produced the present Constitution of the United States, as the result of the combined wisdom of America. By one of the resolutions of this Convention, the proposed constitution was to be laid before Congress, and afterwards to be submitted to a Convention of delegates in each State to be chosen by the people thereof under the recommendation of its Legislature, for their assent and ratification. In consequence of this the Legislature at their October session 1787. had passed an act directing the manner in which these delegates should be chosen, and that they should meet in Richmond in June 1788. Under this law all restrictions of qualifications in (p. 96) the delegates were removed and any of the judicial or executive officers of the government were eligible. The agitation produced by the examination of the important question now presented the decision of which was supposed to involve the fate of the union, had had been equal'd by nothing but that occasioned by the first great question of resistance. The friends and enemies to the adoption of this new Constitution now distinguished as Federalists and Antifederalists were equally zealous and active in their exertions to promote the success of their respective wishes. The Governor, many of the Judges of the superior Courts, members of Congress and all others of the most distinction in the State were candidates for seats in this Convention; but Henry Fasswell was not there. He resided at this time in Williamsburg, and in that part of it, which was in the County of York, from one or the other of which places of course he must be elected if he was chosen at all.--His intimate friend Colonel James Innis who had succeeded him as the member of Assembly from Williamsburg; when he was elected to

the bench had already announced himself as a candidate for the Convention also from that town. And in York his old friends Generals Thomas Nelson and Mr. Prentis (afterwards Judge Prentis) who had long represented that county in the Assembly, presented themselves in like manner as solicitors for seats in this Convention. To all and each of these gentlemen Judge Taxewell was opposed in opinion upon the great question then agitating; he being opposed to the adoption of the proposed Constitution, while they were in favor of it. The majority of the people in Williamsburg and York were Federalists, and altho' the popularity of Judge Taxewell at this time was such, that had he offered'd, the contest between him and any of the others would most probably have been sharp and doubtful, yet such a contest would necessarily have brought him into warm conflict with old friends whom he sincerely regarded, and who already were incumbents as it were in the offices to which they again wished to be appointed. In such circumstances he refused to become a candidate for either place, and uniformly resisted all applications to him upon that subject, invariably declaring, that no consideration should induce him, voluntarily to oppose himself to these friends whom he prized and esteemed so highly.

While this subject is before me, my recollection is called to an incident that occurred at the York election, alike honorable to all concerned in it, which I will state. After Judge Taxewell refused to become a candidate for this County, the Antifederalists put up two persons by the name of Shield as opponents to General Nelson and Mr Prentis for the Convention. When the (p. 97) election was about to commence (and it was expected to be a very closely contested one) the poll keepers had already prepared their polls, headed with the names of these four candidates; these gentlemen had already taken their seats on the bench, as is customary; and the proclamation had already been made by the sheriff, inviting the freeholders

to come forward and vote: at this juncture an old man by the name of Charles Lewis, stepped forward, and addressing himself to General Nelson and Mr Prentis remarked, that he had always voted for them as they would recollect, and that he had never found any cause to regret his votes---that he had left home that morning with intent to vote for him again; but on his way to the court house he had reflected, that his vote this day, would not be reflective of his confidence in these gentlemen, so much as of a wish that the proposed Constitution should be adopted---In this situation he had examined this instrument, upon the adoption or rejection of which he was thus called on to decide, so far as his single suffrage would go; but that all his examination had not satisfied him what opinion he ought to express upon this subject.. That having no opinion himself upon this question it had occurred to him as improper to express one, by voting in favour of any of the candidates, who had already formed and declared a decided resolution as to the course they should pursue if elected! For his part, wanting information as he did, he could reconcile it to himself, to vote for any, to whom having decided already, further information would be of no advantage. That if the question was who he should depute for him to decide unknown and unforeseen matters, he would unquestionable vote for the persons to whom he addressed himself; for as to such subjects, their minds were as impartial as his own, and he had unlimited confidence (which experience had taught him was well merited) in their judgements, when exercised with such impartiality. But as there was now a single and known proposition to be settled, which all concurred in considering, as the most important of any that had ever come before the people, since the question of Independence, he thought it wrong to prejudge such a question, when it had not been fully examined. Hence, he had made up his mind, to vote in favor of persons who as far as he knew had formed no opinion as yet, who were still open to conviction, and unpledged to support any side, and who should be well qualified to determine

wisely, what they were prepared to examine impartially. These reflections had called to his recollection his two fellow citizens George Wythe, and ^{John} James Blair; and he hoped his friends would excuse him, if upon this occasion he directed the sheriff to record his vote in favour of these distinguished patriots, whose age and retirement by keeping them aloof from the warm conflict that had been (p. 98) carrying on, had them still to be impartial, and whose long experience, and well approved past services, while they gave assurance of their wisdom, also preferred strong claims to the gratitude of their country. Scarcely these words uttered by Lewis, when General Nelson, springing from the bench, where he had taken a seat advanced to him, and, seizing him by the hand, thanked him in the warmest terms for what he had said and done; adding that though Mr Lewis had got the start of him in the support of Mr Wythe and Mr Blair, whose merit none knew better than himself. He therefore directed the sheriff to record his vote in favour of these gentlemen and soliciting all those who might have come to the Court-house intending to vote for him, not to consider him a candidate, but to follow his example in supporting these persons. Mr Prentiss soon followed General Nelson in this course, and Mr Wythe and Mr Blair were elected by unanimous vote. When the election was over, General Nelson addressing the people observed that as they had elected these gentlemen without their knowledge, it would be well to complete they had so begun, and to secure the approbation of the persons elected, and their consent to serve. He therefore proposed, that they should proceed in a body from York to Williamsburg, and be themselves the bearers of their own request that the persons elected would accept their appointments. This proposition was carried by acclamation; and General Nelson placing himself at the head of his fellow-citizens, they moved in procession to Williamsburg, where upon their arrival they ranged themselves quietly in front of Mr Wythe's house and deputed their as their spokesman, he presented himself in their behalf to the old man, and announced what had occurred

what had occurred. When General Nelson entered the room, I was reciting a Greek lesson to Mr Wythe, and never shall I forget the countenances of these two great men upon this occasion.— That of General Nelson was lighted up with the satisfaction which the consciousness of having willingly done a good deed never fails to inspire. His address was short and rapid, for his utterance was always quick. He remarked to Mr Wythe, that altho' he had not expected to have seen him at the election that day, yet he regretted that he had not been there, for he would have seen exemplified very strongly the truth of a sentiment the conviction of a sentiment, which his whole life had manifested sufficiently, that the people were their own best governors, "True to this maxim the freeholders of York county, have this day unanimously" "elected you sir as one of their representatives in the next Convention. And as" (p. 90) "they did this without consulting you, they have come themselves to state to you what they have" "Done: and to solicit you to fulfill 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. An 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 report 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 walkin roar and they passed respectfully by the door toward's 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 Faxonwell 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 Grayson, 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 (p. 100) United States who had been in favor of it. Three 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,

Believing this, while they could not approve this instrument, yet they preferred trying it with all its defects, to risking everything longer under the old confederate, 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 such 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. The Antifederalists as they were called, objected to the adoption of this Constitution, principally upon these grounds. It professed to derive all of 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 on} restriction—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