

~~Copy~~ First Draft  
Of a letter to James Monroe Esq. Secretary of State.

Sir,

Williamsburg Sunday 23<sup>d</sup>. 1813.

I had the honor of receiving by the last mail your letter of the 19<sup>th</sup> instant, enclosing a commission from the President of the U. S. to me as District Judge of the U. S. for the District of Virginia. Be pleased to offer to the President my grateful acknowledgements for so valuable a testimony of his esteem, and <sup>Confidence;</sup> rendered the more acceptable, by its being both unsolicited & unexpected. Accept also for yourself, my thanks for the polite terms in which you have been pleased to make the communication.

It is with regret that I proceed to mention that considerations of great importance in my estimation prohibit me from emerging again from that life of privacy and retirement, which about two years ago I determined to embrace, after the most mature deliberation and reflection. I must therefore beg leave to decline accepting the Commission, which I now return.

With great respect

I have the honor to be

Sir your obed. Serv<sup>t</sup>

James Monroe Esq.  
Secretary of State.  
Washington - - - }

S. P. Tucker

~~Copy~~ First Draft  
Of a letter to James Madison Esq. Pres<sup>t</sup> of the U. S.  
Dear Sir,

Williamsburg Sunday 23<sup>d</sup>. 1813.

I last evening had the Honor to receive from the Secretary of State a Commission under your Hand, appointing me a Judge of the United States for the District of Virginia. I beg, Sir, you will do me the favor to accept my most sincere & cordial thanks for so valuable a mark of your esteem, Confidence & friendship; equally unexpected, as it was unsolicited, on my part. It is a tribute due to that Confidence, & friendship, to inform you without reserve of those important Considerations, which in my own opinion ought to prevent me from accepting the Honor which you have proffer'd, and which as an earlier period of life, I should probably have endeavoured to render myself worthy. It is now I fear too late when I have nearly reach'd my <sup>grand Climacteric</sup> It is now more than six and twenty years since, I practiced in the Court of Admiralty, or have turn'd my Attention

to any of those <sup>Subjects</sup> ~~Branches~~ of legal Science which are  
immediately connected with that branch of Jurisprudence;  
it is also nine years since on receiving my appointment  
as a Judge of the Court of Appeals of this Commonwealth,  
I resigned my office of professor of Law, & abandoned  
~~my~~ <sup>that</sup> Attention to the Laws of the United States, which  
I had been in the habit of paying to them; the Business in the  
Court of Appeals rarely having any reference to them. — It is  
now two years, since from a Conviction that my Constitution  
was unequal to the fatigues of the last mentioned office, &  
from an apprehension that my memory had actually  
begun to fail me, that I determined upon resigning my  
seat in the Court of Appeals, and retiring for the residue of  
my life to that state of privacy which requires no extra-  
ordinary exertion of Intellect. I am persuaded that I acted  
wisely in so doing, since I have more than once felt strong  
Indications of a failure of my memory. It must be remembered  
that Memory is as necessary to a Judge as Oars to a Boat,  
or Sails to a ship. He may like them remain in the boat,  
without danger for a space of time; but the wind or the  
tide, or the currents of the Ocean of Laws, Statutes, & Precedents  
will be sure to overthrow him, if his Judgement be not  
aided by Memory. ~~Innumerable~~ Perhaps there never was a period  
in any Country where Integrity, Firmness, Love of Country, and a  
ready and thorough Acquaintance with the true Spirit of the  
Law of Nations, & our own peculiar Statutes were more  
necessary to a Judge than at present. Every Defendant, &  
more especially every Delinquent is sure to command  
the Aid of the very best Talents at the Bar in every Court.  
Fraud, Cunning, & Sineas, aided by such Patronage  
will be too much for any Judge who does not feel himself  
fully adequate to the duties of his Station without the Aid  
of Counsel. It is unfortunately my Lot to be in this very  
predicament. I distrust my ~~own~~ own Mind; I cannot  
feel that Confidence in my Judgement that I wish, or that  
I ought, when in the Act of dispensing Justice. Ought I  
then to accept of a Station, where from want of Confidence in  
myself, whether the Ideas be well or ill founded, I may be  
made the sport of superior Talents at the Bar, and hazard,  
perhaps sacrifice, the best Interests of the Country and  
Government

Government of my Choice, and being contempt and  
Odium upon my reputation name & reputation?

Such, Sir, are unequivocally my reasons for declining the  
Office you have been so obliging as to appoint me to. I  
was unwilling to register them at large among the Archives  
of the Office of the Secretary of State; but I dare Confide  
them to the Honor of a Man who has given me such a  
Testimonial of his Confidence, and good Opinion; &  
permit me to add, of his Friendship. For in that light,  
also, I wish to consider your nomination of me to so  
respectable, & in these times, important an Office.

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January 27. 1813. The persuasions of several of my friends  
induced me to take further time to deliberate on the step I  
was about to take. — Unwilling as I was, & still continue,  
to enter again into public life, the Consideration that all  
my means of support being now invested in Bonds,  
which might be ruin'd by the war, it might be well  
to accept an Office the Salary annex'd to which, might  
in case of such an Event, defend me from Necessity.  
This Consideration has prevail'd, & I have this day accepted  
the Office — May Heaven support me under it!!!

