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Littleton Waller Tazewell's Sketch of His Own Family 1823: Transcribed and Edited

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Tazewell, Littleton Waller

LITTLETON WALLER TAZEWELL'S
SKETCH OF HIS OWN FAMILY. . . 1823:
TRANSCRIBED AND EDITED

A Thesis

Presented to

The Faculty of the Department of History
The College of William and Mary in Virginia

In Partial Fulfillment
Of the Requirements for the Degree of
Master of Arts

By

Lynda Rees Heaton

1967

APPROVAL SHEET

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the requirements for the degree of
Master of Arts

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ABSTRACT

The purpose of this work is to make available to historians a manuscript of historical value. Littleton Waller Tazewell's handwritten family history was transcribed, as literally as a typescript can be, proof-read at four stages, and annotated to provide explanatory information, verify facts, and amplify significant points.

The introductory chapter attempts to place the manuscript in historical perspective as an example of the genealogical and historical interest characteristic of its day. It also provides biographical material on the author, analyzes his approach to and method of writing history, and discusses material from the manuscript of relevance to researchers today.

While the scope of the historical editing function generally precludes value judgements, it may be noted that the Tazewell manuscript has proved to be a worthy subject for the task, and one that deserves attention from historians of Virginia and specifically the Revolutionary and post-Revolutionary eras.

INTRODUCTION

In a country that boasts of indifference to an individual's origins, genealogical and historical memoirs such as Littleton Waller Tazewell's manuscript, Sketch of his own family . . . , written in 1823, represent an opposing strain in American culture. Among certain classes, the family tree, preferably with at least one royal or ducal branch, has always been a middle class prerogative, possibly because whenever men rise in social rank, they seek means of distinction from the common mass.

Genealogical and antiquarian interest was especially heightened during the first half of the nineteenth century. On a broader scale, it accompanied the new emphasis on the writing of history, coinciding with and inspired by the rise of American nationalism, one prerequisite of which was a national identity, a clearly defined national image. Yet only one or two generations removed from the Revolution, Americans of that era had no ancient tradition to provide an indestructible bond of union. They did have the Founding Fathers, however, and on this foundation the first architects of nationalism, exemplified

by George Bancroft, built monumental histories in the 1830's and succeeding decades.

Simultaneously, a surge of local historical writing during this period reflected a reaction to the rising nationalism and an opposing trend toward increasing competition among the states. To gather, organize, and disseminate information on the provincial past, the first state and local historical and genealogical societies and periodicals were conceived and established in these years. Similarly, a stream of state and local histories, biographies, family memoirs, essays, and letters characterized this generation's effort to preserve the memories of their forefathers. In all these endeavors, the Americans of the early nineteenth century demonstrated an intensified historical awareness, rooted in their obligation to the past and responsive ^{to the} needs of the future.

Littleton Waller Tazewell exemplifies the historical consciousness of this generation. As a descendant of a family which traced its origins in America to 1635, his interest in the past was substantial. Moreover, his immediate progenitors had more than their share of responsibility for the shaping of colonial history. His maternal grandfather, Benjamin Waller, was an eminent lawyer and judge of Virginia, and, for many years, one of the most powerful ^{was} members of the House of Burgesses. Tazewell's father, Henry, devoted most of his adult

life to public service. First in the House of Burgesses and Virginia's superior courts, and then in the United States Senate, of which he was president pro tempore, he qualified as one of the leading Virginians of the late eighteenth century. Tazewell himself served five terms in the House of Delegates and one in the House of Representatives, after which he became an United States Senator and governor of Virginia.

Tazewell wrote his manuscript primarily for the enlightenment of his children that through it the Tazewell heritage might be preserved for future generations. Although he never intended it for any other purpose, several historians have recognized its value as an historical document. William Cabell Bruce cited the memoir in his two-volume biography, John Randolph of Roanoke (New York, 1922), and in Edmund Pendleton, 1721-1803 (2 vols., Cambridge, Mass., 1952), David Mays quoted passages from it on George Wythe and the Robinson Affair of the 1760's. The manuscript is also the primary source of information on the career of Henry Tazewell and the early life of its author.

II.

Born on December 17, 1774, in Williamsburg, Virginia,

Littleton Waller Tazewell was the first child of Henry and Dorothy Elizabeth (Waller) Tazewell. Following the birth of Littleton's sister, Sophia, Mrs. Tazewell died in 1777. Because his father's law practice required his attention away from home much of the time, young Tazewell went to live with his maternal grandfather, Judge Benjamin Waller of Williamsburg.

A frequent visitor in the Waller home was George Wythe, whom Tazewell impressed with a precocious exhibition of classical knowledge. When Waller died in 1786, Wythe took the twelve-year-old boy, disconsolate over the loss of his grandfather, into his own home and personally supervised the continuation of his education. Tazewell studied under Wythe until 1789 when he enrolled at the College of William and Mary. He received his Bachelor of Arts degree three years later in July, 1791.

Although his father, then in the United States Senate, planned a diplomatic career for him, Tazewell was adamant in his desire to become a lawyer. When his father finally relented, he immediately commenced his legal studies in the office of his former childhood friend and tutor, John Wickham, a leading Richmond attorney, and won his law license in May, 1796. With his entire professional career before him, Tazewell considered moving to western Virginia or Kentucky to set up practice, but at the urging of his father and his uncle, Benjamin C. Waller,

also an attorney, he decided to remain in Williamsburg and share his uncle's practice. Six years later, in 1802, he moved to Norfolk and joined the law office of Colonel John Nivison. An added inducement was Nivison's attractive daughter, Anne, whom Tazewell married July 15, 1802.

In the first years of the nineteenth century, Norfolk was still recovering from the effects of the Revolution, still struggling to rebuild its commercial trade. In spite of the city's rustic, provincial conditions, its bar flourished and Tazewell quickly established himself as one of its ablest members. By 1805, William Wirt, whom Tazewell persuaded to share his law practice, described him as "at the head of the practice in this part of the state...."¹

A political career seemed a natural adjunct to Tazewell's swift rise in the legal profession, but he continually spurned the opportunities proffered him. Although he served brief terms in the state and federal legislatures, he refused repeated election. Before moving to Norfolk he had represented James City County in the House of Delegates from 1798 to 1800. In the latter year he was elected to serve the remainder of John Marshall's term in Congress, defeating the heavily favored Federalist candidate, Colonel John Mayo, by a vote of 778-428.² He did not seek re-election, however, but was returned to the House of Delegates by the city of Norfolk for one term in 1804.

Tazewell's reluctance to pursue a political career was in part influenced by his unerring devotion to the philosophy of states' rights. Like his close friend, John Randolph of Roanoke, Tazewell was a strict constructionist who believed that the least government was the best. In the tradition of the agrarian liberalism of the early Jeffersonian Republicans, he held that land was the only true property and that financial manipulation encouraged dangerous aristocracy and tyranny. More particularly, Tazewell's political thinking was shaped by his provincial viewpoint. He never learned--indeed, never wanted to learn--to think in national terms; sectional interests determined his political outlook and actions throughout his career.

The uncompromising character of Tazewell's conservatism caused him on more than one occasion to shift his political alignment in the face of changing national trends. As a Republican, he supported Jefferson for President, and cast his own vote for him in the House of Representatives in the election of 1800. As President, however, Jefferson's increasing resort to federal power led to disenchantment among the Virginia Republicans. In the later years of Jefferson's term, Tazewell, Randolph, John Taylor of Caroline, John Wickham, Benjamin W. Leigh, and others formed a loosely-knit junto known as the Tertium Quid to distinguish their brand of Republicanism from

that of Jefferson and his followers. In particular, they protested the Embargo of 1807 and the Non-intercourse Act as an unconstitutional extension of federal power. In an effort to prevent the perpetuation of Jefferson's policies, the Tertium Quids backed James Monroe for President in 1808, opposing Jefferson's chosen successor, James Madison.³

Meanwhile Tazewell, although associating with the Quids and corresponding regularly with Virginians in the state and federal government, eluded public office following his 1804-1805 term in the House of Delegates. Not until 1816, when, without his knowledge during his absence from the city, the citizens of Norfolk elected him to the General Assembly, did he re-enter public life and then only for a single term. After that, for six years he again busied himself with his private law practice.

In 1823, Tazewell was forty-nine years old and at the height of his career. He had health, success, and a devoted wife and family. In physical appearance, he presented an imposing figure; a contemporary, Frances Walker Gilmer, dramatically described him at this age:

His person may be a little above the ordinary height, well-proportioned, and having the appearance of great capacity to endure fatigue. His complexion is swarthy, his muscles relaxed as from intense thought long continued. His features are all finely developed. His eyes are large, full, and of a dark blue color, shaded by thick black brows a little raised, as

if looking on a vast expanse of distant prospect,
A manner firm, manly, dignified, and free.⁴

Yet in that year, Tazewell announced his retirement from the bar. Financially secure and his reputation established, he proposed to devote himself to his family and personal pursuits.

His retirement, however, was short-lived. In spite of his aversion to political life, his sense of duty never permitted him to refuse a public office. As he expressed it:

If I know myself, there is no situation within the power of government to bestow which I covet or desire, nor is there one which I would not accept, if the discharge of its duties by me was deemed necessary or useful to my country. I have no ambition to gratify, although I have duties to fulfill.⁵

Thus, he willingly quit his retirement to accept appointment to the United States Senate in 1824, coincidentally filling the unexpired term of the late John Taylor of Caroline, the same man whom his father had replaced in the Senate in 1794.

In the Senate, Tazewell soon established his reputation as a strict constructionist, a proponent of states' rights, and an able representative of tidewater Virginia interests. Despite his hostility to President Adams and his opposition to many administration policies, his work on the Foreign Relations Committee, of which he served as chairman from 1828 to 1832, his speeches on the Bankruptcy Bill, and his forceful arguments on other issues, won him the respect of his colleagues as an independent who bowed to no superior power.

Tazewell was unanimously re-elected to a full second term in 1829. During the first session of that Congress, the 22nd, he was elected president pro tempore of the Senate, but declined to serve on the grounds of poor health. At the end of the session, he was again elected to the position and acted in that capacity until he left the Senate in 1832.⁶

In October of 1829, he was also elected a delegate to the Virginia Constitutional Convention, 1829-1830. In the sharp clash of interests that developed between the democratic reformers of the west and the conservative east in the convention, Tazewell stood with the latter. While he personally refrained from becoming embroiled in controversies and took little part in debates, his presence and influence undoubtedly contributed to the outcome. The reformers largely failed to carry out their sweeping demands for changes in Virginia's political system, and the east retained control of the government.⁷

Returning to the Senate and Jackson's administration in 1829, Tazewell had to contend with a changing political outlook. Originally, he had been friendly to Jackson's presidency. Jackson did, in fact, offer him two important government posts-- a cabinet office as Secretary of War, and an appointment as minister to Great Britain--but Tazewell declined both. Some contemporaries later insinuated that he really wanted to be

Secretary of State and would accept nothing less; Tazewell himself pleaded the imposition of time on his family and his lack of experience for either position.⁸ Another factor, however, was his growing doubts of Jackson's politics, geared as they were to the demands of a burgeoning nationalism. Jackson's promise to deliver democracy to all the people and the methods by which he proposed to do it, clashed sharply with Tazewell's narrow view of the role of the federal government. By 1831, he had reversed his opinion of the President; in an uncommon resort to petty backbiting, he wrote to Virginia Governor John Floyd that "Jackson was incompetent, and that his cabinet was more so than he."⁹

The real breach with Jackson occurred after Tazewell left the Senate. He resigned his seat on October 22, 1832, again with the excuse that pressing family matters interfered with the proper conduct of his office, but his disgust with the trend of the national government undoubtedly prompted his decision. His departure coincided with the political uproar caused by South Carolina's nullification doctrine, and Tazewell, though then a private citizen, took a public stand on the controversial issue. The doctrine posed a ticklish conflict of political principles for states' righters such as Tazewell who consistently tried to reconcile the priority of state interests with the federal theory of union. Like his close

friend, Senator John Tyler, he somewhat ambiguously resolved the conflict by upholding the right of secession but denying the right of nullification if the state remained in the union.¹⁰

At the same time, Tazewell condemned Jackson's threat in the Proclamation of 1832 to use force against nullification. In a series of articles for the Norfolk and Portsmouth Herald, December 28, 1832-January 30, 1833, later reprinted in the Richmond Enquirer, he caustically assailed the theory of federalism outlined in the Proclamation. In the final installment, he hurled a pointed barb at the President:

I utterly disclaim the authority of this self-sufficient personage, the President, to denounce me and all others, from his throne, as stupid fools or cowardly knaves, because we do not concur in his new political dogmas, but dare to think for ourselves.¹¹

The articles, afterwards published in book form, presented, in one historian's estimation, "the classic expression of the doctrines of the Virginia State Rights school as opposed to Jacksonian nationalism."¹²

Tazewell's animosity for Jackson was further increased by the dispute over the removal of the deposits from the Bank of the United States in October 1833. Like the majority of Virginians, he flatly opposed the action. Basically he denied the legality of the Bank charter as an unconstitutional extension of federal power, but the question at hand was the way

and Benjamin W. Leigh to vote for a resolution in the United States Senate to expunge a former resolution censuring Jackson for removal of the Bank deposits. To expunge meant literally to destroy the page of the Senate journal, whereas the Constitution explicitly provided for the keeping of Congressional records. On this semantic point, states' righters argued the unconstitutionality of the expunging resolution, and Tazewell refused to transmit the instructions to the Senators on this ground.¹⁵ By this time, however, public sentiment had swung back to Jackson, and the Governor was burned in effigy in many parts of the state for his unpopular stand. In his usual manner, he reacted to the situation by washing his hands of the affair--he resigned on March 30, 1836, without explanation.¹⁶

So ended the political career of Littleton Waller Tazewell--as abruptly as it was spasmodically pursued. Guided by the states' righters' one inflexible standard of political action, the strict interpretation of the Constitution, Tazewell followed an independent course notable for its flexibility of party labels. He began as a Jeffersonian Republican, but joined the Quids in rejection of Jefferson's centralizing policies. Later, as a Democrat unalterably opposed to the federalism of John Q. Adams, he supported Jackson until Jackson's conception of popular democracy repelled him.

Had Tazewell continued in politics, he undoubtedly would

in which the Bank should be dissolved. Tazewell was not alone in favoring a due process death simply by not renewing the bank's charter in 1837; for, despite the common goal, many viewed Jackson's method as yet another example of his indiscriminant use of presidential power. In Virginia, the legislature passed a resolution censuring Jackson, and all over the state meetings were held to protest the removal. Tazewell presided at one in Norfolk.¹³

In the midst of the furor, Virginia had to elect a new governor to replace John Floyd. In January 1834, John Tyler wrote to Francis W. Gilmer that "the present distracted condition of the country" demanded "a Governor of the highest intellect in Virginia," and he knew of "no one so eminently qualified as Littleton Waller Tazewell."¹⁴ More to the point, Tazewell was a well known Jackson critic, and anti-Jacksonism was the prevailing mood of the state. Consequently, Tazewell became governor on January 17, 1834, and the Jackson faction lost control of the Assembly in the general election.

As governor, Tazewell was not permitted the luxury of a sympathetic legislature for long. The next year, Jackson Democrats regained control of the Assembly and proceeded to harass the administration. A showdown was forced over the state's time-honored tradition of Senatorial instruction. On February 11, 1836, the legislature voted to instruct John Tyler

have become a Whig as did the majority of his fellow states' righters who composed the Southern faction of the Whig coalition. Instead, he preferred the anonymity of private life. Following his resignation as governor, he returned to Norfolk to spend the remaining twenty-four years of his life in semi-retirement, occasionally taking cases that particularly interested him or giving legal opinions when requested. Otherwise, he enjoyed the privacy he had repeatedly sought throughout his active years. Until his death May 6, 1860, he was accorded the title of Norfolk's leading citizen, an undemanding role that no doubt suited him perfectly.¹⁷

In retrospect, Tazewell's life presents an enigma. Endowed with all the qualities associated with political success, the Virginian consistently refused to exploit the opportunities presented him. Had he been so inclined, he could have conceivably rivaled Randolph, Tyler, or any of his contemporaries for a lasting place in history. But while others actively vied for power and position at all levels of government, he ostensibly lacked such demands of egotism and coveted no public acclaim. A superficial analysis might indicate that he simply lacked ambition, but, considering his political orientation and back-ground, it would be an unfair indictment. An extreme individualist, Tazewell could not brook the intellectual compromises so often expedient to political success. Moreover,

he found it difficult to reconcile the rewards of public office with the indiscriminate democratic processes that circumscribed the office-seeker and the political jockeying and intrigue involved in repeated election. One biographer has suggested that Tazewell was a displaced Englishman: "In a non-elective body, like the House of Lords, freed from the importunity of constituents, he would have left an impress on the times in which he lived."¹⁸

Of the impression he made on his contemporaries, however, there can be no doubt. To an extravagant degree, they heaped praises on him, stressing his intellectual powers and his unsurpassed skill at the bar in particular. In the twenty-fourth number of The Old Bachelor, William Wirt eulogized him in the guise of the character Sidney.¹⁹ John Randolph called him "second to no man that ever breathed,"²⁰ and described him as only one of two men (the other, Francis W. Gilmer) that "Virginia had bred since the Revolution, who had real claims to learning; the rest are all shallow pretenders...."²¹

A dominant theme in contemporary estimates of Tazewell was his inexplicable failure to realize his full potential and win the public recognition he deserved. Francis W. Gilmer expressed this attitude when he wrote:

That such a man should be pent up in the nooks & morasses of Norfolk! In England he would have stood with Mansfield, Hardwicke, and Thurlow; in Virginia he will be forgotten

in twenty years after his death. Reflections like these have long ago cured me of whatever vanity I had, and made me regret the less that I was not endowed with his stupendous faculties.²²

In his Sketch of American Orators, Gilmer again reflected on Tazewell's lot as Virginia's forgotten man:

There is something absolutely painful in reflecting on the destiny of this extraordinary man. Endowed with the best and most various gifts I ever knew concur in any individual; possessing a vast fund of information, and indefatigable in whatever he undertakes; he has a thousand times exhibited talents equal to any occasion, and is still unknown to the world, and, until lately, was almost unheard of beyond the limits of his native State.²³

Tazewell must have been aware of such opinions, but, if so, he took little heed of them. Writing to Randolph in 1826, he neatly summarized the provincial, almost condescending code that governed his life:

I live but for my friends, for Virginia, and for my family--While these remain satisfied with me, I am perfectly indifferent to all the rest of the World, with which I have shaken hands with long since--²⁴

III.

When Tazewell announced his retirement from the bar in 1823, he proposed to devote his leisure time to his family and to private projects too long postponed in the crush of active

public life. One of the latter was a family history he had long intended to compile. Twelve years before, in 1811, the seed of the idea had been sown in an inquiry from Thomas Moran, a fellow resident of Norfolk. Moran had told him that a friend in Newport, Rhode Island, had received a request from another Mr. Tazewell, an Englishman whom he had met in the East Indies. Being the last of his family in England and concerned that the name would become extinct, the English Tazewell asked his friend from Newport to learn if an American branch existed.

When this third-hand inquiry reached L. W. Tazewell, he resolved to answer it at once. But procrastination and the loss of the Newport man's address prevented him. His failure long troubled him; it was in his words, "an act of cruelty and injustice, of which when I think, I scarcely believe I was ever capable of committing, and now censure and deplore more than I will ever state."²⁵

While to this extent the family history was a product of a guilty conscience, it nonetheless was born primarily of Tazewell's own interest in his ancestry. He addressed the manuscript to his children that they might be aware of their unique heritage as Tazewells, and thus insure that it would not be lost to succeeding generations. No one else, he felt, was better qualified to undertake this task, for he regarded

himself as

...the connecting link that was to bind the past to the future, as the medium through which alone the memory of what had been could be communicated to what was to be....²⁶ ×

As a child growing up in his grandfather Waller's house, he had heard the stories and anecdotes of his maternal ancestors passed down from generation to generation. Later, he learned the Tazewell history from his paternal grandmother, Mary Tazewell Fanning.

In composing the manuscript, however, Tazewell did not rely on second-hand knowledge alone. With an awareness of historical method, he consulted primary and secondary works to corroborate and supplement his stock of family lore. By chance he stumbled onto an important source of information on the earliest branch of his family in America. While on a business trip to the Eastern Shore of Virginia, he examined the Northampton County Court records, and found many entries relating to the Littletons.

To recreate the times in which his ancestors lived, Tazewell turned to printed sources. Most important was W. W. Hening's recently published Statutes at Large. Among the law compilations and histories which he drew upon from his own extensive legal library,²⁷ were Abiel Holmes's American Annals, Henry Scobell's Ordinances, Bryan Edwards's History of

the British Colonies in the West Indies, and Ebenezer Hazard's Historical Collections. Reviewing the controversy surrounding the Commonwealth period in colonial Virginia, Tazewell cited the interpretations found in Burk's History of Virginia, Beverley's History and Present State of Virginia, Robertson's History of America, Chalmers's Political Annals, Marshall's Life of Washington, and Jefferson's Notes on the State of Virginia. To document his information on eighteenth-century Virginia, he relied principally on Burk, Hening, and Wirt's Life and Character of Patrick Henry.²⁸

Tazewell composed his family history with little pretension. His legal training influenced his approach, and the narrative flows logically from one subject to the next. As a lawyer accustomed to citing precedent, argument, and conclusion, he left few literary loopholes for the reader to question. His organization was simple and direct. Beginning with Nathaniel Littleton, who immigrated to Virginia in 1635, he gave a biographical sketch of each of the important members of following generations. The Littleton branch was joined with the Tazewell line in 1721 when William Tazewell, who came to America in 1715, married Sophia Harmanson, whose mother was a Littleton. Tazewell ended the manuscript abruptly at the point of his own admission to the bar, preferring to leave the judgment of his career to his descendants.

Tazewell's prose style is reminiscent of his time-- formal, refined, with clause piled upon clause and a preference for a nicely turned phrase rather than a precise adjective. Yet, he never resorted to the florid eulogies that characterized some genealogical products of the nineteenth century. On the whole, his style is clear and easily readable, if not spellbinding.

The tone of the memoir is another matter. Although far from being merely a family fan magazine, its laudatory attitude is undeniable. But for an age when every suspect ancestor was relegated to the family closet, Tazewell's bias is not excessive. Omitting the less commendable features of his story, if indeed he knew any, he emphasized the more admirable. For example, in the account of his own youth, he stressed his academic precocity, while ignoring more boyish exploits such as a horseback ride up the steps of the Raleigh Tavern in Williamsburg--surely not a praiseworthy feat for grandchildren to emulate!²⁹ But of course, Tazewell's purpose was not to write a family expose'; rather, he was consciously recording a history of which future Tazewell generations could be proud.

Tazewell did not intend the manuscript to be exhaustive in the manner of modern genealogical studies. Yet he combined his phenomenal memory, his first-hand knowledge of

contemporary generations, and his familiarity with published works to produce an amazingly accurate account. In only a few negligible instances is he contradicted by sources subsequently uncovered. Where his information cannot be verified, his proven reliability and closeness to the events he described warrant confidence in his own authority.

IV.

The characteristic that sets Tazewell's manuscript apart from other genealogical memoirs is its historical orientation. Throughout the story, he interjected interpretations of Virginia history. Tazewell, the genealogist, provided the framework for the manuscript, but Tazewell, the historian, gave it form and meaning. In so doing, he encompassed material that is of interest to historians today.

Since his earliest ancestors in Virginia, the Littletons, held positions in the colony's government, Tazewell described several local offices of which our knowledge is still incomplete. For example, Nathaniel Littleton served as a commander on the Eastern Shore. During the early years of the colony, commanders were appointed for every division of land--i.e.,
hundreds, necks, plantations, precincts. At first they

apparently served a strictly military function, the responsibility for the defense of the scattered settlements. As the colony grew, they gradually acquired civil and judicial responsibilities. Commanders not only conserved the peace and executed the orders of the governor, but also enforced the tobacco laws and attempted to superintend church attendance.³⁰

As a commander, Littleton also served as the chief magistrate of the county court. County courts (or monthly courts as they were called until about 1643) were first introduced in Virginia in 1618 and were held sporadically throughout the colony during the next sixteen years. In 1634, with the establishment of the shire system, standardized courts were provided for each of the eight counties created.³¹

In conducting the county court, the commander was assisted by about eight commissioners who also acted individually as local magistrates in their own neighborhoods. From its inception, the commissioner's office was modeled on its English counterpart, the justice of the peace, and after about 1661 the Virginia justices were known by the English name. The commissioners' chief responsibility was the administration of local government, which, in addition to their general charge to maintain the peace, included multiple administrative and judicial duties. Levying and disbursing local taxes, admitting wills to probate, appointing guardians

for orphans, constructing and maintaining roads, bridges and public buildings, licensing taverns, etc., fell within the jurisdiction of the early commissioners.³²

Tazewell also referred to the office of county sheriff, a position comparable in importance to the county commissioners. In the early seventeenth century, the Governor appointed the sheriffs from a list of candidates prepared by the commissioners. Then it gradually became customary to select the sheriff from the county court bench itself, and in 1661, the practice became law by act of Assembly. Thereafter, the one-year term as sheriff was rotated among the justices.

As the chief police and financial officer of the county, the sheriff collected the public levy, which gradually was extended to include all government, and occasionally even church, assessments. He also served warrants and subpoenas; assumed responsibility for the apprehension and custody of criminals; and supervised local elections for the House of Burgesses. While the office entailed multiple, time-consuming duties, the remuneration in the form of fees and collection percentages usually made the effort worthwhile.³³

The office of county clerk Tazewell described in his account of William Tazewell, the first of his paternal family to immigrate to America. Since little is known about the relationship of this office to that of the Secretary of the

colony, his comments on this subject are especially valuable. Traditionally the Secretary appointed the county clerks from a stock of apprentices who trained without emolument in his office. Because of the lucrateness of the clerkships and the prestige associated with them, the apprenticeships were highly prized and generally went to sons of the leading families. Tazewell believed that this method, by insuring uniform training, provided the best means of filling the office. When the Secretary's office was abolished during the Revolution, the apprenticeship system was discontinued, and the General Court was given the right of appointment. Consequently, men were often appointed with little regard for their qualifications or previous experience, and the office began to decline in efficiency and stature. Tazewell lamented this trend, commenting that "the public records now begin to exhibit almost as many forms as there are Clerks."³⁴

Tazewell also disapproved of the changes in Virginia's court system which occurred during and after the Revolution. Previously the legal life of Virginia had revolved around the sessions of the General and Chancery Courts, first in Williamsburg, and then in Richmond. There young lawyers could observe the manner of the older judges and attorneys and improve their own professional talents accordingly. The system was undermined in 1788 when the judiciary was reorganized and

district Courts of Appeals replaced the old superior courts. Since the bar no longer assembled at regular intervals, the influence of the judges and elder practitioners was diffused in the various district courts. This Tazewell was convinced, eventually would lower the caliber of judges by destroying the source of competent judicial candidates, as well as diminish the standards of the whole legal profession. "Judges," he maintained, "must soon become worse lawyers than those at the bar, and the time must come when if the judicial system of the country be not altered, it will become the cruellest curse Virginia will have to deplore--"³⁵

Tazewell obviously relished the opportunity to interject his opinions on historical subjects. In his exposition of the Commonwealth period in Virginia, 1642-1660, for instance, he devoted eighteen pages to show that Virginia was the last of the English colonies to renounce allegiance to the monarchy and the first to acknowledge Charles II's restoration to the throne. The colony, he argued, merely acquiesced to the expediency of accepting Parliament's authority while harboring royalist sympathies and providing a haven for Cavalier expatriates. He was particularly interested because he felt that previous historians had misinterpreted the period and he wanted to clarify the record before the true account was lost to future generations.

Tazewell's interpretation of the Commonwealth era illustrates the development in nineteenth-century Virginia of the Cavalier tradition. Virginia had the choice of two recurring strains from her past: the democratic ideal in the rise of the representative Assembly, and the aristocratic, inherent in her English background. A factor in the decision for aristocracy was perhaps a desire to repudiate the New England image--patriotic, democratic, free--the comparison to which was becoming increasingly an indictment of the Antebellum South.³⁶ At any rate, Tazewell ignored the democratic ramifications of the Commonwealth period, when, intentionally or not, the parliamentary regime had left Virginia largely to her own political devices. The colony used the opportunity to increase her autonomy and never entirely relinquished it afterward.

Similarly, Tazewell ignored the democratic overtones in Revolutionary Virginia. While he narrated the events leading up to the break with Great Britain, he omitted any mention of the Declaration of Rights and the Virginia Revolution for Independence. After a cursory reference to the national Declaration of Independence, Tazewell tersely summarized: "Thus terminated forever the political connexion between Great-Britain and this her most ancient and formerly most loyal colony."³⁷

Tazewell attributed the expedience of independence, in Virginia at least, to the shortsightedness of the English leadership and to Lord Dunmore's indiscretion in particular. Were it not for these factors, the ultimate issue of independence would never have been confronted:

...independence was almost forced upon a people, who began the struggle with feelings as loyal as subjects ever 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.³⁸

That Tazewell was first a Virginian and considered national allegiance secondary to state, and even sectional, loyalties was clear in his analysis of the ratification of the Constitution. Having accurately summarized the contemporary arguments of the Federalists and Antifederalists, he concluded that objections to the proposed constitution involved two basic questions: (1) Would a national, consolidated government infringe upon and eventually destroy the rights of the states? and (2) Could a federal system successfully govern an extended country such as the United States promised to become? The first reflected the states' rights philosophy of the day, but interestingly enough, the second is strikingly similar to the most recent interpretation of the Antifederalists.³⁹

Writing thirty some years after the adoption of the Constitution, Tazewell observed that these issues were still not satisfactorily resolved, and, indeed, had been intensified by increasing sectional conflict. For this reason, he characterized the federal system as an "unfinished experiment." The basic problems remained--"whether any government effectual to preserve the union of the states, must not be too strong for the liberties of the people," and whether "extent of territory is inconsistent with the duration of republican government."⁴⁰

Tazewell clearly realized the implications of his skeptical attitude. As early as 1797, when he was just beginning his professional career, he already had reflected on the possibilities of disunion. Writing to his father about the election of President Adams, he speculated on the political outlook:

...the Southern states are the footstool of their [the North's] grandeur, & daily furnish them the instruments which one day or other will be the means of our destruction. ...Do you seriously believe that such a disunion would be an event injurious to the Southern Interests? ...Make your country less extensive...this and this alone, can produce a duration of Republicanism....⁴¹

This kind of reasoning, so radically slanted by sectional rivalry, characterized Tazewell's political philosophy and actions throughout his life. On the eve of his death in 1860,

he saw such thinking reach its ultimate conclusion--secession.

In addition to the manuscript's political commentary, Tazewell's description of his educational experiences also deserves attention. For three years, from 1786 to 1789, he studied under George Wythe, as did many other leading Virginians, notably Thomas Jefferson. Wythe conducted his classes in the library of his Williamsburg home on Palace Green (now restored by Colonial Williamsburg and open to the public) and utilized his extensive collection of works on every subject to instruct his pupils. Selecting at random a Greek or Latin history, he would ask the student to translate a passage at sight; if the boy faltered, it was understood he would recite it perfectly at the next session. Wythe often crossed disciplines to achieve a dual purpose, as, for example, teaching mathematics from French textbooks. To stimulate his students' scientific interest, he employed "visual aids": once, Tazewell related, he "imported a very complete Electrical machine together with a very fine Air Pump, and sundry other parts of a philosophical apparatus."⁴²

When Wythe moved to Richmond in 1789, Tazewell, then fifteen years old, enrolled at the College of William and Mary and for the next three years boarded in the home of the president, Bishop James Madison. Most noteworthy is his account of the scholastic gauntlet required of all candidates

for the Bachelor of Arts degree. When a student felt sufficiently prepared to undertake the rigorous course, regardless of the length of time he had attended the college, he applied to the president for permission to proceed. Individual examination by each professor was the second step, followed by a comprehensive oral examination conducted by the convened faculty. Having successfully passed these tests, the candidate prepared a thesis and, when it was approved, delivered it orally at the graduation convocation. Tazewell's vivid description of the ordeal explains why so few students at William and Mary in the eighteenth century ever took a degree. Tazewell, in fact, was among the last to earn one in this manner; sometime afterward, the method was abolished and the number of years attended and standard examinations became the criteria for graduation.

V.

From the same motives that led him to eschew political office, Tazewell had reservations about writing for publication. Once, in response to John Randolph of Roanoke's request to print some of his legal opinions, he wrote:

I never did, and believe I never shall appear, even anonymously before the public,

as a writer upon any subject; but when I do, I should like to exhibit myself in an attire somewhat better, than the morning gown in which I am very often seen by my friends--⁴³

Since Tazewell never intended the family history for public perusal, it is without proper respect for Tazewell's wishes that I have transcribed and edited it. Nevertheless, he should feel no false modesty at such public exhibition. While he intended his writing solely for a private audience, his pride and self-esteem, evidenced in all phases of his life, dictated his attitude toward the project. Observing the precepts of good literary style, he cared enough to write a cohesive memoir--not the standard genealogical fare, but a well-organized, documented, and significant family history. As a result, he greatly simplified the editor's task.

In transcribing the manuscript, I have used a microfilm copy, owned by Colonial Williamsburg, of the original in the Virginia State Library. The 150 pages in Tazewell's round, precise handwriting comprise a small, 6" x 8" leatherbound volume. In addition to the original, two manuscript copies exist. One, presumably, was made by Tazewell's daughter, Mrs. Anne Tazewell Bradford, sometime after his death. In the manner of the later nineteenth century, Mrs. Bradford copy-edited the memoir, revising portions and inserting new information. At the end she added a brief sketch of her father's

career and genealogical notes on his children; these few pages appear as appendices to this transcription. Mrs. Bradford's copy, handwritten in a large leatherbound account book, is owned by the College of William and Mary. The second copy was made in 1894 by Mrs. Bradford's eldest son, Littleton Waller Tazewell,⁴⁴ and is among the Tazewell Family Papers, along with the original, in the Virginia State Library. Apparently, the second L. W. Tazewell copied his version from his mother's manuscript, for although there are slight variations between the two, they both vary significantly from the original.

The following transcript is as exact as a typescript can be. Tazewell's punctuation is retained throughout because of its significance to his meaning--as, for example, the copious dashes which Tazewell often used instead of periods to connote thought sequences. For legibility, all raised letters are silently lowered, but abbreviations, since they are all easily understood, are not expanded. Although Tazewell was not always consistent, his capitalization is not altered. Slips of the pen are denoted by [sic]. In the few instances where an obvious word was omitted, it is supplied in brackets; words unintentionally repeated, like "the, the," are silently corrected. Brackets are used throughout to indicate all editorial insertions. For the convenience of the reader, the original page numbers of the manuscript are

set off by slashes--e.g., /p.15/ -- where they fall in the transcription.

Tazewell's footnote form--letters in parentheses, in series of a-b, a-b-c-d, a-b-c-d-e-f, etc., with citations at the bottom of the pages--is reproduced as precisely as possible. In the transcription, I have placed them at the bottom of the pages on which the references occur. Tazewell did not give complete bibliographical information in his footnotes; therefore, in the first citation of a source, I have expanded the reference in brackets to conform with modern style. Later citations to the same work are unchanged. All footnotes have been checked against the sources, and questionable or misleading references are clarified by bracketed insertions. My editorial notes are distinguished from Tazewell's by arabic numerals. Numbered consecutively by chapters, they appear at the end of the manuscript.

Tazewell's quoted material has also been checked for accuracy and context. While he occasionally took minor liberties--e.g., juxtaposing words and phrases--he never altered the author's basic meaning, and I have not corrected his version. Similarly, the genealogical data has been documented by published sources whenever possible. A family tree compiled in 1958 by a Tazewell descendant, Edmund Bradford of Norfolk, Virginia, was an invaluable aid in verifying and expanding Tazewell's information.

Sketches of his own family,

written by

Littleton Waller Tazewell

for the use of his children

Norfolk. Virginia. 1823.

My dear Children.¹

/p.11/ Many years since (in 1811) Mr. Thomas Moran² of this place called to see me--He had then recently returned home from a summer's excursion into the Eastern States--During this visit he stated to me, that while at Newport in Rhode Island, he had there become acquainted accidentally with a gentleman, who had shortly before returned from India--Soon after their acquaintance commenced, this gentleman learning he was from Virginia, inquired of him, if he knew any of the Tazewell family in this State; and upon his replying that he was well acquainted with me, and that I was his townsman, the gentleman thus explained to him the motive of his inquiry. While he was in the East-Indies, he had met there an old gentleman, holding some place of distinction in the service of the English East-India Company, who learning he was from the United States, had asked of him, if he knew any person in that Country of the name of Tazewell. He replied that he was not acquainted with any such himself; but he well knew there was a family of that name in America, for he had seen the name subscribed to several Acts of Congress then in his possession, as that of the President of the Senate of the United States.

The inquirer expressed much solicitude to see this, and called on him the next day for that purpose, when he had exhibited a volume of the Laws of the United States, subscribed as he had represented, by Henry Tazewell, as President of their Senate. The old gentleman manifested much satisfaction at this, /p.iii/ immediately invited him to dine, and ever afterwards while he remained in India had shewn him much attention, hospitality, and kindness, for which he felt very grateful.

During their intercourse, this old gentleman (whose name was Tazewell) had told him that he had long believed he was the only person of his name then in existence. His family he said had once been numerous, but that it had lost all its male branches except himself; and that he being then an old man and a batchelor, his name he had supposed would soon become extinct. That reflexion upon this circumstance had brought to his recollection a family tradition, he had often heard while a boy in England, of some younger branch of the family having migrated to America, before he was born. And that hoping to obtain some intelligence of this branch, he had for many years made it a point to seek out all the Americans he could find, and to make the same inquiries of them, he had propounded to him when they first met. Until this meeting however he could never learn any thing and the book he had seen, gave him the first certain information he had received, that any other person of his

name yet lived.

The old gentleman closed this account of himself, with an earnest request to his guest, that upon his return to America, he would make every necessary inquiry he could; to ascertain whether the person whose name he had seen, derived his lineage from English ancestors, and who those ancestors were. And that he would communicate to him the result of these inquiries as speedily as possible. /p.iv/ Mr. Moran's friend added, that since his return to the United States, he had been informed, that Henry Tazewell the former President of the Senate had resided in Virginia, and was dead, but whether he had left descendants or not, he had not been able to learn; and that he had so informed Mr. Tazewell. He then inquired of Mr. Moran, if he could give him any further information upon this subject; who having told him, that he knew very well I was the only son of Henry Tazewell, he requested, that Mr. Moran upon his return to Virginia would be so good as to communicate to me this narrative, and to beg of me to write to him, giving such an account of my family as I thought proper, to the end he might transmit it to his East-Indian friend, as some testimonial that he still bore in grateful recollection the numerous acts of kindness he had received. And to enable me to comply with this request he sent me his address.

When I first received this communication, I resolved to

comply with its request, but being then much occupied, I postponed it for so long a time that it escaped my memory--Before I thought of it again, the war between Great Britain and the United States had taken place. At the commencement of this war (in 1812) my papers were all very hastily removed from my office, during my absence from home;³ and the derangement resulting from this removal, the address of Mr. Moran's Newport acquaintance was lost, and I have never since been able to learn it.

No circumstance has ever given me more regret, than my omission to render a prompt reply to this polite request. The kind and /p.v/ disinterested motives of him who made it claimed such a compliance at my hands. And every dictate of benevolence and philanthropy required, that I should contribute so little as was asked of me, to satisfy the anxious solicitude of the forlorn old man, who was prompted to beg this slight favor certainly by no idle curio. The mere hope of getting some intelligence of a relative to him long lost, induced him to strive to obtain the good will of a perfect stranger, by acts of kindness and hospitality; and to unbosom to this stranger the secret yearnings of his heart, and the wishes springing from its inmost recess. Whilst I altho' conscious of this, and at the time really sympathizing very sincerely with this isolated being, could yet find some

apology, satisfactory to myself, for delaying until it could not be made, a communication which would most probably have removed much of his anxiety, by removing all his doubts. Not to have made it, was an act of cruelty and injustice, of which when I think, I scarcely believe I was ever capable of committing, and now censure and deplore more than I will state.

Before I was apprized of the loss of the address of the gentleman who wished to have some account of my family, I had begun to make some memoranda concerning my ancestors, partly from memory, and partly from documents then in my possession. Having spent some labour in making the necessary researches to obtain these, even after I knew that the object for which this information was at first collected, could not most probably ever be satisfied, I felt no disposition to desist from further investigation. What I had learned, merely inspired the /p.vi/ ardent wish to learn more, and accident afterwards gave me an opportunity of gratifying this wish to a much greater extent than I had ever expected.

In the year 1820, business carried me to Northampton Court House on the Eastern shore of Virginia. Being detained there by bad weather after the business I had to do was dispatched; I sought to pass away this idle time as agreeably as I could, in examining the ancient records of that County, kept in the Clerk's office, contiguous to the Court-house. This

was a practice in which I have long been in the habit of indulging myself, whenever I have an opportunity, and from its indulgence I had often derived much amusement, and not a little curious information.

I found the old record books of Northampton in a state of much better preservation, and furnishing the history of a much more early period, than I had expected. And while I was amusing myself by perusing many of the ancient documents and curious narratives I there found, I accidentally met with names long familiar to my ear, as those of my early forefathers. Much gratified at this discovery, I immediately made extracts of all such matters as I then thought useful. Upon my return home, when I compared these extracts with the memoranda I had already made, and with the old statutes and histories of Virginia, I found the most perfect concordance in every thing; and was astonished to see, that I had then collected a mass of materials, which would enable me to trace back my family history for nearly two centuries, and almost to the very first settlement of this Country. /p.vii/

I then first formed the resolution of preparing this work, so soon as my leisure would permit me. This resolution itself gave me much satisfaction, enabling me to enjoy by anticipation the pleasure you my dear children would probably feel, while perusing this manuscript account of your family, prepared by

the proper hand of your father. I soon became impatient for the leisure I required to complete my purpose, and reflexion each day augmented my wish to commence the task.

If "a lively desire of knowing and of recording our ancestors, is the result of the influence of some common feeling in the minds of man," as Gibbon the eloquent historian has said,⁴ and as I believe, you too my children will one day feel this wish. Most probably before that time arrives, I shall be no more, for a strange fatality seems to have attended our family. With a single exception the father has always died during the minority of his children; and none of our forefathers have ever enjoyed the benefit of a parents countenance and advice when they arrived at manhood. Should I too share this fate, (and but few of our ancestors have reached my years) however strong may be your inclination to look back upon your progenitors, and "to live in the persons of your forefathers,"⁵ without this assistance your desire could never be gratified. No labour, no industry, no research, which any of you could employ, would yield to you the traditional knowledge I possess; and it would be singular indeed if any similar accident should ever disclose to you, the sources of information which accident first open'd to me. But even should such chance again occur, to you it would /p.viii/ probably yield little advantage. Time ere long must mutilate and obliterate much of the ancient records

I have seen. What time may spare you would find written in a text no longer used, and which few besides myself even now can decypher. To you however it will seem but a collection of hieroglyphics. And were you able to overcome all these difficulties, wanting the key tradition has furnished me, the facts you might discover would exhibit but a mere puzzle, whose parts you could never properly connect or rightly arrange. Even my memoranda should they be preserved (as is not probable) would assist you but little. These are written on separate scraps of paper, often so hastily and loosely as to be illegible by any other than myself, and have been prepared sometimes under circumstances and for purposes I no longer remember. To separate those really useful from others apparently not so, would be a difficult task; to arrange and connect them impossible to any other than myself. I feel it therefore a duty I owe you, to relieve you from the labour of all such vain attempts, and to set before you in better order every thing in relation to our family which I have collected.

I came into life precisely at that period, when the habits the manners and the opinions of Virginia were beginning to manifest that great change, which was at once the cause and the effect of the political Revolution that forever sever'd this colony from its parent Country, and gave it a name as an independent State. The events of my early life placed me in

a situation to learn by most lively description, much of what had before occurred, and is even now buried in general oblivion; to test /p.ix/ the accuracy of these descriptions by my own experience; and to witness the astonishing changes that have since taken place, changes which posterity will scarcely be disposed to credit. So circumstanced I have often been disposed to regard myself as the connecting link that was to bind the past to the future, as the medium through which alone the memory of what had been could be communicated to what was to be, so far at least as my own family was concerned. Of my fitness to do so, and of the sources from whence much of what you will here find recorded has been drawn, you will be better judges when I tell you, that having lost my mother while I was yet of very tender years, I was immediately taken into the house of her father, [Benjamin Waller] with whom I continued to reside until his decease. He was a very old man, who having lost his wife, and having lived to see all his children grown up and established, then passed his days in retirement. In this retirement I was his only companion, and upon me all his remaining affections were fixed. He loved me very tenderly, better I believe than he had ever done any of his own children, and in my little heart he held the place of the only parent it had then known.

Of my excellent grandfather I shall have occasion here-

after to speak more at large; at present it will be sufficient to say, he had lived long, and by his situation had necessarily been made acquainted with most of those who had resided in Virginia, and with all its events worthy of note in his time. He had known well all my ancestors who lived during that period, and often very often indeed would he employ his idle hours in amusing me with anecdotes and descriptions of /p.x/ them.

After the death of my maternal grandfather I went to live with my father, in whose house his mother then resided. She too was an old woman, a perfect chronicle of the times gone by. From her I obtained more information of my family. This I was enabled to connect by the assistance of the more methodical narratives of my grandfather. It filled up many minute gaps in his statements, and made my stock almost complete.

It is very probable I think, that the gratification I received from listening at so early a period of my life, to the tales and vivid descriptions of these old people, caused that disposition I have ever since felt, to delve into the ancient records of the Country and to search for the histories of its earliest events. My profession too made this in some measure necessary, and furnished the most ample opportunity of satisfying my thirst for that sort of knowledge, by affording me easy access to most of our oldest archives. What tradition first gave me orally I have often had occasion since to com-

pare with what I then found recorded in written documents. And enjoying the blessing of a very retentive memory, I have thus been often enabled to detect errors and inaccuracies that were not believed to exist, and to trace and connect events by means which to others have appeared wonderful and extraordinary.

Such my dear children are the causes and motives that first induced me to undertake this little work I am now about to commence, and such the means I possess to enable me faithfully to complete it. Altho' it has cost me /p.xi/ some trouble to collect the materials from which it is principally formed, yet I have derived much gratification while engaged in completing it. It is designed solely for your use, and will not probably during my life ever meet any other eye than my own. Should its perusal hereafter give any of you pleasure, I shall be amply rewarded for all the labour I shall bestow upon it.

Norfolk. Virginia.

Aug. 22. 1823.

n
Litt: W. Tazewell.

The first of my family who came to this Country, of whom I have been able to obtain any certain account, was

1. Nathaniel Littleton.

He was by birth an Englishman. His family I believe was of Shropshire, and resided near Ludlow in that County, for I perceive by the will of Mrs. Ann Littleton his widow, (a copy of which I have) that in the event of their children dying without issue, the estate is devised over "to James Littleton of Shropshire, near "Ludlow"--From whence I infer, that this devisee must have been a very near connexion of the family, which therefore probably emigrated from that same neighbourhood, when they first came to Virginia.

In the "Proaemium" or preface prefixed by Sir Edward Coke to his "Commentary upon Littleton", he gives a brief account of the life and family of Thomas de Littleton, the author of the "Treatise on Tenures", which is the text of the Commentary that forms the "First part" of Lord Cokes "Institutes".¹ By this account I find, that Thomas de Littleton the third and youngest son of the author above mentioned, married "Anne, daughter and heir of John Botreaux esquire, whose posterity in Shropshire continue prosperously to this day".² I think it

highly probable therefore that Nathaniel Littleton was a descendant of this stock. This however is nothing but conjecture, founded merely upon the similtude [sic] of names, and upon the fact that Nathaniel Littleton came from the same County /p.2/ of Shropshire, where Sir Edward Coke states the posterity of Thomas de Littleton continued to live prosperously in his day. This was in 1628, about which time Nathaniel Littleton must have migrated from thence. ^{x(c)3}

Several circumstances I collect from the will of Mrs. Ann Littleton, incline me to believe, that Nathaniel Littleton married her in England before they removed hither. And from the name of their second and youngest son, (which name seems to have been preserved in the family long afterwards) I presume her maiden name was Southy.⁴ This too is little else than surmise, as every thing of the kind (in this Country at least) must be, after the lapse of so great a length of time. Whatever might be her name however, the will of Mrs. Littleton plainly proves her to have been a woman of exemplary piety and prudence, and the provisions it contains relative to her minor children, shew that she possessed a strong understanding, very well cultivated for the age in which she lived; that by her own efforts she had

^{x(c)} The first edition of Cokes Commentary upon Littleton containing this "proaemium" was published in 1628--See Charles Butler's preface to the 13th edition (folio) dated Nov^r 4. 1787.

amassed a large estate after the decease of her husband, and occupied the highest rank in the society where she moved.⁵

Nathaniel Littleton must have come to Virginia, very soon after its first permanent settlement by the English, for in the ancient records of the County of Northampton (where he seems to have settled himself) I find the following entry. "At a Court houlden at Acchawmack^(a) this 5th day of September 1636. At this Court these names underwriten were chosen for /p.3/ the choyse of a Sheriff, to be presented to the Governor and Council at the next quarter Court, Mr. Nathaniel Littleton,^(b) Mr.

(a) The whole peninsula now known as the Eastern shore of Virginia, formed originally but a single County, called in the ancient records of the County Acchawmack, and sometimes Acchomack, but variously spelt in the old Statutes of the Country, as Accowmacke, Accawmacke, Accewmack, Accomack. The name of this County was changed in 1642/3 to Northampton, and it was afterwards divided in 1663 into two counties, as it now is. The Southern extremity of the peninsula retained at the division the name of Northampton, and the Northern part was then again called Accomack. The ancient records of both the present Counties, remain in the County of Northampton, that being the oldest of the two.

See William Waller Hening's Statutes at large. Being a Collection of all the Laws of Virginia, (Richmond, 1819-1823), Vol: 1. pages 139. 149. 154. 224. 249. and Vol: 2. page 197.

(b) The name is thus spelt in the earliest entries in these ancient records, but the orthography is afterwards corrected, and the deeds and all the other instruments signed by Nathaniel Littleton himself, as well as those signed by Ann Littleton his widow, and his two sons Edward and Southy (of which there are many) shew that the proper mode of spelling the name is Littleton and not Littelton.

John Neale, Mr. Edward Drews, Mr. Alexander Mountney, Mr. William Roper, and Mr. Henry Wilson". And of the persons so presented, Mr. Littleton appears to have been selected by the Governor and Council, and to have afterwards qualified and acted as Sheriff. This was probably the first appointment of a Sheriff for this County: for no mention /p.4/ is made of such an Officer in any of our ancient records or statutes until the year 1634,⁶ when the Colony was first divided into eight shires or Counties,⁷ (or which Accawmack was one) and it was directed that Sheriffs should be elected for each shire "as in England, (a) to have the same power as there". The nature and importance of this office at that time prove, that Mr. Littleton must have been well known and much respected, or he would not have been so selected and appointed. Most probably therefore he had resided in Accawmack some time previously to this election; and if so, he must have been one amongst the earliest settlers.

In 1637 I find by the same records, that Mr. Littleton acted as one of the Commissioners of the County, for it there appears, that "At a Court houlden at Accomack the 1:st day of May 1637, (there were) Present, Mr. John Howe Commander, Mr. Nathaniel Littelton, Mr. William Stone, Mr. William Burdett, Mr. William Andrews, and Mr. William Roper". Mr.

(a) See Hening's Statutes at large, Vol: 1. page 228.

Littleton is frequently mentioned afterwards as one of the Commissioners, and seems to have continued to act in this office as long as he lived. The Office of Commissioner at that time corresponded very nearly with that of our present Justices of the peace, ^(b) but in those days when the number was much less, the /p.5/ duties more important, and the power greater than at present, they were much more select in filling it than they now are.

In 1646 Mr. Littleton appears to have been appointed Commander of the County, ^(c) first with the military rank of Captain, and then with that of Colonel, for the same records state, that "At a County Court houlden for Northampton ^(d) County

(b) The form of the Commission granted to the Commissioners of Counties is given in Henings Statutes at large Vol: 1. page 132, and the oath prescribed for them to take will be found in the same volume page 169. From these the nature and character of the office may be easily understood.

(c) The form of the Commission granted to the Commanders of Counties is given in Henings Statutes at large. Vol: 1. page 131, and their powers and duties in the various acts referred to in the Index to that Volume under the head of "Commanders of Plantations". This office it would seem from thence confer'd both civil and military powers upon its occupant. He presided in the County Court as one of the Justices of the "quorum", and fulfilled all the duties of a County Lieutenant in England, with even larger military authority. In short the Commander of a plantation or of a County was the highest officer in it, both civil and military.

(d) The name of the County of Achommack was changed to that of Northampton in 1642/3, and during the same session of Assembly, County Courts were first established by that name.

See Henings Statutes at large. Vol: 1. pages 249. 273.

the 28th day of April 1646 (there were) present Capt: Nathaniel Littleton esquire Commander", and others. Some Courts afterwards he is styled "Colonel Nath^l. Littleton esquire Commander", and in this capacity he seems to have presided in the Court for many successive years,⁸ and to have issued several military orders relative to the Indians and other subjects which orders are still extant in these ancient records.

/p.6/ In 1647 the Assembly in consequence of the "great defaults and defects in receiving and collecting the publique levies" by the Sheriffs, appointed certain persons in each County as "Collectors, for receiving and gathering of all levyes by that Assembly assessed"; and "Mr. Nathaniel Littleton esquire, and Mr. Edmund Scarbrough", were under this act appointed Collectors of Northampton County. This appointment was to continue but one year, when new collectors were to be appointed; but such was the confidence of the Governor (Sir William Berkley) in these gentlemen, that the next year (1648) when the act passed appointing the new collectors, it contained an express proviso that it should not extend to them, "from whom the Gov^r was pleased to accept of pay, and to discharge the Country as well of what was due to himselfe, as also of what was due to Mr. Morrison". And to the same gentlemen therefore was given "the power of collecting the leavye of Northampton County, notwithstanding any thing in this (new) act to the

contrary". (a)9

Such was the situation and standing of Colonel Littleton in 1649, when the dissensions occasion'd by the decapitation of King Charles the first, and the assumption of the government of England by Cromwell and the parliament took place. (b) Occupying as he then did the highest stations in his County, both civil and military, it would have been difficult if /p.7/ not impossible for such a man to have remained neutral at such a season; and Colonel Littleton seems to have taken a very early and decided stand in favour of the priviledges of the Country of his residence. In consequence of this most probably, when in 1651/2 the Convention for the surrender of this Colony to the Government of the Commonwealth of England was concluded, (c) and the first Assembly after this Convention met (in 1652) to settle "a provisional Government of Virginia, until the pleasure of the Parliament should be known", "Coln: Nathaniel Littleton" was one of the thirteen Counsellors elected by the General.

(a) See Henings Statutes at large. Vol: 1. page 356.

(b) Charles the first was beheaded January 30, 1649.
See any history of England.

(c) This Convention will be found in Henings Statutes at large. Vol: 1. pages 363.4.5.6 & 7. and in Thomas/ Jefferson's Notes /on the State of Virginia (London, 1787). page 201.2.3.4.5. ✓

Assembly, "to compose the Council of State".^(d)

The authors who have written the history of Virginia, differ so much in the accounts they give, of the conduct and sentiments prevalent in the Colony, during the interesting period intervening between the death of Charles the first, and the restoration of his son, that it is now very difficult to ascertain the truth. By some it has been said, that "even after monarchy was abolished, after one king had been beheaded, and another driven into exile, the authority of the crown continued to be acknowledged and revered in Virginia"--Irritated at this, the parliament dispatched "a powerful squadron, with a considerable body of land forces, to reduce the Virginians to obedience. Berkeley (the Governor) with more courage than prudence, took arms to oppose this formidable armament; but he could not long maintain such an unequal /p.8/ contest". He was ultimately forced to yield, when he was suffered to go into retirement, and "continued to reside in Virginia as a private man, beloved and respected by all over whom he had formerly presided. Under Governors appointed by the Commonwealth, or by Cromwell, when he usurped the supreme power, Virginia remained almost nine years in perfect tranquillity. During that period many adherents to the Royal party resorted thither. They, by their intercourse

(d) See Henings Statutes at large. Vol: 1. page 371.

with the Colonists, confirmed them in principles of loyalty"; and working upon "their impatience and indignation under the restraints imposed on their commerce by their new masters, on the death of Mathews, the last Governor named by Cromwell; the people forced Sir William Berkeley to quit his retirement, and unanimously elected him Governor of the Colony. As he refused to act under an usurped authority, they boldly erected the Royal standard, and, acknowledging Charles 2^d to be their lawful sovereign, proclaimed him with all his titles; and the Virginians long boasted, that as they were the last of the Kings subjects who renounced their allegiance, they were the first to return to their duty" This is the account given by Doctor Robertson, ^(a) which Judge Marshall has followed, ^(b) and Mr. Jefferson seems to consider correct. ^(c) Doctor Robertson refers in support of it to Chalmer and Beverley. ^(d) I have

(a) See William Robertson's History of America [The Eighth Edition, In which is included the Posthumous Volume, Containing The History of Virginia, to the Year 1688; and of New England, to the Year 1652 (London, 1800-1801)]. Vol: 3. Book g.

(b) See Jefferson's Notes on Virginia. Quare XIII. page 201. Tazewell reversed the order of notes (b) and (c) in the original manuscript.

(c) See John Marshall's Life of George Washington [...Commander in Chief of the American Forces, During the War which Established the Independence of His Country, and First President of the United States (Philadelphia, 1805)]. Vol: I. pages 75.6.7. & 8. Chap: 2.

(d) George Chalmer's Political Annals [of the Present United Colonies, from their Settlement to the Peace of 1763; Compiled chiefly from Records, and authorized often by the Insertion of State-Papers, Book I (London, 1780)]. page 124.

never seen the former of these works, but have read the latter, /p. 9/ and altho' it does not confirm this representation in all its parts, yet it coincides with most of the statements, substancially at least.

Burk the latest historian of Virginia, denies the correctness of this account. Admitting the apparent existence of the loyal attachment of the colonists to the Royal cause, even after it had fallen into disrepute and contempt in the mother Country; and ascribing the ordinance of 1650, by which they were denounced as "notorious" "traitors and rebels", to the irritation felt by the parliament of England at this supposed attachment; he asserts, that their apparent loyalty at this time must be ascribed to "religious zeal alone"--He contends, that as the cause of the Colonists "was palpably the same with that of the parliament, nothing but the infatuation or phrenzy of superstition, could have made them separate". And in proof of his opinion that the loyal attachment of Virginia, existed in appearance more than in fact, he states, "that it does not appear she took any step to open an intercourse with the Royal party, or that she extended any consolation or succor to the distresses of the exiled family. She forebore indeed to acknowledge the present government: but this might have been the

/Robert/ Beverley's History /and Present State/ of Virginia. /...By a Native and Inhabitant of the Place (London, 1705)/ . p. 55.

effect of caution and reserve".

Concurring with all the other historians in doing justice to the gallantry of Berkeley, in opposing the formidable force he had to encounter, "a gallantry (he says) deserving a better cause"; he regards the surrender of the colony, rather as the effect of "the spirit of reform so prevalent throughout the empire"; and to the "division of sentiment then certainly existing here"; than to the necessity produced by superior power. /p. 10/ And finding the most conclusive evidence, that Sir William Berkeley was after this again reinstated in his government, before his Master was restored to his throne, he nevertheless contends, that "Berkeley received his authority from a "tumultuous assemblage of cavaliers and aristocrats, without the agency of the assembly"; and "that his appointment never did receive their sanction, until Charles 2^d was firmly seated on his throne". (a)

If an opinion of the correctness of these two conflicting statements, was to be formed only by comparing their authors, little doubt ought to exist which should be most relied upon. Beverley from whom most of the first account was extracted by the subsequent writers had long resided in Virginia, and had

(a) See John Daly Burk's History of Virginia From Its First Settlement to the Present Day (Petersburg, Va., 1804-1805) Vol: 2^d Chap: 2^d from page 75 to 120.

the freest access to all the public archives and papers existing in his day--His work was published scarcely fifty years after this period, (the events of which he narrates) when many who must have been actors and eye-witnesses of what he described were still living most probably. Burk on the contrary had none of these advantages. I knew him well, he was an Irishman, who being forced to leave his own country, by reason of the part he had taken in some insurrection there, had come to this about the year 1797. Here he studied the law, and settling himself in Petersburg, began its practice there. Meeting with little success however, and accident having placed in his possession some ancient records, which had been compiled from documents remaining in the public /p.11/ offices in England, for the use of Colonel William Byrd of Westover, some years before the commencement of the Revolution; he thereupon formed the resolution of writing the history of a Country, of which or its former inhabitants, he knew as little as any man in it, save only what he could extract from these records, or its former histories. This work was hastily written, and its author was killed in a duel before he had completed it. So far as it pursues the ancient manuscript volumes in his possession, the history is no doubt entitled to the fullest credit; but is replete with errors and inaccuracies of many kinds, whenever the author lost sight of this his sole

guide. Hening had noticed some of these errors,^(b) Wirt
 others^(c) and any man who has taken pains to collect in-
 formation of the events of past time, in reference to this
 Country, will be able to point out many more.¹⁰

Hening in his recent compilation of the ancient Statutes of
 Virginia, has furnished much evidence, to enlighten the ob-
 scurity that had been supposed to envelope this period of our
 history. The nature of this work allowed but little oppor-
 tunity to its author, of commenting upon the facts, the proof
 of which was before him; and he has not availed himself suf-
 ficiently even of the occasions that were presented. Both in
 the preface and some of the notes to his first Volume, he has
 undertaken to contradict a part of the above account given by
 Doctor Robertson; and while exhibiting the evidence upon which
 he relies to support his opinions in this respect, he has
 found himself constrained to differ equally from that furnished
 /p. 12/ by Burk, with whom however upon the whole he seems
 most disposed to concur. According to Hening "from the death

(b) See Henings Statutes at large. Vol: 1. pages 429.513.
 526 in notes.

(c) See William Wirt's Sketches of the life & character of
Patrick Henry. (Philadelphia, 1817), pages 2. 18. 22.
 38. 63 &c.

of Charles 1:st to the restoration of Charles 2:^d not a governor of Virginia, had been appointed either by the Commonwealth or by Cromwell"; but Sir William Berkeley himself, and all his predecessors during this interval, "was elected by a full Assembly", not of cavaliers and aristocrats; or of the people themselves, but of "the Representatives of the People". And all these Governors "were the mere creatures of the House of Burgesses, dependent on their breath for their political existence, and annihilated at their pleasure". He contradicts Robertson too, and concurs with Burk, in stating, that "neither the ordinance of 1650, nor the acts of 1651, for imposing restraints on the commerce of the Colonies, took effect" in Virginia; notwithstanding Robertson "assigns the existence of them, as one of the causes which confirmed the Virginians in principles of loyalty to the King, and render'd them impatient under the yoke of Cromwell". (a)

I have taken some trouble to investigate this interesting period of our History, and in the course of my investigation, having found much curious evidence, and collected some amusing anecdotes, I will now state the result of all my researches, and the sources from which it has been derived--This result has induced me to concur in the account given by Dr. Robertson

(a) See Henings Statutes at large. Vol: I. pages XIII. 358. 429. 513. 526.

as above, in all its parts.

The fact of the apparent continuance of the sincere and loyal attachment of Virginia to the Crown of England, even after the deposition and violent death of Charles the first, is established not only by /p. 13/ the concurrent testimony of all the historians to whom I have referred above, but by many authentic documents and records I have seen, which most certainly had never been read by those who question or deny its sincerity. Whether this attachment was the effect of "religious zeal", which regarded the king as the head of the Episcopal Church, and apprehended danger to that church from the success of the puritans of the parliament, as Burke supposes was the case--whether it resulted from a grateful sense of the favors that had been shortly before conferred upon the Colony by the unfortunate king, as Dr. Robertson thinks was the fact--whether it was the necessary consequence of the affection, with which Sir William Berkeley the Royal Governor had always at this time been viewed in this Colony--Or whether it was produced by the combination of all these causes; is a matter of little moment. The apparent existence of this loyalty is no where denied; and the only doubt is, whether it was real or feigned, a sincere sentiment, or the mere artifice of caution and reserve. The same documents which prove its apparent existence, establish in my opinion its sincerity and

truth, beyond all doubt.

Charles the first was beheaded January 30: th 1648/9, ^(b)
 and the first Assembly of Virginia which convened after this
 event, met on the 10: th of October following. ^(c) By the very
 first act passed at this session, the Assembly after reciting
 the treasonable principles and practices of the republicans,
 in aspersing the memory of "the late most excellent and not
 undoubtedly sainted king", enact, that to defend "the late
 traiterous proceedings against the king, by reasoning, dis-
 course, or argument", makes the person guilty "as an acces-
 sory /p. 14/ post-factum" to the death of the king--That
 "by irreverent or scandalous words or language to blast the
 memory and honour of that late most pious king, (deserving
 ever altars and monuments in the hearts of all good men) should
 be punishable at the discretion of the Governor and Council".
 And that to insinuate "any doubt, of and concerning the un-
 doubted and inherent right of his Majesty that now is
 (Charles the second) to the Collony of Virginia, and all
 other his dominions, as king and supream Governour, should be
 high Treason" ^(a).

(b) See any Hist. of England, and Hening Vol: 2. page 24.

(c) See Henings Statutes at large. Vol: I. page 358.

(a) See Henings Statutes at large. Vol: I. pages 359. 360.

Such declarations, utter'd at such a time too, place beyond all question, not only the apparent loyal attachment of Virginia to the Royal cause, even at this period, but the truth and sincerity of that attachment. Caution and reserve might well have prevented the utterance of such sentiments, altho' warmly and sincerely felt; but could scarcely have dictated their expression, if the attachment they breathe had been but assumed and feigned--And that they were believed to be sincere by the parliament of England, by the exiled prince, and by the sister colonies of Virginia, is as positively shewn by other documents, as their apparent and real existence is shewn by this.

All authors concur in ascribing to the irritation felt by the parliament at the loyalty of some of the colonies, amongst which Virginia was one, the harsh provisions of the ordinance of 1650, and the restraints upon their commerce declared by the two acts of 1651. By the first of these colonists of Barbadoes, Virginia, Bermudas, and Antego, were denounced as notorious traitors and rebels, and all vessels whether belonging to natives of England, or foreigners, were prohibited from entering their ports or carrying on commerce with them. (b)

(b) See Ord: of Octob: 3. 1650 - /Henry/ Scobell's /A Collection of several Acts / of Parliament, published in the years 1648, 1649, 1650 and 1651... Whereunto are added some Ordinances of Parliament ... Together with Tables ... (London, 1651) / 1027.

/p. 15/ And by the last, all mercantile intercourse between any of the colonies and foreign states is expressly prohibited; and all importations into them is confined to vessels belonging to English subjects, navigated by crews of which the greater part must be Englishmen. (c) Voluntarily to incur the pains and privations of these laws, may perhaps sufficiently establish the devotion to the Royal causes that called them down; but is utterly inconsistent with the notion of a feigned loyalty, exhibited merely by the dictates of caution and reserve--The parliament of England therefore it is certain believed the Virginians sincere in their professions of loyalty. That the exiled prince also concurred in this opinion is manifest, from the fact of the new commission transmitted by Charles 2^d from Breda (where he went to meet the Commissioners from Scotland) to Sir William Berkeley, as governor of Virginia. This Commission is dated in 1650, and may be found in Chalmer. (d) And that the neighbouring and sister colony of Massachusetts also united in the same opinion, will clearly appear, from the act passed by the Assembly of that

(c) See Act of Octob: 9. 1651 - Scobell's Acts 1449.

(d) See Chalmer's Annals. Vol: I. page 122. and [Abiel] Holmes' Am: [erican] Annals [; or A chronological history of America, from its discovery in MCCCCXCII to MDCCCVI (Cambridge, Mass., 1805)]/I. pa. 291.

colony in 1651, whereby trade with the other colonies mentioned in that ordinance of the parliament of 1650, is forbidden, until "their compliance with the Commonwealth of England", or the further order of that General Court.^(e) With such evidence before them who can doubt of the sincere loyalty and warm attachment of Virginia to the Royal cause, even after that cause was abandon'd every where else? /p. 16/

The suggestion made by Burk, that Virginia merely forbore to acknowledge the new government, but took no step to open any intercourse with the Royal party, does not seem to be supported by the fact. The commission above mentioned granted at Breda in 1650, goes far to prove, that Charles 2.^d must then have known of the Act of the Virginia Assembly, recognizing his "undoubted and inherent right", which had been passed in October 1649. And one of the articles for surrendering the colony in March 1651/2 expressly provides, "that there be one sent home at the present Governours choice, to give an account to his Majesty of the surrender of his countrey, the present Governour bearing his charges, that is Sir William Berkeley"--^(a)

(e) See Ebenezer Hazard's Historical Coll: Lections; Consisting of State Papers, and other Authentic Documents; Intended as Materials for an History of the United States of America (Philadelphia, 1792) / I: pa: 553--and Chalmer's Annals I. Pages 122. 123. and Holmes's American Annals. Vol: I. page 291.

(a) See Henings Statutes at large. Vol: I. pages 365. 366.

From whence it very plainly appears that intercourse was kept up between Virginia and the Royal party, from the death of Charles the first, until the subjugation of this Colony in 1652.

Whether the spirit of loyalty in Virginia, thus shewn to exist, was forced at last to yield, and submitted only to the necessity imposed by the superior force dispatched by the parliament to subdue the colony; or whether other causes contributed to induce the surrender of the country to the Commissioners sent out from England; is a question which cannot of course at this day be certainly settled. That force was unquestionably sufficient to produce this effect, altho' both Marshall^(b) and Burk^(c) are mistaken, when they represent the whole force dispatched from England under the command of Sir George Ayscue, to have been that to which this /p. 17/ surrender was made. Beverley is more correct in stating, that the squadron which entered the Chesapeake was commanded by Captain Dennis-- Ayscue sailed from England in September 1651, arrived at Barbadoes October 16. 1651,^(d) and after bringing that island

(b) See Marshall's life of Washington. Vol: 1. page 76.

(c) See Burk's History of Virginia. Vol: 2. page 81.

(d) See [Bryan] Edwards's [The History, Civil and Commercial, of the British Colonies in the West Indies... (Philadelphia, 1806) I. page 336. and Holmes's Am: An: Vol. I - 296.

to capitulate, dispatched Captain Dennis, with a portion only of his force, to Virginia, in pursuance of his instructions to that effect ^{(e) 11} --The presence of this force, supported by the reinforcement it might soon expect, undoubtedly must have produced much effect in Virginia. Beverley however very broadly insinuates, that the self-interested treachery of two members of the Council, contributed not a little to the capitulation. ^(f) The tradition of this fact continued even to my early day; and I have frequently heard the names of Broccas and Ludlow mentioned, as those of the traitors, who were afterwards constrained by the indignation of their countrymen, to fly from the colony, to which they never returned. Even this treachery however had not its origin in the spirit of reform then so prevalent throughout the empire, but is represented to have sprung from motives exclusively selfish; ¹² and Burk has no support for the assertion he hazards that there was any division of sentiment existing here at that time arising from such a cause.

A diversity of opinion it is true existed amongst the colonists at this time, the curious evidence of which I will presently

(e) See the Instructions to Denis & Ay dated Sept: 26. 1651. Hazard. Col: I. 556.

(f) See Burk's History of Virginia. Vol: 2. page 84.

state; but this difference of sentiment, so far from shewing any abatement of the loyalty of the people, is a proof of its continuance undiminished even after the /p. 18/ capitulation and surrender of the colony--In the ancient records of Northampton I found a singular document spread upon the records of the county in the year 1652--Its substance is, that by the death of Charles the first, effected as that was, the government of this country was dissolved, and all the powers and authorities of the Assembly extinguished--That the Assembly by which the capitulation of March 1651/2 had been concluded, being chosen before the death of the late king, had no powers as an Assembly afterwards; and of consequence none to make that surrender. That the people of Northampton were not of course bound by that act, or by any other of the acts of this Assembly; and the more especially, as they were not represented therein--Notwithstanding this, as the good of the colony indispensably required that there should be some government provided, for the direction and management of its affairs, the people of Northampton would willingly cooperate with the other colonists in providing such a govt.; and for themselves they had no objection that Mr. Richard Bennett should be made governor by the next Assembly; but they protested against his power, if derived from any other source than the election of the Assembly--

From this document (which I should infer was intended as instructions to the burgesses of Northampton chosen for the next Assembly) it would seem, that doubts were entertained as to the legitimacy of the powers of those who made the capitulation, to agree upon such an act. That altho' this was the case, yet such was the situation of the country at the time, that it was better to adhere to the capitulation than reject it--But that if adhered to, the governor must under it derive his powers from the Assembly, and from no other source--And that the authority of Mr. Bennett as governor was not then recognized, because he had not then been so elected. This last circumstance if true, /p. 19/ goes far to justify the conclusion, that the surrender of the colony to the parliament, was the result of the necessity imposed by superior force, acting upon the disorder'd and unsettled state of things then existing--This paper seems to have met the approbation of Colonel Littleton at least, who presided in the Court when it was order'd to be recorded. And some of its statements are distinctly affirmed by the list of the Members of this Assembly, in which none for Northampton will be found. (a)

Whether the three governors who presided in Virginia, after Sir William Berkeley was forced to abandon his post, were ap-

(a) See Henings Statutes at large. Vol: I. pages 358. 359.

pointed by the parliament and Cromwell, as Dr. Robertson states, or by the Assembly, as Hening contends, I have seen little other evidence than that which he adduces. From all this however I am induced to believe, that both authors are right, and their respective statements may be easily reconcil'd thus: either the parliament or Cromwell named the governor, to whom it was thought most adviseable by them to commit the colony, and this governor was then elected by the Assembly; or the Assembly elected a governor known to be highly agreeable to the parliament or Cromwell, who was afterwards of course approved or confirmed by them. Both modes were probably practised at different periods.

Richard Bennett, the first governor after the surrender, was one of the commissioners sent out by the parliament, to settle and arrange the affairs of the colony. ^(b) If the document the substance of which I have stated above be true, (and there is no reason to doubt its correctness) then it appears, that Bennett acted as governor immediately after the

(b) See the Instructions signed by President Bradshaw. [Thomas Birch] Thurloe's [A Collection of the] State papers [of John Thurloe, Esq. ... Containing Authentic Memorials of the English Affairs from the Year 1638, to the Restoration of King Charles II ... (London, 1742).] Vol: I. page 197--also Hazard Col: et supra.

capitulation, and very probably summon'd that very assembly which /p. 20/ met on the 26th of April 1652, and then chose him as governor and Colo. William Clayborne another of these commissioners as Secretary. ^(a) From whence it would seem, that Bennett altho' afterwards elected by the Assembly, had been previously governor.

On the 22d of November 1654 Edward Diggs was nominated by the Governor and Council to be one of the council, and approved by the Assembly unanimously, "he haveing given a signal testimony of his fidelity to this Collony, and Commonwealth of England"^(b) And on the 31st of March 1655 the same man was made Governor by the Assembly.^(c) Bennett the preceding governor had been originally appointed only for one year, or until the next meeting of the Assembly; both these terms had expired before the election of Diggs as above; but yet Bennett continued to be Governor as late as March 30. 1655 certainly.^(d) So that Bennett, who has been shewn to have acted as governor, previously to his election by the Assembly, continued to act in that capacity, after the expiration of the term for which he was elected. Bennett therefore must have derived his powers

(a) See Henings Statutes at large. Vol: I. pages 369. 371.

(b) See Ib: Vol: I. page 388--(c) See: Ib: Vol: I. page 408.

(d) See Ib: Vol: I. page. 407--

from some other source than his election by the Assembly--His successor Diggs too, who had been elected March 31, 1655, was still acting as governor in December 1656,^(e) without any new appointment from the Assembly, & hence must have derived his authority also from some other source--And Mathews the successor of Diggs, altho' elected as early as December 1656, and then described as "Governor elect", was afterwards postponed until the departure of Diggs, who was requested "to retaine the reins of /p. 21/ government in his hands during his abode in the countrie".^(f) A circumstance inconsistent with the idea of the mere legislative appointment of either of these persons; which idea too is further opposed by the fact, that Matthews while Governor attempted to dissolve the Assembly,^(g) a course he would scarcely have ventured to adopt, if he had been but the mere creature of this body, dependent on their breath for his political existence, and to be annihilated at their pleasure-- Upon the whole then I incline to think, that Bennett the first governor after the surrender, was appointed by the parliament; but finding a strong party existing in the Country, who altho' willing to elect him themselves, were nevertheless reluctant to

(e) See Ib: Vol: I. page 426.

(f) See Hening's Statutes at large. Vol: I. page 426.

(g) See Ib: Vol: I. pages. 499. 500. 501. 502. 503. 504.

recognize him as a governor deriving his power from England, to put an end to all controversy, and to effect the union of the people, he was willing to seem to derive his appointment from the Assembly, until the pleasure of parliament should be known-- That the parliament approving this course, he continued to act as governor for several years, without any new election or appointment; but being constrained by his private affairs to return to England, Diggs was sent out to supply his place, and was then also elected by the assembly, precisely as his predecessor had been--Diggs being compelled also to return to England, before any successor had been nominated to him there, the Assembly elected Mathews, by anticipation; who being then in England, was there approved, and came out to Virginia as Governor elect--¹⁴Soon after Mathews began his government, he attempted to dissolve the Assembly, but this body refusing to be dissolved, the question was refer'd to "the Lord protector", and Mathews /p. 22/ again elected governor by the Assembly "for two yeares"--During this interval Mathews died; and the colony being then without a governor, the people again turned their eyes towards their old governor Sir William Berkley, then on the Eastern shore, and wished to proclaim him--Mathews died in January 1659/60,^(a) and the Assembly which met March 13.

(a) See Hening's Statutes at large Vol: I. page 5.

1659/60,^(b) finding the temper of the people, elected Sir William Berkeley immediately--Charles the 2^d was not restored in England until the 29 May 1660,^(c) but as the determination to restore him had been made some time before the actual restoration occurred, it cannot be doubted, that this loyal governor made haste to acknowledge his master, and actually did so before he was proclaimed in England--So that the boast stated by Robertson after Beverley is literally true.¹⁵

As a corroboration of this assertion I will state a fact mention'd to me by my grandfather. The motto of the ancient arms of Virginia was, "En dat Virginia quartam"--When I asked him the explanation of this, he told me, that the arms & motto had been given to the colony by Charles the second upon his restoration; and that the motto was intended by that monarch to compliment the loyalty of this colony, in being the first of all his dominions to recognize his authority; wherefore he had associated Virginia with England Scotland and Ireland, exclaiming in the meaning of the motto, "Lo! Virginia gives a fourth"¹⁶ part of my dominions. /p. 23/

I cannot suppress my astonishment when I read the opinions both of Burk and Hening, "that in no part of the public

(b) See Ib: Vol: I. page 526.

(c) See any History of England.

records of Virginia, during the existence of the commonwealth, is the authority of the Acts of parliament recognized", under which the severe restraints of her commerce were imposed. Both these authors while they utter this opinion, produce a case extracted from these ancient records, in which the obligation of these acts is distinctly admitted, and their penalties applied to the Ship Leopoldus of Dunkirk.^(a) Burk considers this case as not at all satisfactory, "inasmuch as the parliament was at war with the parties trading". I do not find this to have been the case however; but even if it was, the very ground of the decision is, "the act of parliament for increase of navigation"--None then can doubt the obligation of these acts or the application of which I have seen several other examples.

There is not then any reason to doubt the account given by all the earliest historians, that Virginia continued loyal to the king, after all his other dominions had forsaken him; and that she was the first to return to the allegiance, she had been the last to renounce--I have devoted more time to establish this than was probably necessary, because the contrary opinion being that which is most popular at the present day, will most probably prevail; and in a few years, the grounds upon

(a) See Hening's Statutes at large. Vol: I. page 385.
Burk's History of Virginia. Vol: 2d. page 97.

which the old account may be supported, will be entirely forgotten, and lost in obscurity. But to return to my narrative.

/p. 24/

Colonel Littleton like the rest of his country-men, had retain'd his attachment to the Royal cause, until to express this attachment was treason--Even then however he was one of those who refused to recognize the power of the new governor Bennett, until he should be elected by the assembly; but so soon as this was the case, he became a warm supporter of the existing government, and filled a conspicuous situation in it.

In 1653, much discontent seems to have existed in the County of Northampton, excited as it appears by Colonel Edmund Scarbrough, a very influential, but a very turbulent and wicked man residing in that County. His cruelty (without the slightest provocation) to the peaceful Indians dwelling in his vicinity, seems to have excited horror even amongst his own white neighbours, and to have been well calculated to have provoked resistance and war. His avarice prompted him to seize several vessels under the pretext of their having violated the navigation act then recently passed by the parliament of England; ¹⁷ and while he thus affected obedience to the parliament, he at the same time openly denied the authority of the existing government, because the death of the king had put an end to all government. This latter notion

was boldly and impudently announced in a memorial signed by him, and a number of the other inhabitants of Northampton influenced by him, which was presented to the Assembly itself. In consequence of these several acts, so dangerous to the peace tranquillity and prosperity of the Country, a petition (at the head of which was Colonel Littleton the commander with many of the other commissioners /p. 25/ of the County) was presented to the assembly, announcing these facts and praying that they would take measures to prevent and correct their ill consequences. ^(a) The Assembly took these papers under their consideration at once, voted the memorial of Scarborough and his associates to be "scandalous and seditious"; disabled him and them from holding any office, until he and they had answer'd the charges prefer'd against them; and created a board composed of the Governor Secretary and others, whom they directed to proceed to Northampton, "for the settlement of the peace of the Countie, and punishing the delinquents". ^(b) The ancient records of Northampton shew, that in consequence of this act, the Governor, (Richard Bennett esqr.) with several of the assistants appointed by the Assembly to accompany him, proceeding to that County, where

(a) See Hening's Statutes at large. Vol: I. page 384.

(c) See Ib: Vol: I. page 380.

they held several meetings, at all of which Colonel Littleton was present as a member, and that they finally fulfilled the objects which induced them first to undertake this journey. Scarborough and his associates were severely mulcted in heavy fines, some of them degraded and disqualified from holding any office, and others pardon'd upon recanting their seditious language and praying forgiveness.¹⁸

This seems to have been the last public duty performed by Colonel Littleton, who must have died about the latter end of this year, for I find recorded in Northampton County Court, a deed from him to his daughter Hester, dated 4. September 1653,¹⁹ and in the following January (1654) the same record /p. 26/ represents, that his "widow" Mrs. Ann Littleton exhibited a complaint against the misconduct of one of her white female servants, who in consequence was order'd to be punished for her insolence to her mistress.

Colonel Littleton resided during his life in the lower end of what is now Northampton County, and in that part of it now and then called Maggoty bay, where he held 4500 acres of land, the exact location of which I cannot find out. Of his character and situation in life I can discover nothing more than what may be infer'd from the facts above stated.²⁰ From the various public appointments he filled however, and the manner in which he seems to have discharged their duties,

I am induced to think he was a man highly respected in the County where he resided, and by his fellow subjects in Virginia generally, and well meriting the estimation in which he was held. He left three children, two sons Edward and Southy, and a daughter Hester. She afterwards married Captain John Robins, a very respectable gentleman in Northampton, the son of Colonel Obedience Robins; and their descendants yet remain and are numerous on the Eastern shore.

Edward Littleton, the eldest son of Colonel Nathaniel Littleton, survived both his father and mother, and married, but died without issue. This appears by the proceedings in several suits in Northampton County Court instituted by Southy Littleton his brother, in which suits, land that belonged to Edward is claimed by Southy as /p. 27/ his heir at law. And more particularly by a deed from Francis Pigot and Frances his wife (who was the widow of Edward) to Southy Littleton, in which these facts are stated. Edward Littleton must have been quite young at his death (which happen'd in 1663) but even then he appears to have been recommended and appointed as one of the Commissioners of the County.

II. Southy Littleton.

the youngest son of Colonel Nathaniel Littleton was born in Virginia between the year 1642. and 1646; for by the will of his mother (which is dated 1656, and is recorded in Northampton County Court) she directs, that he shall be kept at school until he attains fifteen or sixteen years of age; and the proceedings in the suits above referred to shew, that he was of full age in 1667. He was moreover older than his sister Hester, who the same will states would be of age in 1669.

He must have been married very young; for it would seem by his own will (a copy of which I have) that he had survived his wife, and had seven children then living; and this will is dated in 1679--Who he married I know not certainly, but am inclined to believe from the name of his second son, and other like circumstances, that her maiden name was Bowman. And from the extent of his landed estates in Maryland and Accomack, part of which at least I think he must have acquired by his marriage, I am induced to believe that the family of his wife resided either in Somerset County Maryland, or in the upper part of the contiguous county in Virginia which is now called Accomack; and probably near /p. 28/ Chingoteaque.¹

It does not appear by the ancient records of Northampton, in which County Southy Littleton lived, that he ever acted in any publick capacity in that county: but he seems to have been a member of the Royal council while he was yet quite young, and was one of the "Court-martial, held on board Capt. John Martin's shipp in York river, January 11th 1676/7 for the trial of Thomas Hall and others, who had been assistors in the rebellion" of Bacon; and he is there distinguished as "Col: Southy Littleton"^(a).

Family tradition had ever taught me to consider this gentleman, as the particular and intimate friend of Sir William Berkeley, the then governor of the colony; and as the most conspicuous and meritorious of his name, who had lived in Virginia.² From this circumstance, his great wealth and the active part he was represented to have taken in the struggle which convulsed the country in his day and was only terminated by Bacon's death, I was disappointed in not being able to collect more information of him from the ancient records of the County in which he dwelt. I can only account for this omission by supposing, that the nature of the office he held, and the turbulence of the period in which he lived, caused him

(a) See William Waller Hening's Statutes at large. Being a Collection of all the Laws of Virginia. (Richmond, 1819-1823) Vol: 2d. pages 545. 546.

to spend much of his time out of the County of Northampton, during his early life; and our history informs us, that in the year 1677, Colonel Southy Littleton and Colonel William Kendall were appointed agents on the /p. 29/ part of Virginia, to repair to Albany in New-York, there to confirm the peace that Colonel [Henry] Coursey of Maryland had made for Virginia with the Five Nations of Indians, ^(b) who had long disturbed the peace of this Colony--while at Albany engaged in this duty Colonel Southy Littleton died. His will is dated at Albany September 16. 1679; and being first proved and recorded there, a copy of it was certified from thence to Northampton County Court, where it now remains of record.³

Colonel Southy Littleton left seven children--Of these three were sons, Nathaniel, Bowman, and Southy; and four daughters, Esther, Sarah, Elizabeth, and Gertrude. To Nathaniel his eldest son he devised the old family estate in Maggotty-bay--This gentleman married and died young, leaving none other than two female descendants--To his other sons Bowman & Southy Colonel Littleton devised large estates in Accomack and Maryland, and they probably removed thither. I have not been able to trace what became of them, but suppose

(b) See [John Daly] Burk's History of Virginia. [From Its First Settlement to the Present Day. (Petersburg, Va., 1804)] Vol: 2. page 282.

they died either without issue, or leaving none other than female descendants, for the name has long become extinct as a patronymick both in Maryland and Virginia, altho' it is still preserved as a baptismal name in the families of the Dennis's, the Teackle's, the Savage's, the Kendall's, and others on the Eastern shore of both these states. From whence I infer, that the female descendants of Colonel Southy Littleton and of his sons, intermarried with the ancestors of these families; and /p. 30/ that according to the custom then very prevalent, the family name of the mother, became the baptismal name of her male descendants and was thus preserved for a long time amongst them. All that I have been able to discover of any of this family (except the youngest daughter) is, that Elizabeth the third daughter married a Mr. [Richard] Waters, whose descendants were once numerous and respectable in Northampton, but I believe none are now remaining there, altho' a branch of the family still exists in Somerset County Maryland or in Accomack.⁴

III. Gertrude Littleton.

the youngest child of Colonel Southy Littleton was born in Virginia, and was very young at her fathers death. By his will he committed her to the care of Major Edmund Bowman who I presume was her Uncle.¹ This is the same man who the ancient records state to have been afterwards (in 1686) during the government of Lord Howard of Effingham order'd to appear before the Council for treasonable words used against the king (James 2d); and of whom the Justices of Accomack were commanded to take bond with security for his appearance.^(a) The history of that day will probably satisfy all who read it, that such a circumstance ought rather to be consider'd, as evincing the excellence and patriotism of Major Bowman, than his turbulence.²

When Gertrude Littleton grew up she married Henry Harmanson, the descendant of one of the oldest and most reputable families in that part of the country.³ She /p.31/ survived her husband many years, but never married again, and

(a) See John Daly Burk's History of Virginia. From Its First Settlement to the Present Day, (Petersburg, Va., 1804) Vol: 2. page 297.

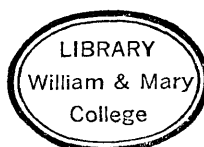
died in 1732.

By her will (a copy of which I have) it appears that she had had several children, none of whom however survived her but her son Henry, and her daughter Sophia. Three other children of her had married, and died during the life of their mother, all without issue except one daughter who had left a son Littleton Eyre the ancestor of the present John Eyre esquire of Eyre-Hall in Northampton County.⁴

Gertrude Harmanson was a woman of very singular character indeed, if the accounts of her be correct which tradition has handed down to me.

After the death of her husband she managed all her estates herself, with as much industry skill and attention as any man could have done--Mounted on horseback she rode from one end of the Eastern shore to the other without any attendant visiting her different estates; and was reputed there the best manager they had. During her widow-hood she acquired by her own enterprise and exertion several landed estates and much other property, some of which she procured to be settled by Act of Assembly according to her own inclination.^(b) By some means or

(b) William Waller Henings' Statutes at large. Being a Collection of all the Laws of Virginia. (Richmond, 1819-1823) / Vol: 4. page 377.



other she had picked up some knowledge of the law too, and is said to have prepared not only all her own deeds contracts and other writings, but even to have given written opinions upon legal question submitted to her by her neighbours and friends.

The Honble. James Henry who was one of the Judges of our General Court since I came to the bar, has often told me, that during the /p. 32/ period he practised the law on the Eastern shore (where he resided in the early part of his life) he had seen several of these legal opinions that had been formerly given by Mrs. Harmanson which were even then held there in very high respect, & as he thought were singularly correct. And if the Act of Assembly to which I have refer'd above, or her own will, be either of them her own composition, they unquestionably manifest (and especially the latter) no mean specimen of the legal skill of that day.

Part of the plate bequeathed by her will to her grandson Littleton Tazewell, and marked G. H., was still preserved in my family not many years ago, having been handed down to me from generation to generation since her death, now nearly a hundred years since. Other similar plate is I believe still preserved in the family of John Eyre esquire derived to him in like manner.

day, and having married her other daughters into the most reputable families then existing in that quarter, neither she or these her connexions would ever have consented to such a marriage, unless the situation of William Tazewell (then quite a young man) had been at least unexceptionable.

I have a copy of his will, and from a legal opinion pronounced in it with great apparent confidence and certainty, and from a bequest it contains of his "law-books" to his eldest son, I am induced to believe that William Tazewell was a lawyer by profession--²A mourning ring now in the possession of my wife informs me, that he died July 6, 1752, aged sixty-one. And as the will of Gertrude Harmanson dated in 1732 shews, that he was a married man, having four children living at that time, I infer that he came to this country about the year 1715 most probably.

The first mention I find made of him, is in a deed to him of lands bought of one Savage and wife, in the year 1722.³

/p. 34/

The records of Northampton County where he lived and died give but little information concerning him, nor did I calculate to find much there; for altho' the early records of this and the other ancient counties, contain a pretty good history of all the events which there occurred, soon after the settlements commenced, yet before the year 1700, these

IV. Sophia Harmanson.

the only daughter of Gertrude Harmanson who survived her mother intermarried during the life of the old lady with
William Tazewell.

He was the first, and so far as I know, the only one, of my name, who ever came to the United States; and the few persons of the name now in this Country, are all of them his descendants.

He was an Englishman by birth, but from what part of England he came I know not. He was born about the year 1691; and his family I imagine were respectable people in England.¹

This seems to be evinced not only by the anecdote I have mention'd /p. 33/ in the commencement of these sketches, and by another I will presently relate, but also from the armorial ensigns of his crest and shield. And that he himself must have been a young man of some consideration, is sufficiently shewn by the fact of his marrying the daughter of Gertrude Harmanson, during the life of her mother. For it cannot be doubted that this old lady was one of much discernment and great discretion, who being possessed of an ample estate herself, deriving her descent for a century, through a line of ancestors amongst the most conspicuous persons in the Country at that

records had become what they now are, the depositories of the common assurances of property, and the history of the mere judicial proceedings of the County Courts; from which sources but little biographical information could of course be expected. I will mention a single extract only as descriptive of the manners of the times. In the year 1728 an order of Northampton County Court is passed making an allowance to William Tazewell of twenty five pounds of tobacco for squirrels heads produced by him. ^(a)⁴ In this and several other instances where he is mentioned in the records, he is distinguished as Captain William Tazewell; and old Mr. Brickhouse⁵ of Northampton, the only person who knew him, with whom I have ever conversed, in his communications with me upon the subject, always called him old Captain Tazewell. He could recollect nothing of him however worthy of notice; except that he was an old man when he (Mr. Brickhouse) first saw him, that he was much afflicted with

(a) There seems to have been a custom prevalent in Northampton at this time, that every house-keeper should produce three crows or squirrels heads, for every tithable in his family; and in default of so doing, should pay two pounds of tobacco for each head not produced--Those who produced more were to have credit at this rate for the excess, to be paid by the delinquents-- And all the accounts were arranged, when the County levy was laid in each year--This custom afterwards became a law, which applied to the whole Eastern shore and Northern neck of Virginia. See William Waller/ Hening's Statutes at large. /Being a Collection of all the Laws of Virginia....(Richmond, 1819-1823)/ Vol: 4. page 446.

the gout, and wore a very large white wig. /p. 35/

My paternal grandmother had frequently told me, that after her marriage with my grandfather, a letter was received by him addressed to his father (this William Tazewell) which did not get to hand until after the old man's death--This letter was written by some connexion of his in England, and requested of him, to send over one of his sons, whom the writer might make his or her heir, for that domestic calamity had deprived him or her of all nearer male relations, and that a desire was felt to keep the estate in the family. My grandfather proposed to send over his brother so soon as he grew old enough; but the death of my grand-father soon after prevented this plan from being carried into execution.

Connecting all these circumstances, and considering them as facts, (as I have no doubt they are) the following sketch will probably exhibit the true history of William Tazewell. He was the younger son of respectable English parents, who altho' in competent circumstances themselves, yet had not enough to provide well for all their children then numerous. This younger son therefore after receiving a good education, was put to study the law; and after acquiring some knowledge of this profession, he came to Virginia about the year 1715, to push his fortunes here, and settled himself in the County of Northampton. There he began the practice of the law, and married

Sophia Harmanson, the daughter of an old, wealthy, and most respectable family, /p. 36/ which had long resided in that section of the Country. Some years after his marriage his wife's mother died, and under her will he having acquired a considerable augmentation of his fortune, and being also afflicted with the gout, he then quitted his profession, and passed the residue of his life in a retirement made in some measure necessary to him by his disease. He had several children, to each of whom he gave a good education, and bestowed upon all of them a competent provision by his will. After his departure from England, the family he left behind there (with which he seems to have maintained a constant intercourse) became nearly extinct, in its male branches at least, and his name now most probably remains no longer, except with such of his male descendants, as yet exist in Virginia.

William Tazewell as I have stated died July 6. 1752. He lived about two miles from the then and present Court-House of Northampton, at Elkington,⁶ now the seat of his great grandson Mr. Edward Stratton, where his remains together with those of his wife are inter'd in the brick burial ground nearly in front of and not very distant from Mr. Stratton's present residence. Sophia Tazewell survived her husband but a few years.⁷ They had several children, all of whom died without issue during the life of their father except four, Littleton, Gertrude,

Ann and John--Of these, Gertrude after her fathers death, and during the life time of her mother, married Mr. John Stratton of Northampton, and died leaving three children. The eldest of these children, a daughter, married Griffin Stith esq., & died soon after her marriage, without issue. The second also a /p. 37/ daughter, called Sarah, married John Nivison esquire, and is still living--And the youngest John, married Lucy Digges, one of the daughters of Colonel Dudley Digges of York, and is dead leaving four children, Ann the wife of Doctor Jacob G. Parker of Northampton, John, Edward, and Sarah the wife of Mr. Edward H. C. Wilson of Somerset County in Maryland, all of whom are still living--Ann Tazewell the second daughter of William Tazewell married first the Reverend William Nivison, by whom she had only two children, John and William Nivison--Her husband then died, and she married a second time to the Reverend Arthur Emmerson, by whom she had two other children Thomas and Arthur Emmerson, and is now dead. Her eldest son John Nivison married his cousin Sarah Stratton, by whom he had four children Ann Stratton, William Tazewell, Sarah, and Louisa Gertrude, and is now dead. Of his children William Tazewell Nivison is dead without issue; Sarah Nivison intermarried with Humbustom Skipwith, by whom she was left two daughters both still living; and Louisa G. Nivison has lately married Colonel Isaac A. Coles of Albemarle. William

Nivison the second son of Ann Tazewell, married Catherine Boush one of the daughters of Samuel Boush esquire of Norfolk, and died leaving a daughter, who had intermarried with Mr. Joseph Watkins of Goochland, where she still lives.

Thomas Emmerson removed many years since to Tennessee where he still lives, and Arthur Emmerson resides in the town of Portsmouth near this--John Tazewell the youngest son of William Tazewell married Sarah Bolling, a daughter of Colonel John Bolling, and is dead. He left several children /p. 38/
all of whom however are dead without issue, except two sons Littleton and William. Littleton the eldest of these sons married Catherine the widow of William Nivison, and is dead, leaving a daughter, who has intermarried with a Mr. Goode of Mecklenburg; and William is the present Doctor Tazewell of Richmond. With him and myself and with our descendants only the name of Tazewell therefore now remains, all the other male branches of this family once so numerous being now extinct--Of several of those whose names I have now mention'd I shall have occasion to speak hereafter, but at present I must confine myself to an account of Littleton Tazewell only.

V. LITTLETON TAZEWELL.

the eldest son of William Tazewell who survived his father, was placed by the old gentleman while he was yet a youth in the Secretary's office to be there brought up. This was an excellent institution (if I may so call it) which being put down during the revolution, the memory of it is now scarcely preserved in the Country; and as accident has furnished me with the means of giving a full account of this establishment, I will here state it.

The Secretary of the Colony of Virginia was an Officer deriving his appointment directly from the Crown. The office was ever held by one of the most respectable inhabitants of the Country. In emolument it was supposed to exceed that of the Royal Governor, and in dignity honour & patronage was inferior to his alone. From the Secretary's office (which was kept at the seat of government) emanated all grants of land, and inquisitions, the Commissions of all officers, and all the other letters patent of the Colony. In this were kept /p. 39/ the records of the old general court, the highest criminal and civil tribunal of the Country, holding jurisdiction in the last resort of all common law chancery and ecclesiastical cases. To

this office the Clerks of the different County Courts were constrained by law to return abstracts of all their most important records, to the end that their matter might be here recorded, and so preserved in a single place of deposit, to which all might have easy access. Here too the County Court Clerks were compelled to return an annual account of their fees, to certain proportions of which the Secretary was entitled.

Holding thus the general superintendance of all the Clerkships of the County, from a very early period the Secretary had claimed and exercised the powers of appointing all the Clerks. I have never been able to find any Statute vesting this immense patronage in that officer; and a short time previously to the commencement of the revolution, his right of appointment was question'd and disputed by some of the County Courts, who refused to qualify those nominated by the Secretary, and actually appointed other Clerks of their own selection. The matter was tried in the old General Court, who having decided in favor of the Secretary, an appeal was taken to the King in council, and the question of right remained there pending and undecided when the revolution began, during which the office of Secretary was abolished altogether.¹

Whatever legal foundation there might have been for the Secretary's right of appointing, the fact was, that from the

earliest period he had always claimed, and uniformly exercised this /p. 40/ power; and had used it with so much prudence, propriety, and justice, that with very rare exceptions, and those occurring on the very eve of the revolution, none were disposed to question this asserted privilege; and in the cases where the right was doubted the decision in this country was in favour of the Secretary.

The manner in which the Secretary for very many years filled the vacant Clerkships was this. To enable him to discharge the multifarious and very laborious duties of his office, a great number of Clerks were constantly required there. To secure to himself a sufficient stock of these, derived from sources liable probably to the fewest objections, and at the same time upon the best terms, every respectable gentleman of the Country, who thought proper to send his son to this office, and to maintain him there at his own expense for a term of seven years, was at liberty to do so. The young man so sent received no compensation for his services during this period, and was regularly trained up in the office under the eye of the Clerk of the General Court, who had the superintendance of the whole establishment.

If at the expiration of this his apprenticeship, he thought proper to continue in the office, and was approved by the Clerk of the General Court, he was at liberty to do so,

and then he was allowed wages during the period he remained. But if he thought proper to retire, he was free ^{so} to do; and it was distinctly understood, that provided he continued to conduct himself well, his claim to the first vacant clerkship was not at all weaken'd by his retirement.

When any Clerkship became vacant, he who stood first on the list of these eleves whether still remaining in the Secretary's /p. 41/ office or not, was generally permitted to claim it as a matter of right, if he had conducted himself well. If he did not wish that appointment, but chose to wait for some other, he was at liberty to decline it, without prejudice to his pretensions; and it was then offer'd to the next on the list; and so on until it met with the acceptance of some of them. The person appointed might with the approbation of the Secretary sell his place for any price he could obtain for it, and the purchaser being approved received the commission in his stead. But a Clerkship once granted to him, the claims of the elev^e upon the Secretary were forever afterwards extinguished.

The effect of these wise regulations was, that all the records being kept by those who had been trained up in the same school, and that the very best the Country afforded, were not only uniformly alike, but all drawn after the most approved forms. The Clerkships too were filled by the most orderly and

respectable persons, who had already given good assurance not only of their ability and capacity to discharge their duties, but of the confidence which those they ought at all times to possess into whose care the most important archives of the State are committed. These results were most manifest at the revolution, and for many years afterwards, while the old stock of Clerks remained. During that period, this numerous corps of officers presented without exception I believe a class of men the most useful popular and influential of any the state contained, and from which the largest draughts were made to fill most of the offices under the new government at its first creation. And I know of no examples in which occasion ever existed to regret the confidence that had been thus reposed in them. /p. 42/

When however the source of this supply was cut off, by the abolition of the Secretary's office, and the power of appointing clerks was lodged with the Courts, the appointments were often made by those who not being competent judges of qualification themselves, had no reference to the fitness of the man for the office, and in too many instances without regard to the standing or even the character of the officer. This valuable body of men then began to sink in the public estimation, and to lose the useful influence they formerly enjoyed. The public records now begin to exhibit almost as many

forms as there are clerks. Confusion and disorder have already commenced in many of the offices. The ancient records and archives are going to destruction for the want of proper care. And unless I am deceived in my anticipations, the time is not very distant, when if it shall not be absolutely impossible, it will be more difficult to trace the title of any estate for fifty-years back, than it used to be to ascend to its very inception however remote that might be. Let me however resume my story.

Into the Secretary's office such as I have described it, Littleton Tazewell was introduced by his father. Here he remained certainly during his apprenticeship, which being finished he again returned to his father, no clerkship that he liked having become vacant during this term. Upon his return home he seems to have studied the law, but I do not think ever commenced its practice.

Soon after this the Clerkship of the County of Brunswick (then a very large County) becoming vacant, he applied for and received this appointment.² His inducement for /p. 43/ obtaining this office was, that during the period he had lived in the Secretary's office, while on a visit to some of his acquaintances on the South side of James River, he had met there a young lady, whose family resided in the County of Southampton, to whom he then became attached. After his term in the

Secretary's office expired, he had paid his addresses to this lady, and become engaged to her; and the clerkship of the contiguous county of Brunswick then becoming vacant, he sought and obtained it, in order to settle in the vicinity of the family of his intended wife. Before he married or took possession of his new situation however, William Tazewell his father, died. Soon after which event, to wit on the 13th of February 1753, Littleton Tazewell married, and selling off all the real property he held on the Eastern-shore, he invested its proceeds in lands in the County of Brunswick, to which he shortly afterwards removed.

Sophia Tazewell the mother of Littleton did not live long after the death of her husband. Upon her decease Littleton Tazewell returned to the Eastern shore, and brought back with him his brother John and sister Ann neither of whom ever afterwards returned as residents to that quarter of the Country. Thus the names of Littleton and Tazewell, which had continued so long in the County of Northampton, became extinct there, and henceforth all accounts of my family must be sought elsewhere.

Littleton Tazewell married Mary Gray, the daughter of Colonel Joseph Gray, an old and most respectable inhabitant of the County of Southampton, who was born in /p. 44/ that quarter of the Country, while it was a part of the County of

Surry. Upon the erection of the County of Southampton into a separate County,³ Joseph Gray was made its Colonel Commandant and presiding magistrate; was elected as one of its representatives in the house of Burgesses, and continued to represent it for many years.⁴ At an early period of his life he married Martha Simmons, the daughter of a gentleman of that name also of Southampton, whose family were inferior to none in that quarter. The influence of these two families combined was very great. The father and uncle⁵ of Mrs. Tazewell continued to represent the County together for many years; and after the death of Colonel Joseph Gray, his eldest son Colonel Edwin Gray,⁶ the brother of Mrs. Tazewell, occupied his father's place so long as he lived. Even in my day the ancient influence of the family was not extinct, for Mr. Edwin Gray⁷ one of the sons of Colonel Edwin represented the district of which Southampton was a part in the Congress of the United States for eighteen or twenty years. And after he declined Mr. John C. Gray⁸ the eldest son of Captain James Gray the younger brother of Colonel Edwin has also recently represented Southampton both in the State Legislature and in the Congress of the United States. There was therefore no disparity of any sort in the connexion between my grandfather and grandmother, which connexion most probably translated him from the place of his nativity to the Western shore of Virginia.

Besides my grandmother (who was his eldest child) Colonel Joseph Gray left many other children. His two sons Colonel Edwin Gray who I have mentioned, and Captain James /p. 45/ Gray, I well remember myself. The latter was an officer in the Continental army during the war of the revolution, and served with reputation throughout its continuance. I also recollect one of the daughters [Sarah] who married Major James Wall of Brunswick, and another [Lucy] who married Colonel John Flood Edmunds of the same County. This last was the youngest child and was living but a short time since. There were two other daughters, one of whom [Elizabeth] married a Mr. Newsum, a wealthy merchant of Petersburg; and the other [Ann] married first a Mr. [Thomas] Blunt of Southampton, and after his death she was again twice married to a Mr. [Richard] Blow of Southampton, and to a Mr. Godwin of Nansemond.⁹ All these sons and daughters except the last left descendants, who are now scatter'd abroad I know not where. Some of them I have never seen or heard of, others I may very probably have seen without knowing, and with others again I have always maintained such a connexion as suited our relationship. It would carry me too far however to speak more particularly of these collateral branches of my family, whom I shall therefore now dismiss.

Littleton Tazewell lived but a few years after his

marriage, and died March 17:th 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 Otter-dam 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 Nottaway river, in what /p. 46/ 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 to the Reverend William Fanning,¹⁰ 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 esquire at present of the City of Richmond, & dying left two children, William Fanning Wickham and Edmund Fanning Wickham, both of the City of Richmond, whom I now regard and value as the nearest connexions I have except my own children.

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

Of Littleton Tazewell 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, in the study of the law; and his last four years in Brunswick. /p. 47/ And during this 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.

VI. HENRY TAZEWELL.

my father, was the eldest child of Littleton Tazewell and Mary his wife. He was born on the 27th November 1753. Deprived of his father while he was yet a child, the care of him devolved first upon his grandfather Colonel Joseph Gray; after whose death he had the good fortune to be placed under the direction of his father in law [i.e., his step-father] William Fanning. This gentleman enjoying the advantage of an excellent education himself, was fully aware of its benefits, and very desirous to have them confer'd upon his ward. He therefore sought for the best masters the Country then afforded, and to such only committed the care of the early education of Henry Tazewell. His classical studies were pursued under the direction of an old Scotch tutor by the name of Gordon¹, who lived even in my day, and was then still consider'd as a most admirable tutor. After he had passed through the grammar school, and finished his study of the dead languages, he was placed by his guardian at the College of William and Mary in Williamsburg, where he completed his collegiate studies.² He was then placed in the office of his Uncle John Tazewell esquire in the City of Williamsburg to study the law.

Here he finished his legal /p. 48/ education, and having done so obtained a license to practise.

While prosecuting his legal studies in Williamsburg, he became attached to Dorothy Elizabeth Waller, the third daughter of Benjamin Waller esquire of that City, and married her in January 1774. After his marriage, he removed to the County of Brunswick where his father had lived, and there commenced the practise of the law in that and in the neighbouring Counties. The storm of the revolution which had been gathering for some years was now almost ready to burst forth. In consequence of the Resolutions adopted by the House of burgesses in May 1774, relative to the Act of the British parliament (then recently passed) shutting the port of Boston, Lord Dunmore, the last royal governor of the Colony, suddenly dissolved the Assembly of Virginia.^(a) Immediately after the dissolution of this body, eighty nine of its members met at a tavern, and adopted a resolution, recommending the expediency of a general Congress, "to deliberate on such measures as the united interests of America might require".^(b) And to give effect to this recommendation,

(a) John Daly Burk's History of Virginia. From Its First Settlement to the Present Day (Petersburg, Va., 1805) Vol: 3. pa: 378 - William Wirt's Sketches of the life and Character of F. atrick Henry. Philadelphia, 1817 pa: 95.

(b) Ib: pa: 380 -- Ib: pa: 96.

a convention of delegates to be elected by the several counties of Virginia was summoned to meet at the seat of government (Williamsburg) on the 1st of August 1774, to consider further of the State of public affairs, and more particularly to appoint delegates to this general Congress. ^(c)

This first convention of delegates met at the time and place appointed, and having broke off all commercial connexion with the mother country until the grievances of which they complained should be redressed; elected Members to the proposed Congress & authorized one of their body [Peyton Randolph] to convene them again, at such time and place as he might judge proper, they adjourned. ^(d) It was called together again in the mode pointed out, to meet at Richmond, on the /p. 49/ 20. March 1775, and did so meet. At this second session, the Convention resolved to put the Colony in a state of defence immediately; and raised a committee to prepare a plan, for embodying arming and disciplining such a number of men as might be sufficient for that purpose. This Committee accordingly prepared such a plan, which was adopted. And the Convention having elected new members of Congress and provided for a new election of delegates to their own body dissolved themselves. ^(e)

(c) Ib: pa. 382 -- Ib: pa. 98. 99. 100.

(d) Ib: pa. 382. 3. 4. 5. 6. 7. -- Ib: pa: 99. 100. 101

(e) Ib: Vol: 4. pa: -- Ib: pa: 114. 16. 17. 24. 29

In April 1775, the gun-powder was secretly taken 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 Colonel Richard Corbin, the Receiver general of the royal revenue in this colony, to pay the amount of the supposed value of the powder, retired again to their homes. ^(f)

This the first act of open resistance to the royal authority in Virginia produced much excitement among the people every where; Lord North's conciliatory plan (as it was called) arriving in America about the same 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 first of June 1775. ^(g) /p. 50/

At the time appointed the Assembly met, but soon after its session commenced, the governor becoming alarmed, retired from his palace in Williamsburg, on board a man of war H.M.S. Fowey then lying in the river opposite York-town. The necessary intercourse between the Executive and Legislative branches of the government being thus cut off, the Assembly could proceed no further in their business, and therefore

(f) Ib: pa: -- Ib: pa: 131. 140. 142. 143.

(g) Ib: Vol: 3. pa: 420. -- Ib: pa: 148. 149.

adjourned to meet on the 12:th of October following. A sufficient number to form a quorum not meeting on that day, those who did meet adjourned to March 7:th 1776. On that day also a quorum not appearing, the members present adjourned to meet again on the 6:th of May 1776. On this day however the Convention [i.e., the Assembly] (composed of the same persons) was also convened; and when several of the Members of the Assembly met on that day, they would "neither proceed to business nor adjourn, as a house of burgesses"^(a). And thus terminated the political existence of the last Virginia Assembly held under the royal government.

After the adjournment of the Assembly as such in June 1775, the members (who were also delegates to the Convention)³ agreed to meet in Richmond as a Convention, on the 17. 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 these arrangements, the Convention adjourned, to meet again at the same place on the 1:st of December 1775.^(b)

(a) Burk's Hist: of Virg.^a Vol: 4. pa: Wirts Life of P.Henry. pa: 149. 151. 156.

(b) Ib: Ib: Ib: pa: Ib: Ib: pa: 156.

On that day the Convention again assembled, and having made /p. 51/ some further ordinances necessary for the good of the Colony dissolved themselves--^(c) In April 1776 a new election of delegates to the Convention took place, under an ordinance which had been adopted by that body in July 1775--The new members then elected assembled at Williamsburg on the 6th of May 1776; when the old Assembly being terminated as I have before stated, and the state of the Country at that time requiring the establishment of some permanent form of government, on the 15th of May a Committee was appointed "to prepare such a plan of government as would be most likely to maintain peace and order in this Colony, and secure substantial and equal liberty to the people". This Committee reported 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 most loyal colony.^(d)

(c) William Waller Henings Stat: at large. Being a Collection of all the Laws of Virginia ... (Richmond, 1819-23) / Vol: 9. pa: 75 & c.

(d) Ib: Ib: Ib: pa: 109 & c. Wirt's life of P. Henry. pa: 192 194 &c. Burks. Hist: Vol: 4. pa:

At the commencement of the differences between Virginia and the mother Country, (which may be traced back to the year 1765) 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 her 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 /p. 52/ 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 a fixed and settled purpose to obtain redress, even though arms must be resorted to as the only means of ensuring 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--Some of the best patriots in this Country were warmly opposed to the organization of a military force adopted by the Convention in July 1775^(a) --The abandonment of his government by Dunmore in

(a) Wirts Life of P. Henry. pa: 117. 125. 126-128

June 1775, produced the necessity for organizing a provisional government for the country; and the base barbarous and infamous course he pursued, compelled the employment of the force that had been then provided for defence merely--The opposing forces first met in Virginia in December 1775, and at the battle of the Greatbridge the first blood was spilt.^(b) Their success in this first rencontre gave confidence to the Colonists, & prepared them for the war. This however could not be carried on with the temporary government then existing; of consequence 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 ever 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. /p. 53/

It is not my purpose however to write the history of the Nations, but merely that of a single family. To this therefore let me 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.^(c)

(b). Burks Hist: of Virg^a Vol: 4. pa.

(c). See Henings Stat: at large. Vol: 8. pa: 515.

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 then being continued expired of course, and thus the Courts of Justice in the Country were closed.^(d)

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 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--⁴

In April 1775, an election of Members of the Assembly (which as I have stated was summoned by the Governor to meet st the 1: day of June) was to take place. The members chosen at this election, would also be delegates to the Convention, according to the ordinance of the last convention upon this subject. This election therefore was one of great /p. 54/

^a
(d).. See Burk's Hist: of Virg. pa.

interest; and Henry Tazewell declared himself a candidate for his county--The County of Brunswick was then very large, & he had resided in it not 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. But yet such was the standing he had acquired in the County during his short residence there, that he was elected after a very severe contest⁵--He then was but little more than twenty one years of age.

When this Assembly met (which as I have stated, was the last held under the regal 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, terminate the differences then unhappily subsisting, and restore tranquillity to the agitated country. In this course he was supported by some of the warmest and truest patriots in the assembly, by Robert Carter Nicholas, Edmund Pendleton, Richard Bland, Benjamin Harrison etc., but was opposed by Patrick Henry, the Lees Richard Henry, Thomas Ludwell George Mason, John Page & Thomas 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 gentlemen 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 /p. 55/ mean time, was solicitous to submit them to the examination of those for whose opinions he felt 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. [Benjamin] Lyne, a member from King and Queen, passing by at the time, either looked over their shoulders and read it, or heard it read by one of them--Lyne either did not understand, or understanding disapproved of these 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 it--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 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 bid the young gentleman who projected such a course, to reflect upon it calmly, and beware its consequences. These remarks neces-

sarily produced enquiry as to the person to whom they were intended to apply, and Mr. Tazewell being designated as that person, he rose to his place, and avowed himself to be a young member, who had contemplated proposing a set of measures that his judgment approved, and which he hoped the house would adopt--Whether this was the result or not however, 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 deter'd from the performance of this duty by such denunciations as the house had heard addressed for him. Some warm discussion was produced by these circumstances, & the house adjourned under great excitement. After the adjournment many members became desirous to see the proposed Resolutions, which /p. 56/ had not yet been publickly exhibited, and Mr. Tazewell very willingly shew'd 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 & sentiments of the resolutions were also agreeable, but they did not consider the present as the fit occasion for presenting them--And by others again they were disapproved of entirely--Even this latter class however, while they disapproved of the resolutions, were highly incensed at the course which Mr. Jefferson and those who had acted with him had pursued. They consider'd this as highly improper, calculated to suppress 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 they 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 which had been pursued by Mr. Jefferson and his associates on that occasion--In this class was Colonel Edwin Gray, a member from the County of Southampton, and the uncle of Henry Tazewell--This gentleman was an old member, known to be one of the firmest & most zealous whigs in the Country, 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 /p. 57/ witnessed that day. An attempt which he regarded as more dangerous to the liberties of the people, than any they were then opposing; inasmuch 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 conversations which took place between many different members during the course of this evening, indicated very plainly, that the debate of that next day would be renewed with more warmth on the next. To prevent this, Robert Carter Nicholas esq:, who had seen the resolutions and had approved them, but did not 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 announce the regret Mr. Jefferson felt at what had occurred. Both these gentlemen while they differ'd as to the opinion expressed in the resolutions, concur'd 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 latter had no difficulty in effecting, for the author had not originally

intended to bring his resolutions forward on 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 /p. 58/ 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 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.⁶

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 then several members in the house) that such a course was neither calculated to preserve harmony or secure success; and inspired the majority with sentiments of deference and respect for the minority which that never afterwards were alter'd--The 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

adjourned to meet again at the same place on the 1st of December 1775.

Before this period arrived, there had been several skirmishes between Dunmores 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 occurred. Every thing therefore manifested the necessity of organizing additional forces; and hence seven new regiments were created--^(d)A mode of appointing Sheriffs was also devised;^(e) and a tribunal erected for trying offenders, and particularly the enemies of the Country.^(f) This Convention during its session adjourned from Richmond 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 required; and most absolute unanimity therefore prevailed amongst its members, and no diversity of sentiment existed as to the adoption of any of its ordinances.

(d) Ib: pa: 75. &c.

(e) Ib: pa: 92. &c.

(f) Ib: pa: 101. &c.

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 of service to myself as his son.

This Assembly adjourned the latter end of June 1775. Previously to their separation however the Members (as I have before stated) agreed to meet in Convention of the 17th of July following, at Richmond. Thither therefore Henry Tazewell repaired, and took his seat as a member of this body--At this session Patrick Henry brought forward his great proposition "for raising and embodying a sufficient force, for the defence and protection of the Colony"^(a)7 The force proposed /p. 59/ was only two regiments; but this was then deemed adequate to protect and defend the Country against the attempts of the abdicated governor and his crew, the only enemy Virginia had to apprehend at that time. A committee of Safety was also created, to discharge the executive functions which the governor had renounced--^(b)And after providing for a new election of members to their own body to be made in the following April;^(c) and passing some other ordinances of less importance, the Convention

(a) Hening's Stat: at large. Vol: 9. page 1. &c.

(b) Ib: pa: 49.&c.

(c) Ib: pa: 53.&c.

In April 1776 a new election of delegates to the Convention took /p. 60/ place in conformity to the ordinance of July (a) 1775--At this election Henry Tazewell 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, altho' sustained by the opinions of the people, yet wanted the sanction of law. A legislature endowed with plenary 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 most require. Hence the people loudly called for a new government; and the members chosen to this Convention were every were [sic]

(a) See Hening's Stat: at large. Vol: 9. pa: 53.

elected under the expectation, that a new government should 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 this Colony, and secure substantial and equal liberty to the people"^(b)--Such a committee was accordingly appointed, consisting of the most distinguished /p. 61/ Members and esteemed patriots in the Convention. Among these the names of Mr. Archibald Cary, Mr. James Mercer, Mr. Robert Carter Nicholas, Mr. Patrick Henry, Mr. Bartholemew Dandridge, Mr. Richard Bland, Mr. Paul Carrington, Mr. Thomas Ludwell Lee, Mr. John Blair, Mr. William Fleming, Mr. John Banister, Mr. Mann Page, Mr. James Madison, Mr. George Mason, among several others, are still remember'd with high veneration; and of this committee Henry Taxewell was also a Member^(c)--On the 15th 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 these days respectively.^(d)

(b) Burks Hist: of Virg.ⁿ Vol: 4. pa: 139-140 Wirt's Life of P. Henry pa: 194.

(c) See Wirt's Life of P. Henry. pa: 195, 196.

(d) Id: pa: 196--Henings State: at large Vol: 9. pa: 109, 112.

It is unnecessary to relate the particular acts of this Convention further, it will be sufficient to state, that after choosing a governor, and the other officers necessary to put the new government into operation; and adopting such ordinances as the publick good was thought to require, 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.^(e)

Henry Tazewell continued to attend this body as a member during this session, and was elected the third time as one of the delegates from the County of Brunswick in April 1777.⁸ As nothing occurred however in relation to him particularly during any of the sessions 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,^(a) and another establishing a General Court.^(b) By the former of these acts, the path of his profession was again open'd to his pursuit; and under the latter his uncle Mr. John Tazewell having been appointed as one of the Judges of this new Court,⁹ and so constrained to relinquish his

(e) Ib: Ib: pa: Ib: Ib: Ib: pa: 153.

(a) See Hening's Stat: at large. Vol. 9. pa: 368. &c.

(b) See Ib: Ib: Ib: pa: 401. &c.

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 Tazewell's legal business, and to take a stand at the bar of the General and other superior courts--In 1778 therefore he quitted Brunswick as a place of abode, and fixing himself in Williamsburg, closed for a season his political life, and resumed his professional labors that had been so long interrupted.

Mr. John Tazewell 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 elev^e Henry Tazewell 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 Mason Blair and Nicholas had been elevated to the bench, Henry had been made Governor, and Jefferson was in Congress. None of the old practitioners /p. 63/ of much standing remained at these bars; and of the young men who

enter'd 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 Tazewell.

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 enter'd just as he had attained his twenty fourth year--These hopes however sanguine they might have been were fully realized, for a time at least. Business flow'd 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^(c) to remove the seat of the government from thence to Richmond--The bright prospects of Henry Tazewell 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,¹⁰ and for some years led an unsettled vagrant life, passing his time

(c) See Hening's Stat: at large. Vol: 10. pa: 85 &c.

occasionally in Greensville,^(d) at the plantation there, & at other times attending his Courts, when they would be open'd 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 /p. 64/ 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 recover'd from the shock so inflicted upon it--To add to his misfortune, the British army under Lord Cornwallis, in its march from the more southern states to Virginia, in the year 1781, passed the Meherrin River at Hick's ford, very near the estate of Henry Tazewell, and while there plunder'd 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 at Williamsburg during the winter of 1781.2. & part of the succeeding spring, inspiring

(d) The County of Brunswick, was divided and Greensville created in 1780. /p. 64/ See Hening's Stat: at large. Vol: 10. pa: 363 &c.

the people with perfect confidence in their security, restored tranquillity, and invited the resumption of regular pursuits-- Henry Tazewell availed himself of the first gleam of the approaching sunshine, to re-establish himself somewhere, and to recommence his professional labors. Williamsburg was the spot where most of his early friends resided, where he had first began his harvest of professional emolument, and to which some interrupted & 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 continued its sessions in Williamsburg. (a) /p. 65/

Altho' after the conclusion of the war, the bars of these different courts, were attended by many more and more distinguished counsellors, than had appeared there when Henry Tazewell had first taken his stand at these bars, yet he soon rose amongst these competitors to his former rank--His business was inferior to that of none, save only the Attorney general [Edmund] Randolph, and in its profits probably exceeded even his. And he continued to maintain this high standing ever after-

See Hening's Stat: at large. Vol: 10. pa: 363 &c.

(a) See Hening's Stat: at large. Vol: 10. pa: 99 &c.

wards while he remained in practice. During this period the leading counsellors besides those I have mentioned were Jerman Baker from Petersburg, Colonel John Taylor of Caroline, Thomson Mason,¹¹ Charles Lee,¹² John Francis Mercer now of Maryland,¹³ Sam'l Hardy,¹⁴ Andrew Ronald,¹⁵ John Marshall the present Chief Justice of the United States, Colonel James Innes afterwards Attorney General, and occasionally Patrick Henry, with many others not now recollected. Many of these either 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, [John] Blair, [Peter] Lyons, and [Benjamin] Waller, who then presided in these Courts, is sufficient evidence of the legal acquirements of Mr. Tazewell.

Soon after his second establishment in Williamsburg, Mr. Tazewell was unanimously elected by its citizens, a member of the Assembly from that city; and continued to represent it ever afterwards without opposition, so long as he was eligible to that body--¹⁶In this situation, and while he was in the mid-career of his professional course, the death of the honourable Bartholemew Dandridge one of the Judges of the General Court, occasioning a vacancy in that court, Mr. Tazewell was prevailed upon by his friends, and particularly by the solicitations of Patrick Henry esq: the then governor of Virginia, to

/p. 66/ accept this appointment. He was accordingly commis-
sion'd by the executive in the summer of 1785, and this ap-
pointment was confirmed unanimously by the Assembly, at their
October session in this year--At this time he was not yet two
and thirty years of age.

In the year 1787 the Convention which had met in Phila-
delphia 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 law before Congress, & afterwards to be submitted to
a convention of delegates chosen in each State by the people
thereof, under the recommendation of its Legislature, for their
assent and ratification--In consequence of this, the Legislature
of Virginia 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 qualification in the delegates were
removed, and any of the executive or judicial officers of the
government were eligible. The agitation produced by the examina-
tion of the important question now presented, the decision of
which was supposed to involve the fate of this Union, had been
equal'd by nothing but that occasion'd 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 Tazewell was not there. /p. 67/

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 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 General Thomas Nelson and Mr. [Joseph] Prentis (afterwards Judge Prentis) who had long represented that county in the Assembly, ¹⁷ presented themselves in like manner as solicitors for seats in the convention. To all and each of these gentlemen Judge Tazewell 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 Tazewell was such at this time, that had he offer'd, the contest

between him and any of the others would most probably have been sharp and doubtful, yet such a contest must 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 respected so highly.

While this subject is before me my recollection is called to an /p. 68/ incident that occurred at the York election, alike honourable to all concerned in it, which I will state. After Judge Tazewell refused to become a candidate for this county, the antifederalists put up two persons by the name of Shield¹⁸ as opponents to General Nelson and Mr. Prentis for the convention. When the election was about to commence, (which was expected to be very closely contested) the poll keepers had already prepared their polls, headed with the names of these four candidates; these gentlemen had taken their seats on the bench as is customary; and the proclamation had been made by the sheriff inviting the freeholders to come forward and vote--At this juncture an old man by the name of Charles Lewis¹⁹ step'd forward, and addressing himself to General Nelson

& 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 therefore left home that morning, with intent to vote for them again; but on his way to the Court-house he had reflected, that his vote this day, would not be expressive 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 question--That having no opinion himself upon this subject, it had occurred to him as improper to express one, by voting in favor 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 not reconcile it to himself, to vote for any, to whom having decided already, further information /p. 69/ would be of no advantage. That if the question was, who he should depute for him to decide unknown and unforeseen matters, he would unquestionably 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 judgments, when exercised with such impartiality. But as

there was now a single and a known proposition to be settled, which all concur'd 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 examin'd--Hence he had made up his mind, to vote in favor of persons who so 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 reflexions had called to his recollection his two fellow citizens George Wythe and John Blair; and he hoped his friends would for these reasons excuse him, if upon this occasion he directed the sheriff to record his vote in favor of these distinguished patriots, whose age and retirement by keeping them aloof from the warm conflict that had been carrying on, had suffer'd them still to be impartial, and whose long experience and well approved past services, while they gave good assurance of their wisdom, also prefer'd strong claims to the gratitude of their county. Scarcely were these words utter'd 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 altho' Mr. Lewis had got the short of him in the good race then to be run, he

would suffer no other man /p. 70/ to precede him in the support of Mr. Wythe & Mr. Blair, whose merit none better knew than himself--He therefore directed the sheriff to record his vote also in favor of these gentlemen, and solicited all those who might have come to the Court-house intending to vote for him, not to consider him as a candidate, but to follow his example in supporting these persons--Mr. Prentis soon followed General Nelson in this course, and Mr. Wythe and Mr. Blair were elected by an unanimous vote. When the election was over, General Nelson addressing the people observed, that as they had thus elected these gentlemen without their knowledge, it would be well to complete the good work 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 deputing their leader as their spokesman, he presented himself in their behalf to the old man, and announced what had occurred--When General Nelson enter'd 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, /p. 71/ 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 which in him 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 by an unanimous suffrage elected you sir as one of their representatives in the next convention--And as 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, & have deputed me to make this communication in their behalf"--Mr. Wythe who had arisen when General Nelson first enter'd his 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 follow'd 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"--and 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 only 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 flow 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 uncover'd. Come in to the house, and /p. 72/ 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 welkin roar, & they passed respectfully by the door towards Mr. Blair's. Mr. Wythe remained bowing most gracefully to the throng as it moved by him, and when they left the house retired to his own apartment, and was no more seen that day.

I have already stated, that Judge Tazewell was opposed to the adoption of the Constitution. In this opinion a majority of the people of Virginia concurred, as was plainly evinced by the 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. William 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 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 confer'd 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 /p. 73/ states might not concur in any other. Believing this, while they could not approve this instrument, yet they prefer'd trying it with all its defects, to risking every thing longer under the old confederation, or taking the chance of getting a better Constitution in rejecting

the one proposed--These considerations were very operative with the old and cautious statesmen, who were willing to yield much that they did not wish, rather than risk all that they valued most--Before the convention met in Virginia, several of the other States had already ratified the proposed Constitution, and there existed very great probability, that even if she rejected it, a sufficient number of ratifying states would be found to put it into 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 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, & certainly feared its imperfections, were nevertheless willing to take it then 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 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 its powers, not from the states, but

from the people directly; and exerted these powers, not only over the people themselves, but over the /p. 74/ states also--In the list of these powers, that of taxation, of creating fleets and armies, and offices, were without limit or 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 into mere corporations, while itself would become a great National consolidated government, whatever might be its present appearance--That the United States were too populous, too extensive, and too diversified in their interests, to be governed by any one consolidated government that should be republican, and preserve and protect their liberties--Hence that such a government must necessarily fall to pieces of itself, whensoever it attained the point to which it ultimately tended, unless the powers of its executive were made stronger and more efficient than they then seemed to be. But if this was done, (and such most probably would be the result) whatever might be the name by which the chief Magistrate was designated, he would be a King in fact, and the government must become essentially monarchical--In one word, that the preservation unimpaired of all the rights & powers of the State authorities, was indispensably necessary to the freedom of the people; and that the operation of the proposed government

was inconsistent with this.

Such were the opinions of the Antifederalists generally, & certainly of Judge Tazewell, as I have often heard them expressed by him. Whether they were well founded or not, time is yet to decide--But altho' the proceedings of the Government of the United States, since the adoption of this Constitution, has certainly contributed much to imbue the belief of many, that the consequences /p. 75/ apprehended from it were without cause and its dangers imaginary, yet I am not one of those who believe that the experiment is yet complete. Thirty odd years of experience under this government has weaken'd it is true much of the dread of consolidation, but it has also presented these awful questions, whether the union of these wide spread states, so diversified in interests habits and pursuits as they are, can be preserved without a more vigorous government than this Constitution offers. And whether any government effectual to preserve the union of the states, must not be too strong for the liberties of the people--If to preserve our freedom, we are at any time prepared to sacrifice our union, will not the hazards of conflict to which neighbouring states are always exposed, necessarily beget a species of government, as incompatible with political liberty, as any to which consolidation itself can lead--At least we are but trying an experiment to ascertain the truth of the maxim, that

extent of territory is inconsistent with the duration of republican government. And if we too find it correct, the only question will be, whether our government shall rule an extended or contracted empire--

In October 1788 a new organization of the judicial establishment of Virginia was created by the Assembly. At this time there was a single Court of Chancery which consisted of three judges, Pendleton, Wythe & John Blair--The General Court was composed of five judges only, Paul Carrington, William Fleming, Peter Lyons, James Mercer and Tazewell--And the Court of Admiralty of three, Richard Cary, James Henry, & John Tyler--These eleven judges constituted the Supreme Court of Appeals, ²⁰ in which none of the judges sat on the examination of the decisions of their own court ^(a)--The adoption of the new Federal Constitution, by transferring all admiralty /p. 76/ to the United States, ^(a) would when this government went into operation, necessarily extinguish the state Court of admiralty. A new arrangement therefore of the Court of Appeals was indispensable. A scheme of Courts of Assize had been adopted in 1784, but had been postponed from time to time in its execution. ^(b) As this project however required the agency of all the eleven judges of the Court of Appeals, whose numbers would now be reduced to eight by the extinction of the Court of Admiralty, the modification

of that scheme became also requisite. In this state of things the Assembly repealed the law establishing Courts of Assize, & passed the various acts altering the Courts of Appeals and General Court, and creating District Courts.^(b)

Under the new system, the Court of Appeals was made a district Court, and five judges were appointed to this Court exclusively.^(c) The High Court of Chancery remained as before but was to be held by a single Judge only--^(d)The State was divided into five different Circuits, each containing four districts, and two judges of the General Court were assigned to each Circuit, in all the districts of which Courts were to be held by these two judges, on certain appointed days, twice in each year.^(e) 21

In the designation of the Judges to these different courts /p. 77/ Mr. Pendleton & Mr. Blair were taken from the Court of Chancery; Mr. Carrington Mr. Lyons and Mr. Fleming the senior judges of the General Court were taken from that Court, and these five were made Judges of the new Court of Appeals--Mr. Wythe the other Judge of the Court of Chancery, prefer'd remaining in that Court, and was therefore made the sole Chancellor--Mr. Mercer and Mr. Tazewell being thus left the only two Judges of the General Court, it became necessary to add eight others to their number, in order to provide a sufficient number of Judges for the five circuits into which

the State had been divided--The three judges of the former Court of the Admiralty were therefore appointed judges of the General Court, and five new judges of this Court were also elected by the Assembly, which completed the establishment of the new General Court.

This new system was the first severe blow aimed at the Judicial establishment of the State--Its effects soon began to be felt and seen every where; but instead of producing a wish to retrieve the ground lost, it was the immediate cause of introducing the present system, which was adopted some years since, and has reduced both the bar and bench of Virginia, from the lofty eminence they before held, to the humble state in which they are now consider'd as standing. Formerly when all the important business of the Country was found in the General Court and High Court of Chancery, every lawyer of standing or promise in the State resorted to Richmond, where these Courts were held. The assemblage of such a body of lawyers, and their daily discussions, was well calculated to produce emulation & invite improvement even with these. And their example plainly marked out to the young aspirants for professional distinction, /p. 78/ the attainments they must possess, before they could expect to enter the lists successfully with such competitors. Thus a perpetual source was pro-

vided, from which vacancies on the bench might be at all times supplied with lawyers of the first distinction; and to this fund while it lasted the Assembly always resorted to procure such a supply--But when the new system was adopted, by distributing the business of the old general court into the different circuits, it broke up the bar of that Court, and concentrating the legal rays in twenty foci instead of one, thus necessarily diminished their heart & force. Less emulation and excitement of course then existed, the old therefore did not improve so much, and the young necessarily felt the influence of their example. The depreciation was considerable, but still the collection of counsel at the bars of the different district courts, altho' much reduced in numbers was yet respectable. The same levelling principle therefore went to work again, and dividing out the business of the different districts amongst the present superior courts, all the bars in the state were then filled with mere county court practitioners, and very soon there will be none other--From such a stock all the judicial appointments have been and must be filled--The Judges therefore must soon become worse lawyers than those at the bar, and the time must come when if the judicial system of the country be not altered, it will become the cruellest curse Virginia will have to deplore--

In the year 1789 Mr. John Blair one of the judges of

the Supreme Court of Appeals in Virginia, was appointed one of the Judges of the Supreme Court of the United States; and the vacancy thus produced was filled soon after by appointing Judge [James] Mercer the chief Justice of the general Court, to Mr. Blair's seat in the Court of Appeals. When /p. 79/ this appointment was made Judge Tazewell became of course the Chief Justice of the General Court--In this situation he remained until the year 1793 when the death of Judge Mercer occasioning a vacancy in the Court of Appeals, he was transferred to that bench.

And here I cannot avoid mentioning a curious circumstance in the public life of Henry Tazewell, which seems to have brought him either to the beginning or the end of every public institution into which up to this period he had ever been[#] introduced as a member. He commenced his public career as a member of the Assembly in June 1775; and this was the last session of the last House of burgesses that ever met under the colonial government. He was a member of the convention and of the committee, which prepared and adopted the existing constitution of Virginia in May 1776; and this was the last convention that ever met, during the interregnum caused by the abdication of the royal governor, and the want of any established government in the Country. He was next a member of the first house of delegates that convened under the new

constitution in October 1776. While a member of the house of delegates in 1785 he was placed on the bench of the old general Court, and was the last member of the bar of the old general Court of any reputation there who ever was made a Judge, and the last Judge of that Court ever appointed. When the present General Court was created in 1788, he was the second judge on its bench, and by the death of Judge Mercer very soon became its chief justice--And when in 1793 he was translated to the bench of the Court of Appeals, he was the last judge of the old general Court, and the last chief justice of the new Court, who was so transferred. Up to this period the Assembly /p. 80/ had always filled the bench of the Court of Appeals, by translating hither the senior Judges of the other Courts. No departure from this rule had ever occurred except in the case of Mr. Wythe, who did not wish to quit his own court--But after the old stock of Judges, drawn from the bar of the old general Court had become exhausted by the appointment of Judge Tazewell, no instance has occurred, in which a senior judge has ever been translated to the Court of Appeals, altho' the practice has still continued of filling that bench with Judges taken from the other Courts--From hence we may infer, what must be the character of the Judges of the General Court generally, in the opinion of the Assembly at least; and reasonably conclude, what must one day be the fate

of the Court of Appeals, while depending upon such materials--

Judge Tazewell did not long remain a member of the Court of Appeals. Richard Henry Lee and Mr. Grayson, the two first senators from Virginia in the Congress of the United States had both died, and Colonel John Taylor of Caroline and Mr. Monroe the present President of the United States, had been elected to supply their places. In the year 1794 the latter of these gentlemen was appointed by President Washington Minister to France; and the former resigned his seat in the senate, thus leaving Virginia unrepresented in that body. So soon as these events were decided upon by Messrs. Monroe and Taylor, they each of them notified Judge Tazewell of what they contemplated, and both most earnestly solicited of him to fill /p. 81/ the seat which each would leave vacant--And when it was known generally through the state that these vacancies would exist, applications were made to Judge Tazewell from every quarter to consent to fill one of them.

He was at this time probably the most popular man in Virginia, and his letters about this period are filled with applications to him, from most of the prominent men in the state, requesting him to suffer himself to be put in nomination, for all the most important offices in Virginia, which either then were vacant, or were expected soon to become so-- These applications directed his attention to the Government,

to Congress etc., etc.,. Three causes may be assigned as the principal reasons of this popularity. His situation as one of the Judges of the general Court, by imposing upon him the duty of riding the Circuits, had necessarily made him known to all the influential men in every part of the State--With a great majority of these he concurred in opinion in relation to the system of policy then adopted by the Government of the U.S.--And the urbanity of his manners, and uniform correctness of his deportment, together with the high reputation he had acquired as a lawyer placed him very high in the estimation of all who knew him altho' many of these were opposed to him in politicks--Under such circumstances he had only to decide as to the station he would occupy, and his election might be consider'd as certain.

After much deliberation he selected the Senate of the U.S. as that station which he prefer'd, and chose to be the successor of Colo. Taylor in that body. He was accordingly appointed to that office in December 1794 by a very large majority of the General Assembly--In 1795 he was elected President of the Senate of the U.S., in which capacity he continued to /p. 82/ act during the remainder of that session--

At this period, and for several years afterwards, the Senate of the U.S. held all its sessions with closed doors,

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

The period for which he had been first elected to the Senate would have terminated in the 3d of March 1799, it therefore became necessary for the Virginia Assembly /p. 83/, to fill this station after that period, during its session commencing in December 1798--Parties at this time ran very high, and the

known and decided political opinions of Henry Tazewell, arrayed against him almost all the Federalists (as they were then called) in the Assembly. Their efforts however to prevent his election proved entirely unavailing and he was again elected a Senator of the U.S. for six years from the expiration of his then existing term of service.

His health at this time was not very good, but as the session of Congress had already commenced, and some important business was expected to be brought before the Senate at an early day of its session, he felt it his duty to proceed to Philadelphia so soon as he was able to travel--He therefore left home in January 1799, and passing through Richmond, made a very rapid journey to Philadelphia without stopping any
²³where--The season was inclement, and he caught a violent cold, which very soon became an acute bilious pleurisy, that terminated his existence in three days--The customary honours were paid to his memory by the Senate, and his mortal remains were inter'd in Christ Church yard in Philadelphia, over which I had a marble monument erected.
²⁴

Henry Tazewell in stature was rather above the middle height--His limbs were finely proportion'd, and his figure very graceful while he was young--Altho' his skin was very brown, yet it was so clear, that his complexion was /p. 84/
 healthful and ruddy during his early days--His picture which

I have is a very excellent resemblance of him at the age of twenty three, when it was taken by Peale--²⁵In the year 1780 however he had the small pox most dreadfully indeed--It was long before he recover'd the effects of this disease but after he did so he became quite corpulent and fat--Seamed with scars his face was then deprived of all its former comeliness and beauty, and his unwieldy bulk shewed nothing of the agility and grace his form had once exhibited. Even then however there was a dignity in his carriage such as I have rarely seen any other possess, and his appearance on the bench of justice, or in the Presidents chair in the Senate commanded more than ordinary respect from all who ever saw him in such situations.

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

After I was old enough to observe and judge of him correctly he was never studious, and I do not think at any period of his life he could have been fond of books; but his penetration was very quick, his understanding /p. 85/ vigorous,

and his judgment sound; and aided by such qualities, his opinions and reasoning were formed with less labor, and in the general were more accurate and correct, than those of others formed upon more research--He was more pleased with active pursuits than sedentary occupation, and most of the leisure his public employments allowed him was employed in rural sports, of which he was so passionately fond, that he indulged in them to great excess--He was remarkably attentive to his person, and invariably dressed twice each day, altho at home, and quite alone--

The correctness of his general conduct, the dignity of his manners, and the character of his understanding, qualified him in a high degree to preside on the judicial bench, or over the deliberations of a public assembly, in each of which situations he was most conspicuous and admired--As a practitioner of the law he met with great, and I believe well merited success; but of this I cannot so well judge, as he had relinquished his practice, before I was old enough to form any correct opinion.

Henry Tazewell (as I have stated) was married before he was of age. He began to act for himself in 1774; and died very early in 1799, just after he had enter'd upon his 46th year--Of the interval between his manhood and his death, a period exceeding twenty four years but by a few months, more

than thirteen years were dedicated by him to public life in some situation or other which precluded him from engaging in any other pursuit--The profits and emoluments of his public offices /p. 86/ did not probably much exceed the expenses necessarily incident to them--So that there remains a period of only eleven years during which he had any opportunity to increase his fortune--Of this period he was ten years a member of the State legislature, and the frequent interruptions of his professional pursuits, occasion'd by this cause, and the long and repeated occlusions of the Courts of justice, during the revolution, together with his frequent change of abode, left but a short time for him to employ in bettering his condition in pecuniary matters. He lost some of his property too by the ravages of the British army, and his habits were rather expensive--So that his circumstances at his death, were not much better than when he commenced life.

And altho' he died possessed of property of much greater value, yet he left it heavily incumber'd with debts, which I afterwards paid.

When he came of age he went to reside in the County of Brunswick, where his father had lived--Here he continued so long as my mother lived--But soon after her death he purchased an establishment in Williamsburg from his uncle Mr. John Tazewell and removed thither in 1778. The removal of the seat of

government to Richmond, and the events of the war, induced him to sell this establishment in 1780, and he afterwards was unfixed until 1784. Mr. Fanning his father in law died 1782, when the situation of his mother and sister and daughter rendering it proper for him again to locate himself somewhere; and the peace with Great-Britain in 1783 having once more /p. 87/ restored tranquillity to the Country, he then purchased another establishment in Williamsburg,²⁷ and brought hither his mother, and her family.²⁸ In 1787 he purchased Kings-mill; and in the autumn of that year removed there, where he ever afterwards resided.

He acquired from his father two landed estates in the County of Brunswick, both of which he sold during his life, and purchased two others near Williamsburg. One on York river called Capahosick, and the other on James River called Kings-mill--These he devised to me by his will, together with all the rest of his estate, chargeable however with the payment of a legacy of £2000 to my sister.²⁹

Altho' Henry Tazewell became a widower in 1777, when he was not twenty four years of age, yet he never afterwards married. My mother (of whom I have no recollection) left two children, myself, and my sister [Sophia] who was younger. She married Mr. Benjamin Taliaferro in the year 1795, by whom she had several children, all of whom however died infants. Her

husband died in 1801, and after his decease she again married Colo. Larkin Smith, by whom she also had several children, all of whom are now dead. My sister died in 1812.

Besides the several situations I have mentioned as being filled by Henry Tazewell, he discharged the duties /p. 88/ of many others I have omitted--Two only I will here mention.

While in the practice of the law, about the year 1784, he was unanimously chosen Recorder of the Borough of Norfolk.³⁰ He had never resided in Norfolk, and this honorary appointment was confer'd upon him, merely as a testimonial of the esteem in which his legal talents were held by the citizens of that place, to most of whom he was personally unknown--In the year 1790 he was appointed by the Assembly one of the revisors of the existing Statutes--Mr. Edmund Pendleton, who had been placed at the head of this body, declined to act, in consequence of which Mr. Tazewell became its chief; and the report to the Assembly of 1792 is the work of his hands.³¹

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

VII. Littleton Waller Tazewell.

I was born on the 17th of December 1774, in the City of Williamsburg, & in the house of my mother's father, which is now occupied by Mr. William Waller his grandson.¹ My mother (who then resided in the County of Brunswick) like all other women, prefer'd being with her mother, at /p. 89/ the time of the birth of her first child, and therefore came to Williamsburg to prepare for this event, which soon afterwards took place.

So soon as I was able to bear the journey, I was carried to my father's house in Brunswick, and remained there until the death of my mother in May 1777--when this occur'd, I was carried home by my maternal grandmother, to be taken care of by her; and my sister was taken for the same purpose, by some of my father's relations--

My mothers father (as I have stated) lived in Williamsburg; but the disturbed & exposed state of that part of the Country, during the storm of the revolutionary war, had induced him to remove from thence once or twice when the peril was deemed most imminent; At last being wearied out with the inconvenience of such repeated temporary removals, the old

gentleman determined to fix himself in some secure place at once, and to remain there during the war. The County of Brunswick was then considered as affording a perfectly safe retreat, and the residence of his daughter in that part of the country, decided her father to fix himself here. A short time before her death therefore he had purchased an estate near my father's and removing thither had fixed himself very comfortably and as he supposed safely--A few minutes therefore sufficed to translate me from the house of my father to that of my grandfather Waller.

Here I remained until the next year 1778, about the last of which, the long state of peace which Virginia had been suffer'd to enjoy since its evacuation by Dunmore & his crew /p. 90/ in the year 1776, having induced my grandfather to believe that the tranquillity of Williamsburg would not be again interrupted by the enemy, he ventured to carry back his family to that place, and I was taken with them--Soon after our establishment in Williamsburg, having completed my fourth year, I was put to school, to an old woman by the name of Hatton, who resided near my grandfathers house²--Under her instruction I first acquired the rudiments of the English language, which I learned how to spell and even to read a little--The only occurrence of this period of my life, which I recollect, that deserves mention is, that while at school with Mrs.

Hatton, in some of my childish gambols, I fell from a small height and broke my right arm.

I continued to reside with my grandfather in Williamsburg going to school to Mrs. Hatton until the autumn of the year 1780, when the invasion of Virginia by the British forces under the command of General Leslie,³ putting Williamsburg once more in a state of peril, my grandfathers family again prepared for a temporary removal, and I was sent by my father to the County of Greenville to Mr. Fanning's, who had married his mother after the death of my paternal grandfather.

At Mr. Fannings I saw for the first time my friend Mr. John Wickham, who the events of the war had also driven from his home in the State of New-York,⁴ and who like myself had sought a place of safety and of tranquility in the house of Mr. Fanning his uncle--He was then a youth /p. 91./ probably about eighteen years of age, who having little else to occupy his attention, undertook the super-intendance of my commencing education; and under his direction, and that of Mr. Fanning himself, I continued my English studies, until the latter end of the year 1781--By that time I had learned to read pretty well, and being then seven years of age, I was placed under the tuition of the Rev. Arthur Emmerson, to begin the study of the Latin rudiments. Mr. Emmerson had married an aunt of my fathers, and at that time kept a small school in the County of

Greenville,⁵ but a few miles from Mr. Fannings, whose house was still consider'd as my home.

I well recollect, that the commencement of my Latin studies was delayed some time, by the want of a Latin grammar, which could not be then procured in that part of the Country-- At length however my father succeeded in purchasing one of Ruddiman's⁶ in Williamsburg, for which he had to pay \$10.00, in the depreciated paper money of that day! !

I did not remain very long at Mr. Emmerson's, for the death of Mr. Fanning in 1782, making it necessary for my father to find out a new home for me; and the very great probability then existing, that a restoration of peace might soon be expected, inducing my grandfather, who had but a short time before lost his wife, to desire to have me with him once more, in August 1782 I left the County of Greenville, and returning to my grandfather in Williamsburg, remained with him ever afterwards so /p. 92/ long as he lived.

And here I will make a remark, which the events of that day, and my own subsequent experience, amply justifies I think-- that whenever a war of invasion occurs in any country, it is a folly for any of its inhabitants to remove from one part of it to another, under the expectation of finding a place of safety and quiet. My grandfather (who had never had the small-pox, and was very apprehensive of its effects upon his advanced years)

removed many times from Williamsburg, whenever invasion threatened, to avoid this disease, which ever followed in the train of the British army--Wearied out at length by much repeated removals, he determined to remain at his home, which the enemy had never yet visited--He had not made this resolution long however, before the British army under Lord Cornwallis appeared in Williamsburg, and he contracted the very disease he had ever been so solicitous to avoid, & which had very nearly proved fatal to his life. And during the war, every spot in Virginia to which he had ever fled for safety, was in like manner visited; so that he had better have staid where he was from the beginning--

The County of Greenville, which my father had selected as the safest retreat for me, and whither many of the inhabitants of the lower country had also fled for safety, presented to every probable calculation of that day, as fair a prospect to escape the visits of the enemy, as any other in the State. But yet I had not long been fixed there, when Lord Cornwallis passed with his army through /p. 92/ this County also, and all of its inhabitants were just as much exposed as those of any other part of the State--

Having now given an account of myself from my birth to the year 1782, when I was once again restored to my grandfather, whom I never afterwards left, before I proceed further

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

/p. 94/ Benjamin Waller my maternal grandfather was born in the year 1716, of parents both of whom were English, and who

had migrated to Virginia many years before. He was the youngest child of a numerous progeny, and was born in the County of King William on the Mattapony river, opposite what is now called Walker-town,⁷ where his father Edmund Waller then dwelt.⁸

I have often heard him speak of the antiquity and respectability of his descent. He claimed to be a connexion of Edmund Waller, the poet, in the time of Charles the second, & traced back his lineage to the days of Henry the fifth, saying, that one of his ancestors greatly distinguished himself in the battle of Agincourt, where he made prisoner one of the royal peers of France--And that in testimony of this Henry the fifth gave him as a crest, the arms of France suspended on an English oak, with the motto "Haec Fructus Virtutis"⁹;--To which armorial insignia suspended in his great hall, the old gentleman often drew my attention, for the purpose of stimulating my exertions.

His father was a plain planter, who altho' he possessed a competent fortune, was not wealthy, and had a numerous family. When my grandfather was about ten years of age, John Carter esqr; the then Secretary of the Colony,¹⁰ a man of immense wealth, and whose office placed him in a situation inferior to none in Virginia, save only that of the Royal Governor himself, was accidentally detained at the house of old Mr. Waller, by some difficulty he experienced /p. 95/ in crossing the Mattapony river, while making a journey from

Williamsburg to his seat at Curratoman in the Northern Neck.¹¹

In the course of the evening my grandfather came in from school, and the Secretary, either to amuse himself, or please his host, calling the little boy to him, began to question and examine him upon the subjects of his school exercises. Struck with the quickness and correctness of the youngster's replies, and supposing that he had found a boy of uncommon parts, which would not probably be fully developed in his situation, for the want of proper education, the Secretary observed to old Mr. Waller, that he must give him that boy, and he would make a man of him. To this the old man assented very readily, supposing however that the Secretary was not in earnest--Mr. Carter thereupon stated, that he should return that way on a certain day, and expressed a wish that his boy might be got ready in the mean time to accompany him on his return to Williamsburg.

On the very day appointed, the Secretary punctual to his promise, again came to old Mr. Wallers. He never having believed the Secretary to be serious in what had been said; and not supposing therefore that he should ever be called upon to comply with his promise, had done nothing towards getting his son ready to leave home, during the Secretary's absence, and so stated. Mr. Carter was vexed at this, and insisted upon taking my grandfather as he was--This being at last consented to by his parents, he was placed in the Secretary's chariot,

and carried by him to Williamsburg.

Upon his arrival in Williamsburg he was immediately /p. 96/ placed by the Secretary in William and Mary College, where he remained a student for several years, during which he completed his college studies, with much reputation to himself, and to the great satisfaction of his patron--Having finished his college education when he was between seventeen and eighteen years of age, he was then placed by Mr. Carter in the Secretarys office, under the direction of a Mr. Matthew Kempe the Clerk of the General Court. This establishment I have before described, in speaking of my paternal grandfather, who was also brought up in it at a subsequent period.

My grandfather remained in the Secretary's office for several years, in the course of which time he made himself an excellent clerk. When he was about twenty years of age however, that is to say in 1736, his patron the Secretary advised him to study the law, to which he readily assented, as all the wishes of this venerated friend were to him commands requiring the most prompt and implicit obedience. The Secretary thereupon obtained permission of Lady Randolph, the widow of Sir John Randolph, the former Attorney General, to allow my grandfather the use of her deceased husbands excellent law library,¹² and he commenced the study of the law, which he prosecuted most indefatigably at every leisure moment when the business of the

Secretary did not require his attention to other subjects.

He obtained a license to practice about the year 1738, and immediately enter'd upon his professional career in the county courts in the vicinity of Williamsburg. /p. 97/ After he had been engaged in the practice of the law a few years, the Clerk of the County of James-City, then one of the most valuable clerkships in Virginia, died suddenly; and about the same period Mr. Kempe, the Clerk of the general Court, died also--

The Secretary was absent from Williamsburg when these events occurred; and as the session of each of these courts was soon to commence, and business of great importance required, that these sessions should not be prevented by the want of a Clerk, my grandfather (who was ever watchful as to every thing regarding the Secretary's interests) dispatched an express to him, to acquaint him with what had happen'd, and to state the necessity existing for early appointments to the vacant clerkships.

Immediately upon the receipt of this express the Secretary repaired to Williamsburg, where he arrived on the very morning of the day appointed for the session of James City Court. Upon his arrival he sent for my grandfather, & directed him to bring with him a blank commission for a Clerk of James City County. This was accordingly done, when the Secretary after amusing himself for some time, in affecting doubts as to the proper person

to whom this commission should be given, and in pretended consultations with my grandfather upon this subject, at last directed him to fill the blank in the commission with his own name--¹³This act of favor and kindness on the part of the Secretary towards him, was not expected at all, and was received with the warmest gratitude.

/p. 98/ The liberality of the good Secretary was not yet satisfied--So soon as James City Court adjourned, he again sent for my grandfather, directing him as before to bring a blank commission with him for the Clerk of the general Court. This was then one of the most lucrative appointments in the Colony, and as the Clerk of the General Court had the principal direction of the Secretary's office, the various duties of which required much skill, it had ever been filled with great caution and circumspection, by all preceding Secretaries--My grandfather who was then about twenty five years of age only, and who had so recently received so signal a proof of the Secretary's regard for him, had not the most remote expectation that he would confer upon him this office also. But he did so, accompanying the commission with the most gratifying compliments, and saying that he had always intended the appointment for him whenever it became vacant, for that there was none whom he thought deserved it so well.

His office of clerk necessarily excluded him from the bar

of the General Court, and the duties his new appointments imposed upon him, constrained him to limit his practice, which had by this time become very extensive and profitable. The profits of his profession however were not diminished by the limitation he imposed upon the extent of its practice. At that day the most valuable business done by the Lawyers of the country, was the collection and securing of the debts due by the Colonists to the British /p. 99/ merchants, who had debts to a vast amount due them in Virginia--These arrangements were for the most part effected at the meetings of the merchants of Virginia, which took place twice every year, in Williamsburg, at the close of the session of the General Court there--The residence of my grand-father upon the spot, the character he very soon established for industry, punctuality, integrity, and skill, very shortly recommended him to all the British merchants, a very large proportion indeed of whose business fell into his hands, and was managed by him up to the commencement of the Revolution--I have often heard him state, that he was indebted for this part of his success, very much to the kind recommendation of Sir William Gooch the Royal Governor of Virginia, whose friendship for him was repeatedly manifested in many other modes besides.

After his appointment to the Clerkships of James-City and of the General Court, my grandfather finding himself in a situ-

ation of independence, and capable of supporting a family, married a lady to whom he had been for some time attached, Miss Martha Hall. Her parents had formerly resided in North-Carolina, but were both dead; and she had lived for several years with a relation of hers in Williamsburg. This event took place I believe in 1746, for I have frequently heard him say, that he was married on the very night the capitol in Williamsburg was burnt, and this seems to have occurred in that year.¹⁴

Some years before his marriage he had been elected a member of the Assembly for the County of James City, /p. 100/ which County he continued to represent in that body ever afterwards until the year 1769¹⁵--The difficulties with the mother Country, which afterwards lead to war, having then commenced, and my grandfather being then advanced in years, and holding several appointments directly from the crown, such as Kings Advocate in the Court of Admiralty & he did not think it right to oppose the measures of the administration, and could not reconcile it to himself to oppose these proposed by his Countrymen, he therefore declined a re-election, and soon after relinquished all his other public appointments, and retired into private life.

After the organization of this government however he was induced by the entreaties of his friends to take some

place under it, and accepted a seat at the Council board for
 a short time.¹⁶ From thence he was translated into the Court of
 Admiralty, of which he was made the chief-judge, and the ses-
 sion of which was still held at Williamsburg, after the removal
 of the seat of government to Richmond, merely to accomodate him.
 This office too he resigned a short time before his death which
 took place in May 1786.¹⁷

The reputation of my grandfather as a lawyer was as high
 as that of any lawyer in Virginia of his day. He was called
 upon for more opinions than any other either before or since
 his time; and his opinions were always consider'd as conclu-
 sive by all who saw them. /p. 101/ I have seen many of them
 since I came to the bar. They were remarkable for their clear-
 ness and brevity; and all I ever saw I thought unquestionably
 correct. So early as the year 1745 he was appointed by the
 Assembly one of the Committee to revise the laws; and the re-
 vival of 1748 as it is called, was the work of his hands al-
 most exclusively.¹⁸ He was very regular in his attendance as one
 of the members of the Assembly, while he continued such; and
 was one of the most active and influencial members of that
 body. Through his exertions the enormous fraud committed upon
 the Treasury by Speaker Robinson in 1766, was first detected;
 and his efforts upon this occasion drew down upon him for a
 time, the resentment of many of the speakers friends, some of

of whom were amongst the most conspicuous men in Virginia at
 that day--¹⁹

My grandfather was a laborious man, of studious and very regular habits, who notwithstanding his numerous public engagements still found time to read a great deal. He was an excellent scholar; and kept alive his scholastic learning until his death. In his family he was ever kind affectionate and cheerful, living beloved by all who knew him, and died regretted by a numerous circle of friends, comprehending almost every man of note in the Country at that day.

He left many children at his death, and had lost several who had married during his life, amongst these my mother was one. Of his family so far as I know any thing of it the following will be found a correct account. His eldest child Martha, married Mr. William Taylor, a most /p. 102/ respectable man, who was the Clerk of the County of Lunenburg where he resided--This lady is still living there, and has a numerous family, none of whom however are known to me except two, Waller Taylor her son, who was last year a member of the Senate of the U.S. from the state of Indiana, and a young gentleman her grandson, now a Lieutenant in the Navy of the U. S.--His second child Molly [or Mary] married Mr. John Taylor Corbin, of Laneville in the County of King & Queen, an amiable and very wealthy man. She died many years ago

leaving a numerous family also--I was intimately acquainted with her three eldest sons, and served for several years as a member of the Virginia Assembly, with Richard Corbin the eldest of them, who represented first the County of Middlesex, and afterwards that of King and Queen--They are all now dead leaving decendants--His third child Mr. John Waller, was bred up by his father in the Secretary's office, and received from Secretary Thomas Nelson, the appointment of Clerk of Spotsylvania, before the Revolution. While he resided in this part of the Country he married a Miss Judith Page of Hanover, & my grandfather who had purchased from his elder brother the old family seat in King William to which he had added other contiguous lands, giving him this estate, Mr. John Waller resigned his Clerkship and removed to King William. After the death of my grandfather he purchased an estate in the neighbourhood of Williamsburg, and removed thither. He died some /p. 103/ years since leaving several children. My mother was the fourth child of my grandfather; and Ann his fifth. She married Mr. John Boush a very wealthy and worthy man, who was the Clerk of Norfolk County, and died without issue during her father's life. Benjamin Carter Waller was my grandfather's sixth child. He was bred by his father to the bar, and practised the law in the neighbourhood of Williamsburg with much success. To him my grandfather resigned his clerkship of James City, and gave

him the estate adjoining Williamsburg on which his son Robert P. Waller now resides.²⁰ He also married a Miss [Catherine] Page the sister of his brothers wife and died a few years since in Williamsburg, where he had always resided. I shall have occasion to speak of him hereafter--My grandfathers seventh child was Clara. She married first Captain Edward Travis, an Officer of the Navy, who greatly distinguished himself at the battle of the Great-Bridge--By him she had several children; and Captain Travis dying she again married a Mr. Mordecai Booth of Frederick County--after the death of her father. She died several years ago, leaving many children by this marriage also--Mr. William Waller was my grandfathers eighth child. He was bred a merchant, and established himself first at Hanover Town. While living there he married a Miss [Elizabeth] Mason of that County, and disliking his situation, he quitted merchandize, bought him an estate called /p. 104/
21
Belfield situate on York river above York-town, to which he removed--He resided here ever afterwards until his decease which occurred in 1799. He also left children--To him my grandfather devised the estate in Greenville which he had purchased during the war--Robert Hall Waller was my grandfathers youngest son, and his ninth child--He was also brought up by his father as a Clerk; and soon after he came of age my grandfather obtained for him the Clerkship of the County of

York--To this my uncle added many years afterwards the Clerkship of James City also, which he got from his brother. To this son my grandfather gave his family mansion &c in Williamsburg, and a small estate he owned in the County of James City. He married a Miss [Nancy] Camm, a daughter of the former President of William and Mary College, by whom he left several children, and died some years since in Williamsburg, where he always resided. ²² The tenth & youngest child of my grandfather whom I ever saw was a daughter Sarah. She was the only daughter who remained single at his death--She afterwards married a Mr. John Smith of Matthews County, by whom she left several children, and died many years ago--My grandfather had had several other children all of whom died young and before I ²³ knew them.

All four of my uncles lived in or in the vicinity of Williamsburg when I began my professional career there. They were all warmly attached to me, and I derived great advantage from their society, especially from the countenance knowledge and experience of my uncles Benjamin and /p. 105/ Robert, the former of whom was still engaged in the practice of the law, and the latter was the Clerk of York and James City Courts when I commenced my practice in those courts. They none of them equal'd my grandfather in genius or acquirements, but were all worthy respectable men, of much

consideration where they resided, and with the exception of Mr. Robert Waller (whose offices precluded him from being there) each of them represented frequently the Counties where-
²⁴
 in they resided.

All my grandfather's daughters who married during his life were most respectably and happily connected with men of property and much worth--The two who married after his death however, (for Mrs. Travis was then a widow) formed connexions every way beneath them, and died in poverty.

Having thus given you a brief account of my excellent grandfather and his family, let me now resume my own narrative--This I have before brought down to my eighth year, when I again returned to Williamsburg, and was once more happily established under the roof of my revered grandfather. This event as I have stated occurred in August 1782.

At that time there existed no good Latin school in Williamsburg. During the war the College of William and Mary had been broken up, and the professorship of humanity put down by the Visitors entirely. Soon after my return to this place however, the Reverend John Bracken, who had formerly been the professor of Humanity in William and Mary when this professorship was abolished, open'd a private /p. 106/ grammar school at his own house and I was immediately placed under his tuition.
²⁵
 My education had not been neglected before this, for I

had been very regularly instructed by my grandfather than whom there was no one better qualified to improve me; and my uncle Robert who wrote a most excellent hand had taught me to write.

I did not receive much benefit from Mr. Brackens tuition, during the short time I remained with him, for altho' a very good scholar himself, he was testy and petulant, and my meek temper required much more gentle treatment than I received at his hands--But the kindness and care of my grandfather amply compensated me for this; and I still continued to learn much more from him than I did at school.

In the year 1783, some private business calling Mr. Bracken to England, he broke up his school, and I was again happily dependent upon my grandfather alone for instruction--His mode of educating me was most excellent. Besides my customary lessons, which I was made to recite to him twice every day, if any circumstance occurred during our recitations, or in the course of our conversations together, (and we were very seldom separated) upon which he could lay the foundation of any anecdote or story, calculated to interest a child, he immediately told it, in a way most likely to rouse my curiosity. So soon as he had excited my attention and interest to a high pitch, he soon affected to have forgot some circumstance connected with his narrative, and I was sent to the study for

a book in which it was stated, to assist his /p. 107/ memory. From this book I was made to read to him the whole account, in which he never failed to find numerous occasions for new stories to whet my curiosity, and to produce an ardent desire to gratify it by continuing the reading of the book we had begun, or some other of a like kind. By such means I was induced to read with great attention, the whole of the Bible, all Plutarch's lives, many treatises on the heathen mythology, large portions from the Greek & Roman histories, as well as from the history of England, and many of the English poets, before I was twelve years old--These occupations gave no interruption to our regular studies, which went on unceasingly so that by the year 1784, I was well grounded in my Latin syntax, had gone through the Colloquies of Cordery, and the dialogues of Erasmus, ²⁶ could write a fair hand, and understood sufficiently well the first rules of Arithmetic.

In February 1784, Walker Maury, who had formerly kept a grammar school with some reputation in the County of Orange, finding that there was none such then in Williamsburg, removed thither; and soon afterwards obtained an act of Assembly, giving him the use of the old Capitol there, in which he kept the most numerous, and for some years the best regulated grammar school, ²⁷ I have ever seen--I was placed in this school so soon as it open'd, and in a few days afterwards

joined a class, which then began Eutropius.

I remained at school with Mr. Murray [Maury] for several years, during the greater part of which time, by the unwearied assistance of my grandfather, to whom I always recited my lessons before /p. 108/ I went to school, and who examined and instructed me very minutely in every thing concerning them, I kept at the head of a very numerous class, altho' much the youngest and smallest boy in it.

And here I will mention a circumstance that occurred about this time, which most probably had much influence upon my future destiny. To give more celebrity to his establishment, it was a custom with Mr. Maury, to have occasional public examinations of his scholars. These examinations were generally made by, and always in the presence of, the visitors governors and professors of William and Mary College, and any other distinguished gentlemen who happened to be in Williamsburg at the time. Upon one of these occasions it fell to the lot of my class, to be examined by the venerable and learned Chancellor, the late George Wythe. We had just begun the lives of Cornelius Nepos,²⁹ and placing myself at the head of my class-fellows, I lead them up to his chair to recite their lesson from this work--The recitation being finished, Mr. Wythe question'd us very particularly in parsing, and as to the subject matter of the life a part of which he had just read--It

was the life of Eumenes--To all his questions put to me I answer'd with a promptitude and accuracy which obviously pleased him very much; and I manifested such a perfect acquaintance, with the portion of Grecian history connected with this mere biographical sketch, as to excite even his astonishment, for I had not then attained my tenth year. When the examinations were ended, he called me to him /p. 109/ and in the presence of my tutor, and of all the other gentlemen, extolled my exhibition in such flattering terms, that I was ever afterwards distinguished in the school, as one of its principal ornaments.

Some months after this, returning from school one evening to my grandfather I found him sitting with Mr. Wythe. They had been very intimate in their early days; and altho' my grandfather never went out then, and Mr. Wythe very rarely, yet he made it a point to call to see my grandfather once or twice every year, and to spend an afternoon with him. When I came in Mr. Wythe immediately recognized me, & seeing my grandfather caress me as he did, he repeated to him with high eulogies the occurrences of my examination. Pleased to hear this account (which I had before told me) from Mr. Wythe himself, my grandfather requested of him to examine me again; and he did so. I was then reading Caesars Commentaries, and Mr. Wythe taking the book from me made me recite several passages,

and to accompany my recitations with an account of the circumstances introductory to the passages read. To these my grandfather added many questions relating to this portion of the Roman history, and to the ancient Geography of the Roman Empire at that time. I answered all the questions, and performed all that was required of me so entirely to Mr. Wythes satisfaction, that he observed to my grandfather with the appearance of much earnestness "Mr. Waller this is a very clever boy, and when he has advanced a little further, you must let me have him"--To this the /p. 110/ good old man replied with much feeling "George (for by that familiar appellation he always spoke to Mr. Wythe) this boy is the sole companion and principal comfort of my old age--I feel that I cannot part with him while I live; but when I die, if you will take him under your charge, I shall consider it as the highest favor you can confer on each of us"--Mr. Wythe thereupon promptly answer'd that he would do so; and the conversation between the old gentlemen was turned to other subjects. I was too young then (in 1785) to think of what was to happen to me thereafter.

During the year 1785, while on a visit to my father, to whom my grandfather always sent me every Sunday when he was at home, after I had been to church, I had the misfortune to shatter my left arm and shoulder in a dreadful way by a fall from

a very high tree. This accident occur'd to me near my father's house, to which I was carried, and where I remained confined to my bed for several months. The pain I suffer'd was very great, but was not greater certainly than that endured by my poor old grandfather in being deprived of my company and in witnessing my sufferings--Altho' he had never left his house for several years, yet so long as I was confined at my fathers, the old gentleman regularly paid me a visit every day, and passed all his mornings by my bed side, soothing my anguish, and inspiring me with fortitude by his kind affectionate and cheerful conversation. So soon as I was in a situation to be removed, he insisted upon /p. 111/ taking me home with him again, a movement for which I felt and expressed equal solicitude with himself.

The injury I had sustained was so serious, that even after the fractured bones had knit, I had no use of my left arm; and least I should sustain further injury in my then situation, from the heedless wildness of my numerous play-fellows, I was kept from school for some months, after I returned to my grandfathers house--My education was not neglected however during this interval. My grandfather again took me under his care and instruction, and attended to me so well, that when I returned to school, I found myself much in advance of my class--To my knowledge of the Latin and Greek languages

I had also added during my absence from school, some acquaintance with the French, which my grandfather perfectly understood.

At this critical period of my life, just as I had begun Cicero and Virgil in the Latin, and Homer and Xenophon in the Greek, I sustained the heaviest misfortune which I had ever felt, in the loss of my much revered grandfather, who died in May 1785, in his Seventieth year--The shock I experienced at this calamity bent me to the earth, and I felt that I could never rise again--My long and intimate and endearing connexion with this good man, had weaned me from all other attachments, and my regard for him absorbed all my affections. As he seemed to live but for me, so I had lived for him alone. Altho' my father had ever been kind and affectionate to me, yet up to this period I had seen so little of him, and been so little with him, that I felt for him no other sentiment /p. 112/ than that of respectful duty; and this because my grandfather had ever inculcated such a sentiment, and cherished it in me. My whole heart was given to my good grandfather, and in losing him I seemed to have lost all I valued on earth.

My father was absent when my grandfather died, but very soon afterwards returned and sought me out. He took me home with him, and tried every means in his power to comfort the affliction, and revive the spirit of his disconsolate and almost broken hearted boy. His efforts were at first unavail-

ing, but as the sorrows of childhood are rarely of long continuance, he at last succeeded in reconciling me to my new situation.

At that time a boy about my own age lived in my fathers house--His name was Edwin Wall--He was the youngest son of Major James Wall who had married an aunt of my fathers³⁰. This boy was also a scholar in Mr. Murray's school. He was idle, dull, and very wickedly disposed--Residing in the same house with me, we soon became constant companions, and I was presently initiated in all his bad habits--I still continued to go to Mr. Murray after the death of my grandfather, but wanting the encouragement and assistance which he used always to afford me, and strongly tempted to idleness by my dissolute companion, I became indifferent to my lessons, & very soon lost much of the high standing I had formerly maintained in the school--Mortification at this roused me to occasional exertion, but my renewed efforts were but short lived, and I very soon relapsed into my former idleness and negligence. Altho' I was on the high road to ruin, and should very soon have been utterly lost, the engagements of my father prevented him /p. 113/ from discovering my situation. Fortunately however before my destiny was irrevocably fixed, Mr. Murray having enter'd into holy orders, broke up his school in Williamsburg and removed to Norfolk--³¹My dangerous companion then returned home & I

never saw him afterwards--His fate may be readily conjectured from what I have stated.

Mr. Murray removed from Williamsburg in the summer of 1786, and after his removal I was left entirely to myself, to do as I pleased, for my father was often from home, and while there was too actively employed to attend much to me. Altho' not vicious, yet I became very idle, and scarcely ever open'd a book. I continued thus for some months, when one day meeting Mr. Wythe in the street, he immediately accosted me, and carried me to his house. There he question'd me very closely as to my situation and employment, and examined me as to my progress in my studies. He made me translate to him an ode of Horace and some lines in Homer. I did not acquit myself as well as I had formerly done, but he seemed satisfied with my performance, which was without any previous preparation. My father was then in Richmond, but the day after his return Mr. Wythe called to see him, and stating to him what had passed between my grandfather and himself some time before, and what had taken place between him & myself during my fathers absence, he very kindly offer'd to take me under his charge. My father was delighted at this unexpected overture to which he very willingly assented, and the next day I was sent to attend Mr. Wythe, who resided but /p. 114/ a short distance from our house.

Before I proceed to give any further account of myself, let me make you somewhat acquainted with this good and great man, under whose tuition I passed several of the succeeding years of my life--Mr. Wythe was a native of the County of Elizabeth City. I have often heard him say that he was indebted to his mother entirely for his early education. She was an extraordinary woman in some respects, and having added to her other acquirements a knowledge of the Latin language--she was the sole instructress of her son in this also--He was very studious and industrious, and as he grew up, so much improved upon the good foundation his mother had laid, that he made himself in time one of the best Latin scholars in America.

Long after he had attained manhood, and had been engaged extensively in the practice of the law, he determined to learn himself Greek; and he enter'd upon & prosecuted this task with so much zeal, that in a few years he made himself certainly the very best Greek scholar I have ever seen, and such he was universally acknowledged to be. He afterwards in like manner acquired the French language and became deeply versed in Algebra, Mathematics, and even Natural philosophy. He therefore may very properly be consider'd as one of the rare examples the world has ever produced, of a man, who by his own unaided efforts, has made himself a profound scholar--

When he grew up he came to Williamsburg, and /p. 115/
 there commenced the study of the law, under the direction of
 my grandfather Waller, who was ten years older than himself, and
 engaged at that time in its practice. ³³ Mr. Wythe by his un-
 wearied industry soon acquired a very extensive knowledge of
 this science, in all its branches, and obtaining a licence re-
 turned to his native county, where he commenced the practice
 of the law about the year 1748--He was there elected a Member
 of the house of Burgesses, and continued to represent the
 County of Elizabeth City in that body for many successive
 years. ³⁵

Very soon after he commenced the practice of the Law he
 acquired so much distinction in his profession, that he re-
 linquished it in the inferior courts, ³⁶ and took his stand at
 the bar of the old General Court, where all the eminent Counsel-
 lers of Virginia were then collected. ³⁷ At this bar, his in-
 defatigable industry, extensive knowledge, and profound re-
 search, speedily acquired for him very high and well merited
 distinction; and he ascended to its highest rank, in which he
 found no other equal competitor, than the late venerated
 Edmund Pendleton, who was his senior by some years.

It would be odious to draw a comparison between these
 two great men, both of whom stood so high and deserved so much--
 Honourable rivals for public distinction during many years,

they were unlike in so many respects, that no fair parallel could well be drawn between them. The address of Mr. Pendleton was most popular, and his manners more courtly than those of Mr. Wythe's, whose fondness for study kept him much secluded from general observation, & whose excessive modesty concealed much of his merit even in this /p. 116/ respect. For the manners of Mr. Wythe were very highly polished indeed, and full of dignity and of grace--Mixing much more with the world, and more conversant with men than Mr. Wythe, Mr. Pendleton always looked to consequences. He rarely therefore made an enemy, but acquired the esteem of a very numerous circle of friends, who always sustained and supported him, & whom he in like manner upheld. While the stern integrity, and unyielding firmness of Mr. Wythe's character, carried him always straight to his object, so soon as he was convinced it was proper, and in the pursuit of what he thought right he was heedless of and utterly indifferent to other affects. This strong difference between the two was exemplified in their conduct & practice both at the bar and in the Assembly. Mr. Wythe would never engage in a cause which he thought wrong, and would often abandon his cases when he discover'd that they had not been fully represented to him: while Mr. P-. considering the subject more correctly, felt no scruple in exerting his professional powers for any client whom he had undertaken to represent, or

in taking any cause which was presented to him. In the year 1766 when the enormous fraud committed by Speaker Robinson was detected, Mr. Pendleton whose patron & personal friend the Speaker was, exerted his every power to ward off the blow which threaten'd him; but yet so conducted himself throughout the enquiry, that he was finally represented as one of its authors³⁸--If this had been Mr. Wythes situation, no consideration on earth would have prevailed upon him to abstain from denouncing his very best friend, and from prosecuting him so far /p. 117/ as his delinquency required.

From these different traits in their characters, it may be readily infer'd that Mr. Pendleton was the more successful practitioner, altho' Mr. Wythe was consider'd as the better lawyer. And that the former acquired with ease, but retained with effort the high distinction to which he afterwards rose, while the latter altho' he ascended more slowly, yet made sure every step of his ascent, which never tottered for a moment under him.

When the Revolution came on they were both sound whigs, but they seem to have differ'd in this too as in most other respects. Mr. Pendleton yielding to the force of public opinion, was thus enabled in some degree to direct, what he could not control. He very ably assisted in effecting the Revolution in government, but strongly opposed, and to his

efforts Virginia is greatly indebted for the prevention of much revolution in society. Mr. Wythe on the contrary having once satisfied himself of the rights of the colonists, and of the usurpations of the mother country, labor'd with all his soul to stimulate and prepare the public mind for a change. And not believing that a revolution in govt. could ever be perfectly achieved, unless a great change in society was previously effected, he would have gone all lengths in uprooting the basis upon which society itself rested, rather than hazard the success of the scheme, he deemed so essential to the liberty of the people--While Mr. Pendleton calmly presided as chief of the Executive on the Committee of Safety, Mr. Wythe altho' then an old man, presented himself in his hunting shirt to Colonel Innis, proposing to enter the ranks of his detachment as a /p. 118/ volunteer to fight the invading enemy--

While the former yielded a reluctant assent to the policy which dictated a change in the system of entails then existing in the country, the latter was desirous to alter even the vernacular language of its people--

Both these great men pursued the same course, and successively filled almost every station of high distinction in the Country--Mr. Pendleton was elected by the Convention (of which he was a Member) to be one of the delegates in the first Congress that assembled at Philadelphia in Sept. 1774. Upon

the death of Mr. Peyton Randolph during the next year, who had long presided both in the Assembly and Convention, the latter body then assembled in Richmond chose Mr. P. as their President, and appointed Mr. Wythe to succeed him in Congress. In this situation he had a great share in preparing the declaration of Independence, the production of his pupil & colleague The. Jefferson--When /p. 119/ the new Government of Virginia went into operation in 1776, and the dissolution of the old government took place, a complete revision and re-modification of all the Statutes became necessary--For this important duty Mr. Jefferson Mr. Pendleton and Mr. Wythe were selected by the assembly--The execution of this task making it necessary for Mr. Wythe to relinquish his situation in Congress, and Mr. Pendleton having then retired from the assembly in 1777 Mr. Wythe was elected to succeed him as the Speaker of that body. And so soon as a new Judiciary was created by the Legislature in the winter of 1777, Mr. Pendleton Mr. Wythe & Mr. Robert Carter Nicholas were made Judges of the Court of Chancery.

While occupying this situation, in the year 1786, Mr. Wythe was chosen by the Assembly one of the deputation from Virginia to the Convention, which the next year met in Philadelphia, and then formed the present Constitution of the U. S.-- He attended this Convention when it first met, but the illness of his wife during its session compelled him to return home, so

that he was not present at its adoption by that body. Both Mr. Pendleton and himself however were elected members of the Virginia convention to whom this constitution was submitted afterwards for ratification, & each of them ably support its adoption by this State. Mr. Pendleton was elected the President of this body, and Mr. Wythe generally presided over its deliberations as Chairman of the Committee of the whole--When the Courts were reorganized in 1788, Mr. Pendleton was made the chief Justice of the Court of Appeals, and Mr. Wythe declining /p. 120/ an appointment to that Court, was made the sole Chancellor of Virginia, in which situation he died about the year 1805-- His death it was generally believed was produced by poison, administer'd in his coffee, by a reprobate boy, a relation of his who he had undertaken to educate, and who was afterwards convicted of having committed many forgeries of checks in his partons name--³⁹

Amongst many singularities in Mr. Wythes character, all of which were the results of his pure philanthropy, the most remarkable was his passion (for it really deserved that name) for instructing and aiding in the education of youth. The difficulties and embarrassments he had experienced in educating himself, if I may so say, made him not merely willing, but desirous, to smooth the path and assist the efforts of others in this pursuit. Mr. Jefferson was greatly indebted to him for

the aid he render'd in improving and forming his mind: and there was no period in his life I believe after he attained to manhood, during which he did not superintend the education of several young men. For this he would receive no compensation, and could expect no other satisfaction than that springing from the consciousness of performing a good action. Wherever he saw a youth of any promise, who had made some progress in his studies, he was desirous to have him, to the end he might stimulate to greater exertion, and enable him to reach a higher eminence than without this aid such a one most probably would ever rise--This disposition will /p. 121/ explain the conversation he had with my grandfather relative to me in the year 1785, which I have formerly stated. Let me now return to my story.

In the autumn of 1786 I was placed in the manner I have stated under the guidance of Mr. Wythe--I lived with my father, but attended Mr. Wythe daily--I was the youngest boy he had ever undertaken to instruct, and had no companion in my studies with him at that time--His mode of instruction was singular; and as every thing connected with the life and opinions of this great and good man must be interesting, I will here describe it.

I attended him every morning very early, and always found him waiting for me in his study by sunrise--When I en-

enter'd the room he immediately took from his well stored library some Greek author to which any accidental circumstance first directed his attention. This was open'd at random, and I was bid to recite the first passage which caught his eye. Altho' utterly unprepared for such a task, I was never permitted to have the assistance of a Lexicon or a grammar, but whenever I was at a loss he gave me the meaning of the word, or the structure of the sentence which had puzzled me, taking occasion to remark to me the particular structure of the language, the peculiarity of its syntax, or the diversities of its dialects--Whenever in the course of our reading any reference was made to the ancient manners customs, laws superstitions or history of the Greeks, he asked me to explain the allusion /p. 122/ and when I failed to do so satisfactorily (as was often the case) he immediately gave a full clear and complete account of the subject to which reference was so made. Having done so, I was bidden to remind him of it the next day, in order that we might then learn from some better source, whether his explanation was correct or not-- And thus the difficulties I met with on one day, generally produced the subject of the lesson of the next--This exercise continued until breakfast time, when I left him and returned home--

I returned again about noon, and always found him in his

study as before. We then took some Latin author, as before, and continued our Latin studies, in the manner I have already described as to the Greek, until about two O'clock when I again went home--In the afternoon I came back about four O'clock, when we amused ourselves until dark with working Algebraic equations or demonstrating Mathematical problems--Our text books in both cases were in the French language, to which resort was had that I might perfect myself in this language also while I was advancing in the studies whose subjects were so communicated. These evening occupations were occasionally varied, by employing me in reading to him detached parts of the best English authors, either in verse or prose; and sometimes the periodical publications of the day--And whenever these last were the subjects of our employment, my reading was often interrupted by some anecdote suggested by the matter read, referring to minor events in the history of the Country /p. 123/ or the character of those who had formerly occupied a distinguished situation in it--Of such anecdotes the long life and particular situation of Mr. Wythe had supplied him with a stock almost inexhaustible, which he told in a manner calculated to excite much interest.

This mode of instruction would have been a very good one, if I had been older or somewhat further advanced than I then was, but in my situation it was objectionable in many

respects--The difficulties I encounter'd were removed with so little effort on my part, that having no occasion for the exercise of my own strength of mind it did not increase so much as would most probably have been the case, nor did my instruction take such deep root as if I had been made to exert my own powers more--The subjects of our studies were also often times beyond the powers of comprehension of one so young as I then was: (for I was only twelve years of age) and therefore did not excite my attention sufficiently--And the irregular course of our reading, was not well calculated to enable me to acquire much useful knowledge of the language, altho' it gave me some instruction as to the subjects treated by the authors read--By the help of a very retentive memory however I acquired a great deal and some very useful knowledge during this period of my life, the stock of which the disposition I felt would I think have much enlarged, provided my course of study had been more methodical and regular. But Mr. Wythe judged of me by himself I suppose, and therefore decided erroneously. He was a man however naturally endowed with great strength of mind, whose powers he had never called into exertion in this mode, until they were fully matured and ripen'd, whilst I was a boy of /p. 124/ tender years whose intellect was just forming--

In this mode I have just described passed away the first year I studied with Mr. Wythe. In the autumn of the next (1787)

my father having purchased Kingsmill, and being about to remove there, and Mr. Wythe having lost his wife about this time, he proposed to my father that I should board with him--This proposition was most readily assented to by my father, and upon his removal from Williamsburg I became an inmate of Mr. Wythes house.

My course of study was the same as before, but having now the free use of his library at all times, and knowing generally what would be the subjects of our exercises the succeeding day, I was enabled to prepare myself for them better than I had done before--And when I was disappointed in this calculation, I rarely found any difficulty in playing off upon him some little strategy or other, by means of which, the authors and passages I had examined the preceding day, became the selected books for our next days reading--This previous preparation, and the benefit I derived from uninterrupted intercourse with my venerable tutor, and from his instructive conversation, made my progress and improvement much more rapid than it had ever been.

I now became a great favourite of my much respected master, and he proudly exhibited me on all occasions as a boy of great promise. Every foreigner or other gentleman of distinction who passed through Williamsburg generally /p. 125/ made it a point to pay their respects to this distinguished man, and very few of these were ever suffer'd to leave his house without being

made to witness some of my performances--About this time Mr. Wythe imported a very complete Electrical Machine together with a fine Air Pump, and sundry other parts of a philosophical apparatus. And when this arrived, most of our leisure moments were employed in making philosophical experiments, and ascertaining the causes of the effects produced. Several other young gentlemen were also taken by him as boarders, from whose society I likewise derived some information. So that this year passed away with me more profitably than even the preceding--

The experience of the year taught Mr. Wythe, what almost any other man than himself would have foreseen, that at his time of life in his situation, and with his habits, the presence of a numerous family about him, must occasion much more trouble than he could sustain. The necessary domestic duties occupied too much of his time, broke in upon his pursuits, and interrupted even his business and his amusements--He was irritated and vexed by a thousand little occurrences he had never foreseen, & which any other would have guarded against. He could not bear, and ought never to have subjected himself to any such burdens; he therefore very properly decided to apply the only remedy, which was to break up his boarding establishment, and to live by himself--He could not forego the pleasure he derived from instructing others however; and in refusing to take any young gentlemen to live in his /p. 126/ house, he

still expressed a wish however to continue his instruction to any such as would attend him for that purpose. Most of those who lived at a distance did not do so afterwards, but I continued to attend him as I had done.

So soon as I left the house of Mr. Wythe, my father placed me with our friend Mr. John Wickham. I have mentioned this gentleman before. When hostilities ceased with Great Britain in 1782, he left Mr. Fanning in Greensville and returned to New-York--From thence he proceeded to Europe, and having travelled there awhile, came back to the U.S. and visiting Virginia about the beginning of this year 1786, he then determined to study the law and to settle there. He accordingly commenced the study of the law under the direction of my father, and obtaining a licence, enter'd into the practice, and fixed himself in Williamsburg, where he kept a batchelors house at the time I am now speaking of the autumn of 1788--I then went to live with Mr. Wickham, and as he did not dine at home, I dined out, first at Judge Joseph Prentis's ⁴⁰ and afterwards with an old man by the name of Taliaferro, ⁴¹ who resided near Mr. Wythe, whom I continued to attend regularly as I had done previously.

Deprived now of the use of Mr. Wythes valuable library for my preparatory studies, and losing much of the benefit I had derived from perpetual association with him, my improvement

in some respects was certainly not equal to what it had been during the past year--But I derived /p. 127/ full compensation for this loss probably in the society of my friend Mr. Wickham, and from my intercourse with two young gentlemen of Petersburg who now became scholars of Mr. Wythe also, and boarded near me. These young gentlemen Charles Turnbull and John Thomson⁴³ were both of them amiable and excellent boys, and the latter particularly was the most promising youth I have ever seen--He became highly distinguished afterwards as the author of the celebrated letters of Curtius, which were written while he was yet quite young; and by his untimely death I have little doubt Virginia was deprived of one of her sons who had he been spared but a short time longer would have been regarded as one of her brightest ornaments. Between these young gentlemen and myself a close intimacy soon commenced and ever afterwards continued. We became almost inseparable companions, and I derived very great advantage from my intercourse and conversation with them engaged as they then were in the same pursuits with myself.

Early in the year 1789 the re-organization of the Courts which had then recently been effected, by imposing upon Mr. Wythe exclusively the whole duties of the Chancery Court, made it necessary for him to remove to Richmond where this Court was held. He therefore broke up his establishment in Williamsburg

and fixed himself in Richmond, where he continued to reside ever afterwards so long as he lived. When Mr. Wythe left Williamsburg, my father and Mr. Wickham concurring in the opinion, that I was now sufficiently advanced to be placed at College, I was immediately enter'd /p. 128/ a student of William and Mary--I continued to live with Mr. Wickham as before, but attended all the professors daily. When I enter'd College I had but just attained my fifteenth year, and as their courses were then more than half finished by the several professors, I did not derive much benefit from any of these save only the Mathematical professor ⁴⁴ with whom my previous studies under Mr. Wythe enabled me to keep up very well--Altho' I derived but little benefit from attending College during this broken course however, I did not misspend my time. By the advice of Mr. Wickham I began a regular course of history, which I prosecuted with but little interruption during this and the succeeding year as my leisure permitted, and then completed. During this period I not only revised all my reading of Ancient History, but went through a very good course of the Histories of Modern Europe--

In the year 1790 Mr. Wickham contemplating a removal from Williamsburg to Richmond which he accomplished during that year, it became necessary for my father to provide for me some other home. This he accordingly did, and placed me in the

house, and under the special direction of Bishop [James] Madison, the President of William and Mary College--I now commenced with much zeal and ardor a new career--In this guided by the advice of my very worthy preceptor, and stimulated by the example of my friend Thomson, who also enter'd college at this time, I never flag'd or abated my exertion in any material degree--I read a good deal /p. 129/ & reflected much upon what I did read, and made myself well acquainted with it--I performed all my college duties and exercises with great punctuality and in such a mode as always gave me the highest standing in all my classes and often attracted the particular notice and high commendation of each of the professors--

In this way was passed the whole of this year, to me the most useful and profitable I think of any I had then passed --An accident however occurred to me about this time, which had very nearly put a period to all my hopes and terminated my existence--It has no connexion with my future story, but as it made a very strong impression upon me at the time, & may probably interest you I will here relate it.

The winter of 1790-91 was uncommonly severe. The cold was so intense that all the water courses were blocked up with ice, and James River itself frozen over a great way below my fathers house for several weeks in succession--During this winter Mr. Wickham had married my fathers half sister, and Kingsmill was

a place of a good deal of gaiety--While the frost was most severe, I invited two of my fellow-students, Robert Carter⁴⁶ (who lived in the same room with me at Mr. Madisons) and Robert Bannister,⁴⁷ to go down with me to my fathers on a visit--A creek which bounded my fathers estate westwardly, ascended to within a short distance of the College, and our plan was to skate down this creek to its mouth and thence down the river opposite Kingsmill. Accordingly after dinner we /p. 130/ prepared our skates, and walking to the head of the creek, descended it rapidly to its mouth, and there enter'd James River--The cold was so intense that the river had frozen while it was agitated by the air, & we found the ice here therefore very rough, and being cover'd by a slight fall of snow, the skating upon it was not agreable--In the distance however we discover'd a field of ice apparently quite smooth and black, which seemed to promise much more pleasant amusement--Thither therefore we proceeded--I lead the way, and arriving at this smooth spot first, dashed upon it at once, and crossed the field with great celerity and much pleasure. When I reached the opposite side and turned round, I discover'd both my companions still standing on the rough ice, as if afraid to venture on that over which I had just passed safely--I therefore set off to re-cross the field to assure them there was no danger--My example induced Bannister no longer to hesitate, and he immediately came off to join me--

The moment we approached each other, the ice which altho sufficiently strong to sustain one, was not thick enough to bear us both, gave way with a horrible crash under our united weight, and we were plunged into the river. Carter seeing us sink, took it for granted we were lost forever, and immediately made for the nearest land, shrieking most loudly--We soon rose however and being both good swimmers we found not much difficulty in sustaining ourselves above water even incumber'd as we were-- So soon as we recover'd from the first shock /p. 131/ we saw, that the only hope of escape was, to break the ice before us, which was smooth as glass, until we could reach that which was rough, for the smooth ice was so slippery we could get no hold of it--We immediately entered upon this task with desperate efforts--The sharp edges of the ice mangled our limbs and bodies each instant we broke it, and our blood streamed copiously-- But it was the only chance we had to save our lives, and we did not desist--At length Bannister whose strength was nearly exhausted made some violent effort, which failing he sunk--The tide drifting him immediately upon me however, & I caught him by the hair, and so saved him from drowning--And soon 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 get 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 /p. 132/ and felt an unconquerable disposition to sleep--We were both fully sensible of the cause of this & that if we went to sleep, we should awake no more, and therefore for a time stimulated each other to further exertion--But at last we could no longer resist the inclination, and stretched ourselves upon the ice to sleep-- In the very act of doing so a shriek of despair was wildly utter'd 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 Banister who already slept soundly. Before I closed my eyes however a sailor stood beside

me, who finding our situation took Banister on his back and me by the hand and 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 birth, kindled a large fire in his cabin and closing the door, left us to go to my fathers 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. /p. 133/ Our lives were thus twice preserved by this good man, for we were both fast asleep and knew nothing of the fire altho' so near us.

Having secured every thing better, he set off a second time for my fathers house, and returning to the shore near us with the carriage and dry clothes for us, we were soon conveyed to the 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 from the ice--For

my part I never felt the slightest inconvenience afterwards from this dreadful occurrence, except what was produced by the pain of my 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 upon 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 Thomson, he 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 became afterwards--/p. 134/
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 consider'd 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 believed to be then deficient; and having done so to apply thereafter for a new order for a further 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 collegiate 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 favorable, he was then directed to prepare a thesis, /p. 135/ upon any subject he thought proper, and to deliver the same when prepared to the President. If this thesis when exhibited was

found objectionable in subject, style, or matter, he was required to prepare another, or to amend 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 confer'd upon him in the college chapel, on its foundation day, the first of August, before a publick assembly that always convened there on such occasions--He was therefore directed to commit his thesis to memory, to be deliver'd 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 on his publick examination, to the end he might be thoroughly prepared for this last experiment--

To all these fiery ordeals did I now resolve to expose myself. I was well aware of the difficulties I had 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 or 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 professors--My examina-

tion before the convened faculty was also satisfactory--My
⁴⁸thesis was approved by the President without the slightest
alteration--And on the 1st of August 1792 I received my
⁴⁹diploma in the chapel of W: & Mary from the /p. 136/ hands
of its venerated President Bishop Madison, who accompanied it
with an high eulogium upon me, deliver'd before a large con-
course of persons, who were there assembled, to witness this
then singular spectacle, because such was the difficulty of
obtaining a degree in this seminary at that time, that no such
honor had been confer'd for many years before, and mine was I
believe the last which was confer'd 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 be-
came a mere matter of form as was the public examination of that
day.

Having finished my collegiate course before I was eigh-
teen years of age I returned home early in August 1792--The
pleasure my father received from my success was not a little
damped by the appearance I then exhibited--I had imposed too
much upon myself during 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 dur-
ing 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 physician 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 /p. 137/ 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 very different and much more arduous undertaking than it has since become. The roads throughout a great part of the distance were scarcely passable, the accommodations execrable & 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 York town, from whence we calculated we should meet with no difficulty in getting to

Philadelphia--Upon our arrival at Elkton however but a single hack could be procured--This Bishop Madison and his companion the Rev. Sam^d McCroskey¹ took for their own use, and left⁵⁰ Robert Carter myself and our 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 & Philadelphia, by the way of French-town and Newcastle, which run once a week, so that if we could get to French-town, we might very possibly there find some means of crossing to Newcastle and thence up to Philadelphia--We therefore⁵¹ hired a cart, in which causing our baggage to be transported, we walked from Elkton to French-town, where we were lucky enough to procure a shatter'd old vehicle, in which we got safely to Newcastle--Here we were detained several days /p. 138/ waiting for the packet, in which we at last reached the City of Philadelphia. I mention these things merely to shew you what was the situation of this 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 became indispensably necessary therefore in

our opinion, that we should immediately undergo inoculation, to guard if possible against the danger to which we had been so exposed. We took lodgings at once, and submitted to this process on the same evening--We were both inoculated by Dr. Kuhn--⁵⁷ Carter had the disease very favourably, and soon recover'd; 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 /p. 139/ short time, before the weather became quite cold--a change very little suited to my debilitated and impoverished state--I soon felt the effects of this change--It gave me a violent cold, that terminated ere long in 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 much 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 homewards, 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 strong enough 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 more dead than alive about the 20th 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 Mrs. Wickham to Richmond, and my sister after her departure was boarded in 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 summons up enough resolution 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 /p. 140/ my father found me upon his return. Medical advice was immediately taken, in pursuance of which I was cover'd with flannel from head to foot, & 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 fields.

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 prefer'd 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 fathers displeasure whenever I was found reading--

About the last of this year 1792, a young gentleman by the name of Coeke came to our house. He was the son of a very old friend of my father's, Col.^o Richard Coeke of Surry, ⁵³ who had requested of my father to suffer this son to read law with him; & in order to obtain some companion for me during the periods of his necessary absence from home my father had consented to direct his studies. /p. 141/ Mr. Coeke had been an old school-fellow of mine at Maury's school, and a fellow student at William & 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 which were 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 Mr. Cooke in the Study. I soon learned from him the course of study my father had prescribed; and of my own accord began to pursue it--Altho' my reading was carried on by stealth, and unknown to my father, yet I found no difficulty in keeping up with Cooke, 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 physician recommended that I should be sent to the springs. I was accordingly equip'd for this journey, and directed by my father to travel by very short stages to the Berkeley springs,⁵⁴ and not to return home until the cold weather. I pursued these directions, and after passing through Richmond, where I spent some days with Mr. Wickham, and Fredericksburg, I arrived at Winchester. On the very day I crossed the blue ridge I missed my ague for the first time, & finding my health then rapidly /p. 142/ 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 at the springs, by my former fellow student and much esteemed friend, John Mercer of Fredricks⁵⁵burg.

He had accompanied his Uncle General Weedon to ⁵⁶ this place, but after some days of experiment, the water not agreeing with the old gentleman, and being unwilling to return to the lower country at that season, they proposed to make an excursion through the valley of the Shenandoah, and wished me to be of the party--My health was now nearly re-established, my curiosity perfectly 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, & after visiting Harper's ferry, proceeded up the valley to Staunton, stopping by the way to see Madison's cave. ⁵⁷ From Staunton Mercer and myself went to the Natural bridge; and upon our return to Staunton, where we had left General Weedon, I very unexpectedly found my father there. He had exchanged his circuit for this, and had just /p. 143/ arrived in Staunton to hold his Court there.

I remain [sic] 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 with my father to Fredericksburg

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. Wickham, I reached home once more about the first of October 1793.

Nothing now existed to prevent my commencing and continuing any regular course of study I thought proper. I had health and strength and abundant leisure to do so, and might have prosecuted it without interruption. But Croke had left my fathers house when he had gone from home, and I had no example to invite 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--And yielding to such temptations, instead of reading I commenced the life of a sportsman, spending all my time in /p. 144/ the fields and woods. My father returned home about the last of October, but seeing the very great change which had taken place in my appearance, and ascribing it to the exercise I was in the constant habit of using, he could not prevail upon himself to check me, but instead of doing so, even incited 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 control.

The whole winter of 1793 & 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 been then so long idle, that I could not reconcile it to myself to pursue any regular course of study; & altho' I then read a good deal, yet my reading was very desultory, and I derived but little advantage 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, & which I had formerly read with Mr. Cocke, unknown /p. 145/ to my father, when another event occurred that again interrupted my new course.

I had been for years enrolled in the Militia,⁵⁸ and the insurrection in Pennsylvania occurring at this time, in the month of September 1794,⁵⁹ 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 dispatched by its commanding officer to Richmond, with a communication to the Governor & 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. Excessive 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 /p. 146/ 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 Kingsmill about the middle 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 the same mode of life, from which I was supposed to have derived so much benefit on a former occasion. Shooting & hunting again were my sole occupations, and all reading was entirely neglected--I continued this course until

December 1794, when my father being elected to the Senate of the U.S. determined to take me with him to Philadelphia. My health by this time was completely re-established. We left Kingsmill the latter end of December, & travelling by the way of 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 probably have found it difficult ever to have changed my course thereafter. But by removing me from my idle /p. 147/ 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 Mr. Edmund Randolph, who was then the Secretary of State, & who I was told would advise me what course of reading and study I ought to pursue--As Mr. 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, & accordingly I bought me 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 ought

to pursue, so soon as I appeared, I was put to transcribing some public document or other, & kept at this employment until 3. O'Clock, when the office was closed, and I saw nothing more of the Secretary until the next morning--In the evening I occupied myself of my own accord with revising my legal studies, and read a good deal. I was now seriously disposed to study, & 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 Mr. Randolph exclusively who only employed me as I have stated. /p. 148/

I continued this course for some weeks, when discovering no change, I mentioned to my father how my time was wasting, and begged of 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 of his wish to bring me up for diplomatick employment, & that this 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 conscious that I never could qualify myself to become a diplomatist. I expressed these opinions to my father freely, and begged of him to suffer me to return to Virginia, and study the law with my friend Mr. Wickham--He would not consent to 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.

/p. 149/ In a few days afterwards I was presented to the President General 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 grandfather Waller, for whom he expressed very high respect, and made many enquiries 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 wished to go to Mr. 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, least something might occur to change my father's purpose, that I set off for

Richmond on the very next day, and travelling through Baltimore George town, Alexandria, & Fredericksburg, I arrived at Mr. Wickhams early in February 1795.

My situation now was most agreable indeed. With Mr. Wickham I had already passed many years of my life, and was sincerely attached to him. With Mrs. Wickham I had been brought up, & altho' the sister of my father, yet being somewhat younger than myself, I had always consider'd & treated her as my own sister, /p. 150/ 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, who like myself had 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; & very soon made such progress in my studies as to render myself of use to my friend Mr. Wickham, which gave me great satisfaction.

My course of life was this. I rose very early in the

morn, 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 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 task in this that I always imposed upon himself [sic] and which usually employed me about six hours, I laid aside the books I was reading, and /p. 151/ 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 desultorily 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 & 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 upon looking back. In short

In short I do not think that any period of my life was ever passed as profitably & 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 in Kingsmill, during the autumn of this year, upon the occasion of the marriage of my sister to Mr. Benjm. Taliaferro, 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, Mr. Wickham after examining me very closely, was opinioned I was qualified to commence the practice, and /p. 152/ advised me to apply for a licence. This I accordingly did--I found no difficulty in obtaining my licence to practice, which was granted by each of the Judges by whom I was examined with high commendations upon my acquirements,⁶⁰ and I was consider'd 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, & 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 remove to the Western Country, and to establish myself somewhere either in Kentucky or Tennessee. To this all the friends whom I consulted objected very strongly, and recommended an establishment in Virginia as preferable. Mr. Wickham advised me to return to Richmond, & to settle myself there--My father disapproved of this, and prefer'd 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 /p. 153/ commence the practice in Williamsburg & its vicinity. Each of them urged so many cogent reasons in support of his own opinion, & my own bias in favor of the Western Country was so strong, that I felt much embarrassment in coming to any decision. Accident at length however terminated my perplexity, & 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, & who proposed to me to accompany him. Having no engagement to prevent it, I readily assented to his proposal, & 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 upon his representing, that my engaging in the mere arguments of causes must certainly be of advantage to me thereafter, & 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 discussion. My Uncle who was the plaintiffs counsel open'd 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' one of not much consequence in itself, yet turned upon the proper application of a legal maxim which is not even now generally understood. /p. 154/ The defence rested upon the legal proposition "ex nudo pacto non oritur actio."⁶¹ I had had occasion to investigate this matter very minutely with Mr. Wickham, a short time only before I left his office, & was of course perfectly prepared for its discussion at this time. I managed the cause much to the satisfaction of my Uncle & his client, and having succeeded in it, received the congratulations of many of my acquaintance, and a fee from the successful party. This was on the 11th of July 1796 from whence may be dated the commencement of my professional career.

When I returned home in the evening, I mentioned to my

father what had occurred--He was pleased at it, & advised me to continue to argue causes with my Uncle in this mode for some time longer, before 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 in that part of the country one moment longer than I chose. This plan I determined to pursue, & accordingly accompanied my Uncle the following week to York Court. Here I argued several causes with him, & performed sundry other professional duties out of Court, from which I derived some emolument--The success which had 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 /p. 155/ continue to attend the Courts in this part of the country. At the Hustings Court of Williamsburg, which came on in August 1796, I was employed to argue a very important cause depending in that court, in which I was alone, & opposed by my uncle and all the most distinguished practitioners at that bar. The case was one of a good deal of complexity, and occupied a great deal of time--By great exertions however I made myself master of the cause, & succeeded in it contrary to the expectations of my uncle and of the bar generally. This enhanced my reputation

much, & gave me a standing at the bar which I probably did not merit. My father was much congratulated by his acquaintance upon my success in this cause particularly; and now seemed to be exceedingly anxious, least 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 & 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 City, to some merchants in Philadelphia. These he stated 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 /p. 156/ other bonds due to persons in Williamsburg of his own acquaintance, which he had desired to offer to me also, provided I would undertake the collection of them. I refused to undertake this business at first, observing that should I do so it would be decisive of my future course, inasmuch as it would constrain me to remain here until the collection was completed, which might not occur during any definite period of time; and that I had resolved not to commit myself in this way. My father concurred

with me in opinion. But my Uncle (who seemed to have set his heart upon fixing me in this part of the Country) readily answer'd, 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; & if I did not do so, I could bring suits upon them, which suits I might readily turn over to any other lawyer at the bar, whenever I decided to remove. To such a course no reasonable objection occur'd to either my father or myself, & I therefore agreed 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 what 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 /p. 157/ [greater] extent than any other young man within his knowledge had ever done before in the same time. And that all this vantage ground would be lost and abandoned, if I now removed, & settled myself elsewhere, when I must again begin as 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; & that the utmost success in this part of the country where the sphere of practice was very limited, would bring with it but little emolument & less eminence in my 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 of success 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 the comparison with the more contingent prospects elsewhere. Besides, the public duties of my father would compel him to be absent very often & for long intervals from home, when his affairs must certainly suffer; but that if I remained at home, my presence there, would correct many of the mischiefs likely to flow from his absence, & /p. 158/ that this advantage ought to be taken into the comparison also, in order to enable us to come at a right conclusion. But he concluded by observing 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 quarter of the country--That should I remove from hence now, such a disposition which my father would certainly intend

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 & 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 be probably 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 not only be rendering him great assistance, but at the same time be acquiring that kind of information, which every man in Virginia must find requisite & 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. /p. 159/

On the next day I went to Hampton. It was Elizabeth City County Court day--At this Court I was employed to argue several causes, which I did successfully. I also concluded an arrangement with the several Obligees whose bonds I held, whereby they severally confessed judgements for the amounts of their respective bonds, and I allowed them a stay of execution on these judgements, until the fate of suits to be instituted on

on other bonds which they gave me to collect, & which much exceeded these judgements in amount should be ascertained. Under this arrangement I instituted 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 Mr. 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 his reason for this enquiry, that if I had come to such a determination, he would attend the District Courts of Williamsburg & Suffolk at their next terms, for the last time, & would then surrender to me his dockets & papers in these courts; and requesting me in the interim to attend to some of his business in the former of these courts.

/p. 160/ These letters of course required a prompt reply, & it was very obvious that by the reply I should give to 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, & I had no opportunity of consulting with him. His return was expected however the next day, & 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, & in forming from these an estimate of the amount I might reasonably expect to earn in the course of the years, 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 continued to enjoy only the same success in future, which I had had during the last two months, I might reasonably calculate upon earning at least \$1,000 per annum. This sum so far exceeded any thing to which my most sanguine hopes had ever reached, & so far exceeded the profits earned by my friend Mr. Wickham during the first year of his practice in the same Courts, as I very well knew from having kept his books for him, that it decided me at once to remain where I was /p. 161/ provided my father would consent to it.

He returned as was expected the next day--On his return I shewed him the letters I had received, mentioned the necessity they produced of an immediate reply, stated why this reply must be decisive of my future course, & exhibited to him

the estimate I had made; observing that its unexpected result was such that I was perfectly content with it, & was willing to stake myself upon it, as the sum was abundantly sufficient to gratify all my reasonable wishes--To my great surprise & 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, & my business, than I could be any where in the country, & that I should not hazard my success by any want of diligence, or punctuality, or remit in 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 me a house and office, which my father assisted me to furnish, by supplying me with his law library, and the apparatus of his study, and with a bed chairs, etc.

APPENDIX

[The following pages appear at the end of a copy of Tazewell's manuscript made by his daughter, Mrs. Anna Tazewell Bradford, sometime after his death. The copy is in the College of William and Mary Library.]

The manuscript of Littleton Waller Tazewell ends abruptly in this place. I will try to supply some facts with regard to his later years; Of his career as a lawyer, and statesman, more than I can say, will be found in the pages of Mr. Grigsby'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 26th of June 1801, and was married in Norfolk on the 15th of July 1802, to Ann Stratton, eldest daughter of Col. Jno. Nivison. She died on the 15 of September 1858, after a happy married life of fifty six years. My father practiced his profession in Norfolk most successfully, until 1824, (but during this time he was sent to assembly). He was a member of the Virginia Convention 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.,

to the Senate of the U.S., and having served on 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 principle, 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 paltry sketch is all that I can state of the facts concerning the public life of my father, as I have not 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 course in the Convention, much may be found in the "History of the Convention of 1829" by H. B. Grigsby.² 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 when negroes had sometimes to be sold to effect or division of the property, (they most generally being allowed to choose their homes,) all in the SUP-

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 for them was beautiful to see. No language could express my profound admiration for my father; nor will I attempt it. The 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 idea 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 and dearest to him, and with whom he was constantly associated, and they are all dead except my sister and myself. My father died--after a short but severe illness--on the 6th of May 1860 in the 86th year of age. He had quite a large family. Some of his children died before he did, but many survived him.

His eldest daughter Louise Nivison Tazewell was born in Norfolk in 1804 and died there unmarried. 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 Jno. Nivison Tazewell was born in Norfolk in

His fourth child and second daughter Sarah was born in Norfolk in 1809 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 living and unmarried.

The sixth and last son Littleton Waller Tazewell was born in Norfolk in 1815. Was married in 1844 to Mrs. 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 Anna Elizabeth Tazewell was born in Norfolk in 1817, was married in 1847 to Lieut. Edmund Bradford U.S.A. of Philadelphia, who died April 26th 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 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 1888. She was interred in Elmwood.

Notes for Editor's Introduction.

1. John P. Kennedy, Memoirs of the Life of William Wirt, Attorney-General of the United States (Philadelphia, 1850), I, 126.

2. Kenneth E. Toombs, The Early Life of Littleton Waller Tazewell, 1774-1815 (Unpubl. M.A. thesis, University of Virginia, 1955), 60-63.

3. Ibid., 121-124; William Cabell Bruce, John Randolph of Roanoke, 1773-1833 (New York, 1922), I, 293, 305.

4. Quoted from Francis W. Gilmer, Sketches of American Orators (Baltimore, 1828) in Hugh Blair Grigsby, Discourse on the Life and Character of the Hon. Littleton Waller Tazewell... (Norfolk, 1860), 118.

5. Ibid., 120.

6. James H. R. Rogers, The Legislative Career of Littleton Waller Tazewell, 1816-1832 (Unpubl. M.A. thesis, University of North Carolina, 1952), 81.

7. See ibid., chap. III.

8. Ibid., 72-74.

9. Henry H. Simms, The Rise of the Whigs in Virginia, 1824-1840 (Richmond, 1929), 47.

10. Robert Seager, II, And Tyler Too: A Biography of John & Julia Gardiner Tyler (New York, 1963), 90-93.

11. Littleton Waller Tazewell, A Review of the Proclamation of President Jackson ... (Norfolk, 1888), 111-112.

12. Simms, Rise of the Whigs, 71.

13. Ibid., 80-81.

14. Ibid., 80.

15. Ibid., 105-106; Seager, And Tyler Too, 110-115.
16. Robert B. Tunstall, "Littleton Waller Tazewell," Dictionary of American Biography, XVIII, 355.
17. For a contemporary description of Tazewell at this period in his life, see William S. Forrest, Historical and Descriptive Sketches of Norfolk and Vicinity... (Philadelphia, 1853), 383-386.
18. Tunstall, "Tazewell," 357.
19. Wirt's series of articles first appeared in the Richmond Enquirer (Dec. 22-24, 1811) and were published in book form in 1814; see Kennedy, Wirt, I, chap. XIX, and Richard Beale Davis, Intellectual Life in Jefferson's Virginia, 1790-1830 (Chapel Hill, 1964), 283-284. The 24th number, concerning Tazewell, is reprinted in Grigsby, Discourse on Tazewell, 114-117.
20. Bruce, Randolph of Roanoke, I, 461.
21. Richard Beale Davis, Francis Walker Gilmer: Life and Learning in Jefferson's Virginia (Richmond, 1939), 189.
22. "Letters of Francis Walker Gilmer to John Randolph," Tyler's Quarterly Historical and Genealogical Magazine, VI (1925), 188.
23. Grigsby, Discourse on Tazewell, 118-119.
24. L. W. Tazewell to John Randolph of Roanoke, March 9, 1826, Randolph-Tazewell Correspondence, 1803-1830 (Microfilm, University of Virginia).
25. L. W. Tazewell, Sketch of his own family..., 1823, Tazewell Family papers (Virginia State Library, abbreviated as VSL after the first reference in each chapter), v.
26. Ibid., ix.
27. Grigsby, Discourse on Tazewell, 95.
28. For complete bibliographical information on the works mentioned see BIBLIOGRAPHY.
29. Grigsby, Discourse on Tazewell, 15.

30. For information on the office of the seventeenth-century commanders, see Philip Alexander Bruce, Institutional History of Virginia in the Seventeenth Century... (New York, 1910), II, 15-29; Wesley Frank Craven, The Southern Colonies in the Seventeenth Century, 1607-1689 (Baton Rouge, 1949), 170-171.

31. See Craven, Southern Colonies, 169; and Richard L. Morton, Colonial Virginia (Chapel Hill, 1960), I, 125-127.

32. For information on the office of the seventeenth-century commissioners, see Bruce, Institutional History, I, 487-507; Susie M. Ames, Studies of the Virginia Eastern Shore in the Seventeenth Century (Richmond, 1940), 150-159; and Ames, ed., County Court Records of Accomack-Northampton, Virginia, 1632-1640 (Washington, D.C., 1954), xxiv, xxxviii-lxvii.

33. For information on the office of the seventeenth-century sheriff, see Bruce, Institutional History, I, 592-601; and Cyrus Harreld Karracker, The Seventeenth-Century Sheriff (Chapel Hill, 1930).

34. Tazewell, Sketch of his own family, 42.

35. Ibid., 78.

36. For a discussion of the Cavalier tradition and its significance in Virginia history, see Wesley Frank Craven, The Legend of the Founding Fathers (New York, 1956), 109-112.

37. Tazewell, Sketch of his own family, 51.

38. Ibid., 52.

39. Cecelia M. Kenyon, "Men of Little Faith: The Anti-Federalists on the Nature of Representative Government," The William and Mary Quarterly, 3rd ser., XII (1955), 3-43.

40. Tazewell, Sketch of his own family, 75.

41. L. W. Tazewell to Henry Tazewell, Jan. 5, 1797, Tazewell Family Papers, Box 4, 1797-1801.

42. Tazewell, Sketch of his own family, 125.

43. L. W. Tazewell to John Randolph of Roanoke, Mar. 14, 1815, Randolph-Tazewell Correspondence.

44. As no male heirs survived in his generation to carry on the Tazewell name, Littleton Waller Bradford legally changed his name.

Notes for L. W. Tazewell's Preface.

1. Three sons and six daughters. See Appendix.

2. The marriage bond of a Thomas Moran and Miss Susanna Hoggard dated April 11, 1798, is recorded in the Norfolk city records. ("Abstracts from Norfolk Marriage Bonds, 1798, "The Lower Norfolk County Virginia Antiquary," [1899], 117.)

3. Probably because of the constant threat of attack by the British squadron which had blockaded Chesapeake Bay, Tazewell took his family to New York in early 1813. In letters addressed to him there, John Nivison, his brother-in-law, wrote of the number of Norfolk families who had left or were preparing to leaving the city, taking with them furniture and household belongings. Nivison had moved his own family to Princess Anne County. See John Nivison to L. W. Tazewell, March 6, 9, 18, 1813, Tazewell Family Papers, Box 5, 1802-1804 (Virginia State Library).

4. Tazewell took these quotations from Edward Gibbon, The Miscellaneous Works of Edward Gibbon, Esq., with Memoirs of His Life and Writings, Composed by Himself: Illustrated from His Letters, with Occasional Notes and Narrative by the Right Honourable John, Lord Sheffield (5 vols., London, 1814), I, Memoirs and Letters, 2.

5. Ibid.

Notes for Chapter I.

1. Sir Thomas Littleton (1402-1481) originally wrote "Treatise on Tenures" for the instruction of his son, Richard, but it was soon recognized as a work of authority. The earliest extant manuscript copy, now in the Cambridge University Library, contains internal evidence of having been in circulation by 1480. The date of the first printed version of the treatise is unknown, although some authorities place it at about 1481. The work went through various editions before Sir Edward Coke (1552-1634) included it in his four-part Institutes of the Laws of England. Littleton's text and Coke's Commentary, although now both obsolete, long remained the definitive work on English real property law. See G.P. Mac Donell, "Sir Edward Coke," Dictionary of National Biography, IV, 685-700; and J. M. Rigg, "Sir Thomas Littleton," ibid., XI, 1252-1255.

2. Sir Edward Coke, The First Part of the Institutes of the Laws of England; or, a Commentary upon Littleton... (16th edn., London, 1809), I, xxxiii.

3. Tazewell was substantially correct in tracing Nathaniel Littleton's descent. Nathaniel's great-great-grandfather was Sir Thomas Littleton, the author of "Treatise on Tenures," and his parents were Sir Edward of Henley, Shropshire, and Mary de Ludlow, daughter of Sir Edward Walter of Ludlowe. A family

pedigree book states that Nathaniel "emigrated to Virginia in 1635, a gentleman of the Earl of Southampton's Company in the Low Countries, 1625." ("Historical Notes and Queries--Littleton," William and Mary Quarterly, 1st ser., IX [1900-1901], 62.) James Littleton of Shropshire, whom Ann Littleton mentioned in her will, was the brother of Nathaniel and the third son of Sir Edward and Mary de Ludlow Littleton.

Besides the above-mentioned article, see: Robert P. Robins, "A Tentative Pedigree of the Littleton Family of Virginia," The New-England Historical and Genealogical Register, XLI (1887), 364-368; and "The Randolph Manuscript," Virginia Magazine of History and Biography, XVIII (1910), 20-23 in notes.

4. Ann Littleton was the daughter of Henry Southy of Somersetshire, who had obtained a grant of land from the Virginia Company in 1621/2. Her first husband was Charles Harmor, an Accomack commissioner who died prior to 1640. Existing county court records and land patents indicate that Nathaniel Littleton married Ann in Virginia c. 1640. See Susie M. Ames., ed., County Court Records of Accomack-Northampton, Virginia, 1632-1640 (Washington, D. C., 1954), xxix-xxx, xxxv-xxxvi; and "Minutes of the Council and General Court, 1622-29," Va. Mag. of Hist., & Biog., XIX (1911), 230-231.

5. Ann Littleton's will appears in Northampton County Deeds, Wills, etc., No. 7, 8, 1655 (1654) - 1668 (Virginia

State Library), fol. 22-24. See also Nora Miller Turman, The Eastern Shore of Virginia (Onancock, Va., 1954), 61-62.

6. Tazewell could only speculate that Nathaniel was appointed sheriff for Accomack, since the court records do not reveal which of the nominees was eventually appointed to the post. However, the fact that his name was listed first among the nominees does indicate that he had considerable standing in the community. (Ames, County Court Records, xxxv, 56-58.)

Tazewell errs in assuming that this instance was the first appointment of a sheriff for the Eastern Shore; the first incumbent, elected sometime after 1630, was William Stone, a county commissioner and, in 1648, third proprietary governor of Maryland. See Ames, County Court Records, xxiii-xxiv, xxx-xxx1; and Philip A. Bruce, Institutional History of Virginia in the Seventeenth Century... (New York, 1910,) I, 594.

7. With the increase and dispersion of population, more standardized political divisions were needed. In 1634, the colony was partitioned into eight counties, replacing the four old general plantations and seven particular plantations. On the James River were the counties of Elizabeth City, Warrasqueoc (later Isle of Wight), Warwick River (later Warwick,) James City, Charles City, and Henrico; on the York River, Charles City, (later York); and the whole Eastern Shore, Accomack. See Richard L. Morton, Colonial Virginia (Chapel Hill, 1960),

I, 125-127.

8. Tazewell correctly assumed that Littleton first appeared as a commissioner in the Accomack court records on May 1, 1637. However, just a year later, in May 1638, he became commander of the county and continued in this office until Apr. 25, 1640. Early in 1642, Littleton took the oath to become a member of the Council, a fact which Tazewell seems not to have discovered. (H. R. McIlwaine, ed., Minutes of the Council and General Court of Colonial Virginia, 1622-1632, 1670-1676... [Richmond, 1924], 498.) Littleton's name does not reappear in the Assembly journals or Northampton court records until Mar. 28, 1645 when he was again appointed commander for Northampton, a post he held until his death in 1654.

9. The Act of Assembly, 1647, named only the collectors of the public levies for James City Co., although presumably collectors were subsequently appointed in the remaining counties. (W. W. Hening, Statutes at Large; Being a Collection of all the Laws of Virginia, from the first Session of the Legislature, in the Year 1619 [Richmond, 1819-1823], I, 342-343.) From the act of 1648 reappointing the collectors, Tazewell inferred that Littleton and Scarbrough had acted as collectors for the previous year--which may or may not have been the case.

The excerpt from this latter act stated:

...Provided that notwithstanding any thing in this act to the contrary, That Mr. Nathaniel Littleton, Esquire, and Mr. Edmond Scarbrough have the power of collecting the leavye of Northampton county; and Mr. Anthony Elliot for Elizabeth county, from whom the Gov'r. is pleased to accept of pay and to discharge the country as well of what is due to himselfe, as also of what is due to Mr. Morrison.

(Hening, Statutes at Large, I, 356.)

Mr. Morrison was Capt. Robert Morrison, the commanding officer of the fort at Point Comfort in Elizabeth City Co. Morrison succeeded his brother, Maj. Richard Morrison (or Moryson) to the post in 1641. (Lyon G. Tyler, History of Hampton and Elizabeth City County, Virginia /Hampton, Va., 1922/, 24.) The fees due Capt. Morrison were set by an act of Assembly in Mar. 1645/46 as compensation for his duties as commander of the fort. (Hening, Statutes at Large, I, 320.)

10. Born in Ireland in the 1770's, John Daly Burk early became a fanatical advocate of Irish home rule. While a student at Trinity College in London, he joined the United Irishmen, a revolutionary organization, and was eventually forced to flee England because of his participation in it. He arrived in Boston in 1796 and there helped to found the Polar Star and Boston Daily Advertiser, the city's first daily newspaper. After becoming embroiled in political controversy, Burk moved on to New York and from there to Petersburg where he set up law practice. He was killed in a duel by a Frenchman, M. Coquebert, on Apr. 10, 1808, as a result of insulting remarks he made concerning the French national character.

Burk never recorded his motives for undertaking his four-volume History of Virginia, although he had previously

published History of the Late War in Ireland (Philadelphia, 1799). For the first volume, he relied on the works of Smith, Stith, Beverley and Keith, as well as the original records of the London Company lent him by John Randolph of Roanoke. The completion of the fourth volume, interrupted by Burk's untimely death, was first undertaken by Skelton Jones, a Richmond editor, but he too was killed in a duel. It was finally published by L. H. Girardin, having been read and approved by Thomas Jefferson, Burk's close friend.

History of Virginia, as a whole, bears the impress of Burk's Jeffersonian Republican bias. Like other histories written during the early national period, it is a patriotic polemic on the struggle for and achievement of liberty in America. In spite of this, Tazewell is somewhat stringent in his evaluation of the work. For all its deficiencies, it is still valued and cited by historians; Hening, himself, actually praised Burk's interpretation more than he criticized it (See Hening, Statutes at Large, I, xiii). See Charles Campbell, ed., Some Materials to Serve for a Brief Memoir of John Daly Burk... (Albany, 1868); Joseph I. Shulim, John Daly Burk: Irish Revolutionist and American Patriot (Philadelphia, 1964); and Edward A. Wyatt, John Daly Burk: Patriot-Playwright-Historian (Charlottesville, 1936).

11. According to the Instructions to the Commissioners

dated Sept. 26, 1651, the Council of State appointed Capt. Robert Dennis, Richard Bennet, Thomas Stagg (Stegge) and Capt. William Claibourne to "reduce" the Virginians to obedience. During the rough voyage, by way of Barbadoes, Dennis and Stagg perished in a storm. The remaining ship, a Guinea frigate commanded by Capt. Edmund Curtis, reached Virginia in mid-winter, 1651/52. Once there, Bennet and Claibourne took the lead in negotiating for the surrender.

Because of the scanty primary source material on this episode, its details have consistently eluded historians. Tazewell correctly notes that Marshall and Burk were mistaken in writing that Sir George Ayscue commanded the fleet which entered Chesapeake Bay. Beverley was also mistaken in his contention that Capt. Dennis headed the expedition. Edward Neill's Virginia Carolorum; The Colony Under the Rule of Charles the First and Second...1625-1685 (Albany, 1886), 217-220, first revealed that it was actually Curtis who commanded the Guinea frigate; strangely enough, Thomas J. Wertenbaker in Virginia Under the Stuarts, 1607-1688 (Princeton, 1914), 99, disregarded or did not know of this information, but gave Dennis the credit for commanding the fleet. However, Richard Morton in Colonial Virginia, I, 171, again set the record straight. See also Lothrop Withington, "Surrender of Virginia to the Parliamentary Commissioners, March, 1651-2," Va. Mag.

of Hist. & Biog., XI (1904), 32-41.

12. Supposedly the two council members, George Ludlow and William Broccas, learned that goods belonging to them had been secretly taken on board the Commissioner's ship to be destroyed if a fight were provoked. Anxious to protect their own interests, they brought pressure to bear on the royal officials--thereby hastening Berkeley's surrender of the colony. Morton, Colonial Virginia, I, 172, n. 69, completely discredits this account first related by Beverley, but acknowledges that the oft-repeated tale had led many historians astray.

13. Seemingly, this is the Northampton Protest of March 30, 1652, and recorded in the county court records the following May. (Northampton County Deeds, Wills, Etc. No. 4, 1651-1654 [VSL], f. 67-68.) The document was a statement of local grievances, a culmination of circumstances and events arousing discontent on the Eastern Shore. The recently-enacted Navigation Acts, by prohibiting trade with the Dutch which was a major source of income on the Eastern Shore, were felt most severely in Northampton. The Indian scare was also heightened around this time and the royal officials, distracted by the hostilities with the Dutch, seemed to be neglecting the proper defense of the colony, while at the same time increasing the tax burden of the inhabitants. To inflame the colonists further, royalist sentiment was traditionally strongest on the

Eastern Shore, and the Parliamentary commission sent out to obtain the surrender of Virginia only added to their unrest. These circumstances were magnified on the Eastern Shore where its very geographic isolation had always tended to create a feeling of independence from the rest of the colony.

The Parliamentary commissioners recognizing the volatile situation on the Eastern Shore, dispatched two newly-appointed Council members from the Eastern Shore--Nathaniel Littleton and Argoll Yeardley--to Northampton to insure the loyalty of the citizens there. (See Northampton County Deeds, Wills, Etc. No. 4, 187-189; and Jennings Cropper Wise, Ye Kingdome of Accawmacke of the Eastern Shore of Virginia in the Seventeenth Century [Richmond, 1911] 134-137.) A few days after Littleton and Yeardley arrived in Northampton, the situation came to a head. The citizens, led by Col. Edmund Scarborough and several others, delegated six of their leaders to draw up a formal statement of their grievances--the Northampton Protest.

The Protest was more than a diatribe against the authority of the Commonwealth, as Taxewell would have it. It was also a protest against taxation without representation. Feeling against the excessive tobacco levy had long been growing. And, in view of the fact that Northampton had not been represented in the House of Burgesses since 1647--except for one

lone Burgess in 1651--the citizens reasoned that they were being taxed unfairly for the support of a government in which they had no voice. See Wertebaker, Virginia Under the Stuarts, 103-105; Wise, Ye Kingdome of Accawmacke, 134-141; and Ralph T. Whitelaw, Virginia's Eastern Shore: A History of Northampton and Accomack (Richmond, 1951), I, 29-30. See also below n. 18.

14. Accompanied by Col. Samuel Matthews, Sr., a member of the Virginia Council, Gov. Bennet returned to England in 1655 because the Assembly had appointed him Virginia agent. Similarly, Gov. Diggs was appointed agent to England in Dec. 1656, for the specific purpose of lobbying for an increase in the price of tobacco. In the same month the Assembly named Samuel Matthews, Jr., the son of Col. Matthews then in England, to succeed Diggs--effective upon Diggs's departure.

Later Virginia historians concur with Hening that the three Commonwealth governors were elected by the Assembly, but qualify it by adding that they were doubtless satisfactory to Parliament, as Tazewell believed. See Morton, Colonial Virginia, I, 174-180; Wertebaker, Virginia Under the Stuarts, 103, 106-109; and Wesley Frank Craven, The Southern Colonies in the Seventeenth Century, 1607-1689 (Baton Rouge, 1949), 262-264.

15. The actual sequence of events contradicts Tazewell's corroboration of Beverley and Robertson. Charles II's

restoration was not officially recognized in Virginia until Sept. 1660--approximately four months after the event in England. At this time, Gov. Berkeley justified his premature acceptance of the governorship by assuring the king that he had done no more "than to leape over the fold to save your Majesties flock, when your Majesties enemies of that fold had barred up the lawfull entrance into it, and enclosed the Wolves of Scisme and rebellion ready to devour all within it." (Wertenbaker, Virginia Under the Stuarts, 113.)

While Tazewell considered these events to be irrevocable proof of the colony's loyalty to monarchy, and was concerned that the true facts as he saw them might be lost to future historians, one near-contemporary of Tazewell's was concerned to the contrary. In Introduction to the History of the Colony and Ancient Dominion of Virginia (Richmond, 1847), 73, Charles Campbell wrote:

No fact in our history has been more misunderstood and misrepresented than this reappointment of Sir William Berkley, before the restoration of Charles II. If we were to believe the fanciful statements of historians, who from age to age have blindly followed each other in fabulous tradition, wilful perversion, or erroneous conjecture, Sir William was hurried from retirement by a torrent of popular enthusiasm, made governor by acclamation, and the standard of Charles II boldly erected in the colony several months before the restoration, and thus the Virginians as they had been the last of the king's subjects who renounced their allegiance, so they were the first who returned to it! But as has been seen, Sir William was elected, not by a tumultuary assemblage of the people, but by the

assembly; the royal standard was not raised upon the occasion, nor was the king proclaimed. Sir William, however, made no secret of his loyalty.

See Morton, Colonial Virginia, I, 188; and Lyon G. Tyler, "Virginia under the Commonwealth," Wm. & Mary Qtly., 1st ser., I (1892-1893), 195-196.

16. The seal of colonial Virginia has remained a puzzle to historians, and has often been confused with the "cote of arms" of the London Company which bore the same motto. Charles II did grant a seal to the Colony shortly after his restoration; however, the motto inscribed on the seal was "En dat Virginia Quintum"--in reference to the five parts of the British Kingdom, England, Scotland, France, Ireland, and Virginia. Not until the union of Scotland with England in 1707 was the motto changed to "En dat Virginia quartam."

See Edward S. Evans, The Seals of Virginia (Richmond, 1911); and Lyon G. Tyler, "The Seal of Virginia," Wm. & Mary Qtly., 1st ser., III (1894-1895), 81-96. For a similar tale that Virginia was granted the seal in gratitude for her early recognition of Charles II, see Bishop Meade, Old Churches, Ministers and Families of Virginia (Philadelphia, 1861), II, 84-85.

17. Col. Edmund Scarborough (Scarborough, Scarbrough), (1617-1671) played a conspicuous and controversial role in the government of colonial Virginia. His record of govern-

ment service was impressive: he was a Burgess for nearly thirty years; Speaker of the House in 1645; a justice and military commander of Northampton; sheriff in 1660 and 1661; and appointed Surveyor-General of Virginia in 1655, a post he held for life.

On the other hand he was just as often at odds with Colonial authorities. Several such incidents resulted from his determination to allay the persistent threat of Indian attack on the Eastern Shore; supposedly, the Indians hated and feared him so much, they called him "the Conjuror." Other episodes involved his shipping trade during the English-Dutch hostilities--in particular, the one to which Tazewell alludes. See Whitelaw, Eastern Shore, I, 624-635; Wise, Ye Kingdome of Accawmacke, 117-131; and W. G. Stanard, "Abstracts of Virginia Land Patents," Va. Mag. of Hist. & Biog., IV (1897), 316-318.

18. Apparently this is the same document--the Northampton Protest--which Tazewell first describes on pp. 18-19 of the manuscript, but with a different emphasis. (See n. 13) It is possible, of course, that he did discover another document similar in meaning to the Protest; if so, it is not extant. Apparently Tazewell never saw the "memorial" which he attributed to the influence of Col. Scarborough, but merely inferred its content from the subsequent court orders relating

to it which he found reprinted in Hening. This also is probably the reason for Tazewell's false assumption that Scarborough signed the document, which bore only the signature of the six men who composed it. The fact that all the subsequent action taken on the petition by the Northampton commissioners and Gov. Bennet and his party occurred the year after the Protest would explain Tazewell's dating of the document in 1653 rather than in 1652.

19. See Northampton County Deeds, Wills, Etc. No. 4, 197.

20. Nathaniel Littleton's landholdings were even more extensive than Tazewell estimated. In 1640, Nathaniel applied for and received a patent for 3500 acres as well as an additional 900 acres which his wife inherited from her father, Henry Southy. He also had the use of Charles Harmar's 1200 acres which, though inherited by Harmar's daughter in 1644, was deeded to Edward Littleton in 1656. (Nell Marion Nugent, Cavaliers and Pioneers: Abstracts of Virginia Land Patents and Grants, 1623-1800 [Richmond, 1934], I, 155, 331.)

The land, bounded on one side by Magothy Bay, extended to the seaside of the southern tip of Northampton. For a complete disposition of the Littleton tract, see Whitelaw, Eastern Shore, I, 76-90.

21. Edward Littleton was first a commissioner of Northampton Co. in 1657. In 1658 he married Sarah Douglas,

and after her death, married Frances Robins, the daughter of Col. Obedience Robins. ("Randolph Manuscript," 2ln.)

The latter deed to which Tazewell refers is probably one of 1677, four years after Edward's death, in which Francis and Frances Pigot, Edward's widow, relinquished to Southy Littleton any rights they might have to land which had previously belonged to Edward. (Whitelaw, Eastern Shore, I, 78-79; Northampton County Deeds and Etc., 1668-1680 [VSL], 145-146.)

Notes for Chapter II.

1. Col. Southy Littleton, the second son of Nathaniel and Ann Littleton, was born c. 1645 and married Sarah Bowman, the daughter of Maj. Edmund Bowman c. 1665. Contrary to Tazewell's speculation, the Bowman family lived in central Accomack. (Ralph T. Whitelaw, Virginia's Eastern Shore: A History of Northampton and Accomack Counties [Richmond, 1951], II, 1039-1950.)

Southy's landholdings were extensive--in 1656 he received a patent for 2340 acres on "Nondui Creek" according to the provisions of his mother's will; in 1664, a patent for an additional 850 acres; and in 1674, a patent for 4250 acres. The portion of this acreage which descended to Southy through his brother Edward was located in the Magothy Bay area of lower Northampton. The remainder of it was in lower Accomack

on the bayside; this was the site of his plantation "Nandua" which he inherited from his mother and which he willed to his son, Southy II. (Whitelaw, Eastern Shore, I, 79, 675-684; Nell Marion Nugent, Cavaliers and Pioneers: Abstracts of Virginia Land Patents and Grants, 1623-1800 [Richmond, 1934], I. 327, 414, 452.)

2. Southy's loyalty to Gov. Berkeley during Bacon's Rebellion became a matter of record when John Berry, a commissioner appointed to investigate the Rebellion in 1677, reported that Littleton was among the "Persons of Particular Emency" on the Eastern Shore who provided the "only shelter for the Governour and his Party during the Troubles in other Parts of his Majesties Colony...." ("Persons who Suffered by Bacon's Rebellion," Virginia Magazine of History and Biography, V [1898], 64-70.)

3. Northampton County Deeds, Wills, Etc., No. 11, 1680-1692 (Virginia State Library), 42-44. Col. Littleton wrote his will at the home of Robert Livingston in Albany where he died.

4. Nathaniel, the eldest son of Southy and Sarah Littleton, married Susanna Waters and had three children--Southy, Susan Custis, and Esther. Bowman, the second son, died unmarried in 1696. Southy II married Mary Browne, daughter of Thomas Browne of Northampton, and they had two children--Southy III and Leah. Of the daughters, Esther married a Col.

William Whittington of the Eastern Shore; Sarah married first Adam Michall, and secondly John Custis; Elizabeth married Richard Waters of Somerset Co., Md., and Gertrude married Henry Harmanson of Northampton. ("The Randolph Manuscript," Va. Mag. of Hist. & Biog., XVIII [1910], 22n.)

Notes for Chapter III.

1. Maj. Edmund Bowman was the grandfather of Gertrude, as he had only two daughters--Sarah, Gertrude's mother, and Gertrude, wife of John Cropper. A successful merchant, Bowman also served as a justice, sheriff, and Burgess, as well as holding the military titles of Captain and Major. See Barton H. Wise, "Memoir of General John Cropper," Virginia Historical Society Collections, XI (1892), 276; and Susie M. Ames, Studies of the Virginia Eastern Shore in the Seventeenth Century (Richmond, 1940), 12.

2. During the last years of James II's reign, Virginians became increasingly alarmed at his policy of favoritism toward the Roman Catholic Church, and specifically his habit of appointing colonial officials of that faith. When Edmund Bowman was cited to appear before the Council for his treasonable remarks, the fact that he was merely fined probably indicates that he had the courage and audacity to voice the silent opinions of the majority of his fellow-colonists. See Philip

A. Bruce, Institutional History of Virginia in the Seventeenth Century... (New York, 1910), I, 268-269; Ames, Studies of the Eastern Shore, 11-15; and "Jacobitism in Virginia," Virginia Magazine of History and Biography, VI (1899), 394.

3. Henry Harmanson was the son of Thomas Harmanson who emigrated to Virginia from Brandenburg, Germany, about 1649. (Mrs. John McNabb, "The Harmanson Family," Va. Mag. of Hist. & Biog., XXXVII [1929] 379-380.)

4. Henry Harmanson and Gertrude, his second wife, had nine children: Matthew, Sarah, Esther, Anne, Tabitha, Sophia, Henry, Elishe, and Gertrude. Gertrude, the youngest daughter, was the great grandmother of John Eyre (1768-1855) to whom Tazewell refers. See Northampton County Wills and Inventories, No. 18, 1733-1740 (Virginia State Library), 285-287; Robert P. Robins, "A Tentative Pedigree of the Littleton Family of Virginia," The New-England Historical and Genealogical Register, XLI (1887), 368n; McNabb, "Harmanson Family," 380-381.

For a description and photograph of Eyre Hall, see Ralph T. Whitelaw, Virginia's Eastern Shore: A History of Northampton and Accomack Counties (Richmond, 1951), I, 191-198.

Notes for Chapter IV.

1. William Tazewell's earliest known antecedent in England was William Tazewell of Buckland, County Newton, Dorset, according to a 1588 parish register. "Tazewell," of Norman derivation, was variously spelled Tanswell, Tarswell, Tassell, Taswell; Tanswell and Tazewell were the most common spellings, often being used interchangeably in the same generation.

The first William Tazewell was the great-great-grandfather of William, the immigrant. The latter's father was James of County Limington, Somerset, and his mother, Anne Kingsmill. William, one of seven children, was born July 17, 1690, and immigrated to America in 1715 as Tazewell correctly inferred. He married Sophia Harmanson June 10, 1723.

In the 1850's Tazewell attempted to confirm his family origins. In 1856 John Tanswell of the Inner Temple, London, sent him a genealogical chart of the English Tazewell branch and a sketch of the family arms. The pedigree and arms, ascribed to this branch of the family, had been authenticated by the College of Arms, London, according to a Heralds Visitation record of 1561 in the County of Suffolk. These documents and genealogical tables are now in the possession of Edmund Bradford of Norfolk, Virginia.

2. William Tazewell's will is recorded in Northampton

County Wills, Inventories, Divisions, Etc. No. 20, 1750-1754 (Virginia State Library), 325-326. Tazewell was frequently mentioned as an attorney in the Northampton records. See Northampton County Order Book, No. 21, 1742-1748, No. 22, 1748-1751 (VSL). See also Hugh Blair Grigsby, Discourse on the Life and Character of the Hon. Littleton Waller Tazewell... (Norfolk, 1860), 6-7.

3. In 1722 Thomas and Esther Savage sold 400 acres to William Tazewell and an additional 350 acres six years later. The land was located within the original tract owned by Nathaniel and Ann Littleton in lower Northampton. William deeded the acreage to his son Littleton in 1751. (Ralph T. Whitelaw, Virginia's Eastern Shore: A History of Northampton and Accomack Counties [Richmond, 1951], I, 80.)

4. Northampton County Order Book No. 18, 1722-1729 (VSL), 403. During the same court session, William Tazewell was also allotted 1080 pounds of tobacco in payment for his duties as deputy Kings Attorney, a position comparable to the present Virginia Commonwealth Attorney.

5. Several possibilities exist as to the identity of Mr. Brickhouse. Four Brickhouses--George Sr. and George Jr., and John Sr. and John Jr.--are listed in the 1789 Northampton County voting register. Since it is known that the two younger Brickhouses were married in the 1780's, it is probable that

Tazewell's friend was either George or John Sr. ("Poll of Vote of Northampton County, Virginia for President of the United States, 1789," William and Mary Quarterly, 1st ser. XXVI [1917-1918], 109-110; and Stratton Nottingham, comp., "A List of Marriage Bonds - Northampton County, Virginia, 1706-1800," Tyler's Quarterly Historical and Genealogical Magazine, I [1920], 195.)

6. On the history of Elkington see Whitelaw, Virginia's Eastern Shore, I, 238-241; and Anne Floyd Upshur and Ralph T. Whitelaw, "Elkington," Virginia Magazine of History and Biography, XLVI (1938), 13-19.

7. Sophia Tazewell's will was recorded Jan. 8, 1754--Northampton County Wills, Inventories, Divisions, Etc. No. 20, 482.

8. The children not surviving were William, Henry and apparently, from the provisions of Tazewell's will, another Anne who must have died in infancy. (Ibid., 325-326, 482.)

9. This information has been verified by the Tazewell Family tree--American branch, compiled by Edmund Bradford of Norfolk, Virginia in 1958, and now in his possession. Mr. Bradford kindly provided me with a copy of the genealogical chart.

Notes for Chapter V.

1. During the early years of the colony, the governor seems to have appointed the county clerks. In the latter 1640's, Governor Berkeley delegated this power to the Secretary of State, then Richard Kemp.

Because of the immense patronage and influence vested in his office, the Secretary was able to get the clerks elected to the House of Burgesses or could control a Burgess by the gift of a clerkship; thus, the Assembly continued to be largely a royalist rubber stamp throughout the 17th century. In 1718, a bill was introduced in the Assembly to transfer this appointive power from the Secretary to the justices of the peace. However, Governor Spotswood considered the bill to be a direct attack on the King's prerogative, and succeeded in squelching it. See Philip A. Bruce, Institutional History of Virginia in the Seventeenth Century... (New York, 1910), I, 588-591; Oliver P. Chitwood, Justice in Colonial Virginia (Baltimore, 1905), 114-115; and Percy Scott Flippin, The Royal Government in Virginia, 1624-1775 (New York, 1919), 223-229.

2. Holding office from Mar. 26, 1751 to Apr. 26, 1757, Littleton Tazewell was the third clerk of Brunswick Co. (F. Johnston, Memorials of Old Virginia Clerks /Lynchburg, Va., 1888⁷, 102-193.)

3. The County of Southampton, bordering North Carolina in southeastern Virginia, was formed in 1749 from Isle of Wight Co. A part of Nansemond Co. was added later. See Virginia State Library, A Hornbook of Virginia History (Richmond, 1965), 28.

4. Col. Joseph Gray was one of the first justices of Southampton Co. in 1749, and sheriff in 1751. Previously he had represented Isle of Wight Co. in the House of Burgesses from 1736 to 1749, when Southampton was formed. He was a Burgess for Southampton in the Assemblies of 1754, 1755, 1756-1758, 1761-1765, 1766-1768. His will is dated Aug. 30, 1769. (W. G. Stanard, "The Godwin Family," Virginia Magazine of History and Biography, V [1898], 201n; Stanard, "Abstracts of Virginia Land Patents," Ibid., III [1896], 403; and Stanard, and Mary Newton Stanard, comps., The Colonial Virginia Register [Albany, 1902].)

5. Mrs. Tazewell's uncle was Benjamin Symmons (Simmons) who was a Burgess from Southampton, 1758-1768. (Stanards, Colonial Virginia Register.)

6. Edwin Gray, the second son of Col. Joseph Gray, was a member of the House of Burgesses, 1769-1774; a delegate to the Virginia Conventions of 1774, 1775, 1776; a member of the House of Delegates, 1776, 1779; and State Senator, 1777-1778. (Stanard, "The Godwin Family," 201; Stanards, Colonial Virginia

Register; Earl G. Swem and John W. Williams, comps., A Register of the General Assembly of Virginia, 1776-1918 and of the Constitutional Conventions (Richmond, 1918.)

7. The career of Edwin Gray, the second son of Edwin Gray, Sr., has been confused with that of his father. The will of Edwin Gray, Sr. was dated Sept. 23, 1788, and was proved in Nansemond Co. June, 1790. An Edwin Gray represented Southampton in the House of Delegates, 1787-1791, who seemingly would be Edwin, Jr. Edwin, Jr., also was a member of Congress from 1799 to 1813, as Tazewell mentions. (Swem and Williams, Register of the General Assembly; [James L. Harrison, comp.], Biographical Directory of the American Congress, 1774-1949 (Washington, D. C., 1950), 1231. This latter sketch does not differentiate between the father and son.)

8. John Cowper Gray was a member of the House of Delegates 1804-1806, 1821-1823; he was elected for the session of 1823-1824, but died before the session began. He was elected to the Sixteenth Congress to fill the vacancy caused by the resignation of James Johnson, and served from Aug. 28, 1820, to Mar. 3, 1821. (Swem and Williams, Register of the General Assembly; [Harrison, comp.], Biographical Directory, 1232.)

9. For genealogical information on the family of Col. Joseph Gray see "Gray, Wickham, Shore, &c.," Va. Mag. of Hist. & Biog., XXX (1922), 64-66; and "The Godwin Family," Ibid.,

V (1898), 201-202.

10. Mary Gray Tazewell married Rev. William Fanning, an Episcopal clergyman, on Mar. 7, 1772. See "Gray, Wickham, Shore, &c.," 65.

Notes for Chapter VI.

1. Unidentified.
2. No record exists of Henry Tazewell's graduation from the College, only of his attendance "about" 1770. (A Provisional List of Alumni, Grammar School Students, Members of the Board of Visitors of the College of William and Mary in Virginia, From 1693 to 1888 [Richmond, 1941], 40.)
3. Delegates who attended the June 1775 Assembly were not automatically members of the Conventions. At the March 1775 Convention, a resolution was passed authorizing the election of two delegates from each county to sit in the Conventions of July and December. (Charles R. Lingley, The Transition in Virginia from Colony to Commonwealth [New York, 1910], 137.)
4. According to an extant Virginia militia account book, Capt. Henry Tazewell commanded a Brunswick "Troop of Horse." ("Virginia Militia in the Revolution," Virginia Magazine of History and Biography, VIII [1900], 307; and XV

[1907-1908], 90.)

5. Tazewell is in error here. Henry Tazewell was first returned to the House of Burgesses in a special election in 1774, called to fill the vacancy created by the resignation of John Jones, Burgess since 1771. The other Brunswick Burgess during this session was Thomas Stith, incumbent since 1769. When Tazewell was re-elected in 1775, his new colleague was Frederick Maclin. (John Pendleton Kennedy, ed., Journals of the House of Burgesses of Virginia, 1773-1776... [Richmond, 1905], 75; and William G. and Mary Newton Stanard, comps., The Colonial Virginia Register [Albany, 1902].)

6. The only printed reference to this incident is contained in Hugh Blair Grigsby's Virginia Convention of 1776 (Richmond, 1855), 80:

In 1775 ... he [Tazewell] was returned by his native county of Brunswick to the House of Burgesses, which was convoked to receive the conciliatory propositions of Lord North; and, with an alacrity that did him infinite honor, he prepared an answer in detail which was read and approved by Nicholas and Pendleton, but from a casual absence or from some trifling accident he was anticipated by Mr. Jefferson whose answer was ultimately adopted.

Although Grigsby does not cite his source, it is likely that he got the information from L. W. Tazewell, his close friend and fellow resident of Norfolk.

7. Tazewell incorrectly attributes this ordinance to Patrick Henry.

During the July Convention, Henry was in Philadelphia attending the Second Continental Congress. However, pursuant to the defense measures, he was elected in absentia commander of all the forces to be raised. See David J. Mays, Edmund Pendleton, 1721-1802: A Biography (Cambridge, Mass., 1952), II, 32-35; and William Wirt, Sketches of the Life and Character of Patrick Henry (Philadelphia, 1817), 158-159.

8. Henry Tazewell represented Brunswick County in the House of Delegates, 1776-1778. (Earl G. Swem and John W. Williams, comps., A Register of the General Assembly of Virginia, 1776-1918 and of the Constitutional Conventions [Richmond, 1918].)

9. Previously John Tazewell had served as clerk of the Virginia Revolutionary Conventions of March, July and December, 1775, and May, 1776. See Grigsby, Virginia Convention, 12.

10. Located on the east side of Palace Street. Tazewell purchased the house from his uncle, John Tazewell, by deed dated Sept. 1, 1779, although he probably occupied it previously. He advertised it for sale in 1782, and sold it to William Rowsay of Williamsburg about 1785. See Mary A. Stephenson, Gilmer Apothecary Shop, Block 29 (Unpubl. house history, Colonial Williamsburg, 1947).

11. Younger brother of George Mason of Gunston Hall. See Mays, Pendleton, I, 232, and sketch in DAB.

12. Brother of "Light-horse Harry" Lee and U. S. Attorney General, 1795-1801. See sketch in DAB.

13. See Mays, Pendleton, II, 193-194, and sketch in DAB.

14. A Virginia Lieutenant Governor and U. S. Congressman. See Mays, Pendleton, II, 194, 386-387, and sketch in DAB.

15. A Richmond attorney. See Mays, Pendleton, II, 193, 386.

16. Henry Tazewell represented Williamsburg in the House of Delegates, 1779-1786. (Swem and Williams, Register of the General Assembly.)

17. Thomas Nelson represented York Co. in the House of Delegates, 1777-1788; Joseph Prentis, 1777-1778, and 1782-1788. Ibid.

18. The Shields (Sheild) were probably Robert and Samuel, brothers. Robert Sheild represented York Co. in the House of Delegates, 1788-1792. Ibid. The Rev. Samuel Sheild, an Episcopal clergyman in York-Hampton Parish, never entered politics, but was a close friend of Edmund Pendleton. (Mays, Pendleton, II, 145, 165, 380-381.) See also "The Sheild Family," William and Mary Quarterly, 1st ser., III (1894-1895), 208-209, 268-271; IV (1895-1896), 59, 284; V (1896), 22-24.

19. Unidentified.

20. For biographical sketches of these judges of the Supreme Court of Appeals, see 4 Call, 623-628.

21. For notes, a, a, b, b, c, d, and e, Tazewell left six lines blank at the bottom of page 76 of the manuscript, apparently intending to fill the citations in later. The references are obviously to William Waller Hening, Statutes at Large; Being a Collection of all the Laws of Virginia ... (Richmond, 1819-1823): (a)--IX, 522-525; (b)--XI, 421-429, and XII, 267, 497; (c)--XII, 730-766; (d)--XII, 766-768; (e)--XII, 730-734.

22. As Governor of the Tennessee territory, William Blount built up vast real estate holdings by engaging in extensive land speculation. After he entered the U. S. Senate, falling land values plunged him deeply in debt and threatened his whole southwestern empire. During the early months of 1797, Blount, in a desperate attempt to salvage the situation, involved himself in a wild scheme--known as the Blount-Chisholm Conspiracy--which roughly proposed a joint British and Indian attack on East Florida. The plan was exposed when a letter Blount had written to a fellow-conspirator, James Carey, was read before a scandalized Senate in July 1797. Consequently Blount was expelled from the Senate by a vote of 25 to 1--Henry Tazewell casting the single negative vote.

When impeachment charges were brought against Blount in the House, Tazewell again sided with him by arguing that Senators were not impeachable civil officers. At the impeachment trial, Dec., 1798 to Jan., 1799, the Senate upheld Tazewell's

argument and dismissed the case for want of jurisdiction. See William H. Masterson, William Blount (Baton Rouge, 1954), 298-342; Henry Tazewell to L. W. Tazewell, Jan. 22, 1799, Tazewell Family Papers, Box 4, 1796-1801 (Virginia State Library).

23. Tazewell died Jan. 24, 1799. Two days before, he had written a long, newsy letter to Littleton in which he ironically described his trip to Philadelphia:

...the Journey cost us 37 hours of labour-- Without taking off my Boots, & without a moment of Sleep we arrived safely on Sunday about Sunset. I have almost recovered my fatigue, and do not lament the haste in which we travelled, indeed I think my health has been bettered by the exercise.

Ibid.

24. John Beckley, clerk of the House of Representatives, made the arrangements for Tazewell's funeral and burial, and supervised the closing of his business affairs in Philadelphia. Beckley's and Littleton's correspondence during this period is preserved in the Tazewell Family Papers, Box 4.

25. Charles Willson Peale's portrait of Tazewell is reprinted in Alexander W. Weddell, ed., A Memorial Volume of Virginia Historical Portraiture, 1585-1830 (Richmond, 1930), 288. The accompanying portrait of Dorothy Waller Tazewell by Peale is also included, 289. Both are now in the possession of Mrs. Andrew J. Davis of Norfolk, Va.

26. See above n. 10.

27. Tazewell purchased this house from Matthew Pearson of Williamsburg, for E 500 by deed dated Mar. 14, 1783. See Mary R. M. Goodwin, Kingsmill Plantation, James City County, Virginia (Unpubl. research report, Colonial Williamsburg, 1958), 1-11.

28. "Kingsmill," located in James City and York Cos., a few miles below Williamsburg, dates to 1626 when Richard Kingsmill patented 500 acres of land at "Archer's Hope." Lewis Burwell built the Kingsmill brick mansion-house prior to 1736, and during the 18th century the Burwell family developed the land into one of the outstanding plantations along the James River. When Henry Tazewell purchased it from John Carter Byrd for E 8500, it consisted of 1502 acres. Although he occupied it in 1787, Tazewell did not complete payment on it till 1790. In Oct. 1953, Williamsburg Restoration, Inc. purchased the plantation where only two brick "offices" and the foundation of the brick mansion-house remain. Ibid.

29. A copy of Tazewell's will, which he wrote in 1790, is in the Tazewell Family Papers, Box 4. A major portion of it is transcribed in Goodwin, Kingsmill Plantation, 11-111.

30. Tazewell held the honorary office of Norfolk Recorder from 1782 until 1786 when he was made Judge of the General Court. (William S. Forrest, Historical and Descriptive Sketches of Norfolk and Vicinity... [Philadelphia, 1853], 54.)

31. The personnel of the committee appointed to compile a new edition of the statutes varied from 1790 to 1792 when the committee was functioning. James Mercer was first appointed chairman, succeeded by Edmund Pendleton and Henry Tazewell. The members of the committee which made the final report to the General Assembly in Dec. 1792 were Henry Tazewell, St. George Tucker, Joseph Prentis, Arthur Lee, William Nelson, Jr., and James Monroe. (Hening, Statutes at Large, XIII, 8-9, 130-131, 531-534; W. P. Palmer, et.al., eds., Calendar of Virginia State Papers... [Richmond 1885], V, 271, and [Richmond 1886], VI, 456-457.)

Notes for Chapter VII.

1. The Benjamin Waller house, now restored by Colonial Williamsburg, stands on the south side of Francis St. at its juncture with Waller St. See Mary A. Stephenson, Benjamin Waller House, Block 1 (Unpubl. house history, Colonial Williamsburg, 1950).

2. There is no record of a Williamsburg schoolteacher by this name. However, Mrs. Sarah Hallam, a former actress, taught school in Williamsburg in the late 1770's and 1780's. She is believed to have lived in the Powell-Hallam house, originally located on York Road (near the Waller residence), but now restored and relocated on Francis St. by Colonial

Williamsburg. See Hunter D. Parish, Powell-Hallam House, Block 2 (Unpubl. house history, Col. Wmbg., 1940); and Mary R. M. Goodwin to Mrs. Leigh Hallam, Sept. 8, 1953 (Research Query File, Col. Wmbg.).

3. Gen. Alexander Leslie and his forces occupied Portsmouth in mid-October of 1780. See John R. Alden, The South in the Revolution, 1763-1789 (Baton Rouge, 1957), 291-292.

4. Wickham (1763-1839), the son of John and Hannah Fanning Wickham, was born at Southold, Long Island. (Theodore S. Cox, "John Wickham," Dictionary of American Biography, XX, 181.)

5. The Rev. Arthur Emmerson, second husband of Anne Tazewell Nivison was Usher of the Grammar School at the College of William and Mary, and in the 1770's, rector of Meherrin Parish in Brunswick Co., where he ran the school that Tazewell attended. By 1785 he was advertising the opening of a grammar school in Nansemond Co. From 1785 to 1801 he was minister of Trinity Church in Portsmouth. ("Journal of the Meetings of the President and Masters of William and Mary College," William and Mary Quarterly, 1st ser., III [1894-1895], 197, IV, [1895-1896], 131; "A List of Parishes, and the Ministers in Them," Ibid., V [1896], 201; "Trinity Church, Portsmouth," Lower Norfolk County Virginia Antiquary, IV [1904], 74.)

6. Thomas Ruddiman's Grammaticae Latinae Institutiones . . .

first published in Edinburgh in 1725, and frequently reprinted, was in general use in the colonies during the 18th century. See E. Millicent Sowerby, comp., Catalogue of the Library of Thomas Jefferson, Washington, D. C., 1959), V. 81.

7. Present-day Walkerton on the border of King William and King and Queen counties.

8. Benjamin Waller's father was not Edmund, but John-- Col. John Waller (1673-1754) who immigrated to Virginia during the last years of the 17th century. Settling in King and Queen Co. on Endfield plantation (which became a part of King William when the latter was formed in 1701,) he served as Justice of the Peace, sheriff, and Burgess (1710-1714, 1720-1722) for King William. About 1696 he married Dorothy King; they had six children of whom Benjamin, born Oct. 1, 1716, was the fifth.

Col. Waller moved his family to Spotsylvania Co., c. 1723-1726, where he named his new plantation "Newport" for his birth place--Newport Pagnell, Buckinghamshire. In 1722, he became the first clerk of Spotsylvania, a position which remained in the family through five successive Wallers until 1786. (Andrew Lewis Riffe, "The Wallers of Endfield, King William County, Virginia," Virginia Magazine of History and Biography, LIX [1951], 343-344, 347-349, 461.)

9. Col. John Waller was not directly descended from

Edmund Waller, the English Restoration poet. They did, however have a mutual ancestor, Robert Waller of Beaconsfield, Buckinghamshire who died in 1545. (Dr. John G. Herndon, "Waller Genealogy," Wm. & Mary Qtly., 2nd ser., XX [1942], 312-316.) For illustrations of the Waller coat of arms bearing the motto, "Haec Fructus Virtutis" ("These are the fruits of virtue"), see Riffe, "Waller of Endfield," tip-in between pp. 492-493.

10. John Carter, eldest son of Robert Carter of Coratoman ("King" Carter) was Secretary of the colony from 1722 to 1743, the year of his death.

11. "Corotoman," in Lancaster Co., was the original seat of the Carter family, the home of John Carter the immigrant. Secretary Carter inherited it from his father, Robert ("King") Carter. ("Carter Papers," Va. Mag. of Hist. & Biog., V [1898], 408-409.)

12. Sir John Randolph (1693-1737), Attorney-General, Treasurer, and scholar of early 18th-century Virginia, accumulated an extensive collection of books and original manuscripts described by many contemporaries and historians as remarkable for its time. After Randolph's death in 1737, the library remained in the home of his widow, Lady Susan Randolph, until 1745 when their son, Peyton, took possession of it according to the provisions of his father's will. There is no

extant inventory of the Library, but it is known that Thomas Jefferson probably bought all the books which formed part of the collection he sold to the Library of Congress. ("Copy of Will of Sir John Randolph," Va. Mag. of Hist. & Biog., XXXVI [1928], 376-381; and Maude H. Woodfin, "Sir John Randolph," DAB, XV, 361-362.)

13. The original commission, appointing Waller Clerk of James City Co. and dated Dec. 10, 1739, is preserved in the Waller Family Papers, 1732-1912 (Col. Wmbg. Research Archives). Prior to receiving the appointment, Waller had also held the offices of Deputy Clerk of James City Co. (appointed Nov. 7, 1737); King's Attorney in Gloucester Co. (May 18, 1738; and King's Attorney in James City Co. (Dec. 4, 1739), which certificates are also preserved.

14. Waller married Martha Hall (1728-1779) on Jan. 2, 1746. The Capitol burned on the morning of Jan. 30, 1746/47. ("Genealogical Notes--Hall," Wm. & Mary Qtly., 1st ser., XIII [1904-1905], 143; Marcus Whiffen, The Public Buildings of Williamsburg, Colonial Capital of Virginia: An Architectural History [Williamsburg, 1958], 127-129; The Pennsylvania Gazette [Philadelphia], Apr. 2, 1747.)

15. Benjamin Waller represented James City Co. in the House of Burgesses from 1744, when he was elected to fill a vacancy created by the death of Lewis Burwell, until 1761.

(W. G. and Mary Newton Stanard, comps., The Colonial Virginia Register [Albany, 1902].)

16. Waller was a member of the Council from Dec. 1778 to c. May 1779. (H. R. McIlwaine, ed., Journals of the Council of the State of Virginia, 1776-1781 [Richmond, 1932], II, 246-255.)

17. Waller presided in the Court of Admiralty from May 1779 until his resignation in Jan. 1786. (W. W. Hening, Statutes at Large; Being a Collection of all the Laws of Virginia ... [Richmond, 1819-1823], X, 101-102; W. P. Palmer, et al., eds., Calendar of Virginia State Papers [Richmond, 1884], IV, 79.

18. Waller was one of the Burgesses appointed to draw up the act authorizing the revisal. (Hening, Statutes at Large, V, 321-324.) Later, as a member of the committee appointed to revise the laws, Waller introduced many of its recommendations in the Assembly. (H. R. McIlwaine, ed., Journals of the House of Burgesses of Virginia, 1742-1747, 1748-1749 [Richmond, 1909], 202, and passim.) Hening, Statutes at Large, V, 408-565, and VI, 9-215, contains the final revision.

19. As Speaker of the House of Burgesses and Treasurer of the colony for more than a quarter of a century, John Robinson took enormous liberties with the financial and political responsibilities vested in his twin offices. From c. 1753 until

his death in 1766, he assumed the prerogative of using public funds to make private loans to friends and political supporters. Although Robinson's opponents in the government generally suspected what was going on, they were unsuccessful in their efforts to police the Treasury and expose the Speaker's peculations. Robinson's political influence and the stature of his cohorts prevented any real attempt to uncover the financial manipulations. In 1763 and again in 1764 committees were appointed to investigate the state of the Treasury, but their reports were perfunctory.

Not until after his death in May 1766, was the full extent of Robinson's generosity with the public money revealed. His personal accounts showed that debtors, among whom were some of the leading men in the colony--Lewis Burwell, Archibald Cary, Carter Braxton, Richard Randolph, William Fitzhugh, Charles Carter, Philip W. Claiborne--, owed the estate £ 138,708. At the same time an audit of the Treasury books disclosed a deficit of £ 100,761. Therefore, about $3/4$ of the money owed to the Robinson estate had actually come from the Treasury-- money which Robinson had embezzled and loaned to his friends. (For this affair, see David J. Mays, Edmund Pendleton, 1721-1803: A Biography [Cambridge, Mass., 1952], I, 174-223; and Joseph A. Ernst, The Robinson Scandal Redivivus: Money, Debts, and Politics in Revolutionary Virginia, 1764-1766 [Unpubl. re-

search report, Col. Wmbg., 1966⁷.)

Although this is the only direct reference to Waller's having played a significant role in exposing the scandal, he well might have done so. He was a member of the committee appointed in Nov. 1766 to examine the Treasury books however, he was not then a Burgess. Also, the offices he had previously held in the government put him in a position to have first-hand knowledge of Treasury affairs. As clerk of the General Court and in the Assembly for many years he had ample opportunities to observe the Speaker's activities. And, since 1757, he had been one of the signers of the Treasury issues, and served on the committees which superintended the calling in and burning of the redeemed paper notes. (Hening, Statutes at Large, 83, 84, 175, 259, 260, 353, 360, 466, 498.)

Moreover, it would have been in his own best interests to do all he could to expose Robinson's peculations and thwart Robinson men who sought to suppress the scandal and continue his financial practices. Because of the risks involved, British merchants strongly opposed paper money which Robinson's lending had helped to prosper by pumping it back into the economy. Since a large portion of Waller's law business came from the same merchants for whom he acted as bill collector, Waller favored hard money for the colony. Predictably, he was one of the key men who backed Robert Carter Nicholas, a hard

money man, for Speaker after Robinson's death. (See Ernst, Robinson Scandal, 33-34.)

20. See Mary A. Stephenson, Powell-Waller House, Block 7 (Unpubl. house history, Col. Wmbg., 1946).

21. Bellfield plantation grew out of a 1632 land grant to Capt. John West who sold the estate to Edward Digges in 1650. William Waller purchased it from William Digges, Jr., in 1787. The property is now a part of the U.S. Naval Weapons Station, Yorktown, Va. (Clyde F. Trudell, Colonial Yorktown... [Richmond, 1938], 21-28.)

22. After the death of Nancy Cams Waller, Robert Hall Waller married Martha Langhorne Crafford. (Riffe, "Waller of Endfield," 352.)

23. Riffe, "Waller of Endfield," 335-352, 458-493, is the best source for genealogical information on the Waller family; data on Benjamin Waller's children is given on p. 352.

24. In the House of Delegates, John Waller represented York Co., 1800-1802; Benjamin Carter Waller, York, 1792, and Williamsburg, 1799-1801; and William Waller, York, 1796, and Williamsburg, 1815-1816. (Earl G. Swem and John W. Williams, A Register of the General Assembly of Virginia, 1776-1918 and of the Constitutional Conventions [Richmond, 1918].)

25. During the 45 years (1773-1818) he was rector of Bruton Parish, the Rev. John Bracken (1745-1818) was also

active in the academic life of Williamsburg. In 1777 he became headmaster of the Grammar School attached to the College of William and Mary, and professor of humanity at the College, a position which generally accompanied the grammar master's appointment. The abolition of the Grammar school, and with it the professorship of humanity, occurred in 1779 when Gov. Thomas Jefferson (as a member of the Board) and Bishop Madison reorganized the College along the lines of a university. (See Paul L. Ford, The Works of Thomas Jefferson [New York, 1904], I, 780.)

In 1787, when he was operating the school which Tazewell attended, Bracken filed suit against the College, protesting his dismissal and asking that he be restored to his two former posts, but the Court of Appeals upheld the College. (See Henry H. Simms, Life of John Taylor [Richmond, 1932], 41-43; and 3 Call 607-610.) Bracken was vindicated, however, in 1792 when the Grammar School was revived, and he again became professor of humanity. From 1812-1814 he served as ninth president of the College. The best account of Bracken is Rutherford Goodwin, "The Reverend John Bracken...", Historical Magazine of the Protestant Episcopal Church, X (1941), 354-389.

26. Plutarch, Cordery, Erasmus and other classical authors and works whom Tazewell mentions were all well-known

to the 18th-century schoolboy. Louis B. Wright describes their role in colonial Virginia education in The First Gentlemen of Virginia: Intellectual Qualities of the Early Colonial Ruling Class (San Marino, 1940).

27. Walker Maury (1752-1788) was the sixth of twelve children of the Rev. James Maury and his wife, Mary Walker Maury. He attended the College of William and Mary, earning an impressive scholastic record, and graduated in May 1775.

Among the pupils enrolled in his grammar school at Burlington, Orange Co., were the Randolph brothers--John, Richard, and Theodorick. Forty years later, John Randolph of Roanoke recalled Maury as "the most peevish and ill-tempered of pedagogues...." (Quoted in William Cabell Bruce, John Randolph of Roanoke [New York, 1922], I, 55-56.) The best study of Walker Maury has been done by Jane Carson in James Innes and His Brothers of the F. H. C. (Charlottesville, 1965), 40-52.

28. Shortly after Tazewell enrolled, the Randolph brothers were transferred to their former Orange Co. schoolmaster's Williamsburg school. John Randolph was placed in Tazewell's class, and there began the two classmates' life-long friendship. Many years later Tazewell recalled that, upon Randolph's departure from the school in the spring of 1784, they exchanged their Sallust texts as a gesture of friendship. (Bruce, Randolph of Roanoke, I, 57-59.)

29. Cornelius Nepos's (c. 99 - c. 24 B. C.) Lives of Illustrious Men, containing parallel lives of distinguished Romans and Greeks, was a popular 18th-century Latin text. See Sowerby, Jefferson Catalogue, I, 33-34.

30. Maj. James Wall, Greensville Co., married Sarah Gray, daughter of Joseph and Sarah Simmons Gray. ("Gray, Wickham, Shore, &c.," Va. Mag. of Hist. & Biog., XXX [1922], 65.)

31. In Oct. 1786 Maury became headmaster of Norfolk Academy, at which time he produced the "credentials of his ordination." He remained there until his death in 1788. ("The Norfolk Academy," Lower Norfolk Co. Va. Antiquary, I [1897], 24-25, 28.)

32. Wythe's parents were Thomas and Martha Walker Wythe. Born in 1726, he was the second of three children. (W. Edwin Hemphill, George Wythe, the Colonial Briton: A Biographical Study of the Pre-Revolutionary Era in Virginia [Unpubl. Ph. D. diss., University of Virginia, 1937], 30.)

33. After attending the College of William and Mary c. 1740, Wythe began his legal apprenticeship in the office of his uncle, Stephen Dewey, attorney, justice of the peace, and sheriff of Prince George Co. (Ibid., 35-39.) There is no evidence that he ever studied law under Judge Waller, although they became close friends after Wythe moved to Williamsburg.

34. After obtaining his law license in 1746, Wythe set up practice in Spotsylvania Co. where he boarded in the home of Zachary Lewis, a prominent attorney in that area. He moved to Williamsburg in 1748. (Ibid., 42-46, 54-59.)

35. Wythe was first elected to the House of Burgesses as a delegate from Williamsburg in 1754. In succeeding Assemblies he represented the College of William and Mary, 1758-1761, and Elizabeth City Co., 1761-1767.

36. Wythe became a landholder in Elizabeth City Co., and thus eligible for its county court when his elder brother, Thomas, died in early 1755, leaving him the family plantation, Chesterville. Almost immediately Wythe was appointed the court's presiding justice, and sat on its bench for the first time in July 1755. Although he never established permanent residence in the county, he continued to preside in the courts periodically throughout the 1760's. (Hemphill, Wythe, 74-76, 185.)

37. Wythe qualified as a justice of the General Court sometime before May 1755. (Ibid., 77.)

38. There is no evidence that Pendleton was in any way connected with the Robinson affair before the Speaker's death, although he was Robinson's political intimate and owed him more than £ 1,000. However, Pendleton acted as chief executor of the Robinson estate, and, as such, was responsible for

auditing the books, collecting the outstanding debts, and making restitution to the Treasury for the embezzled funds. It was primarily due to his relentlessness that the accounts were ultimately settled in full. See Mays, Pendleton, I, 178-223.

39. For details of the incident, see Julian P. Boyd, "The Murder of George Wythe," Wm. & Mary Qtly., 3rd ser., XII (1955), 513-542.

40. Prentis's home was located on the block bounded by Prince George, Henry, Scotland, and Nassau Sts. in Williamsburg. See Mary A. Stephenson, Green Hill, Block 30 (Unpubl. house history, Col. Wmbg., 1958).

41. Probably Charles Taliaferro, a Williamsburg chair and coachmaker, who lived and operated his establishment at the southeast corner of Duke of Gloucester and Nassau Sts. See Mary A. Stephenson, Williamsburg Coachmakers (Unpubl. research report, Col. Wmbg., 1956); and Stephenson, Taliaferro-Cole House and Shop, Block 13 (Unpubl. house history, Col. Wmbg., 1951).

42. Possibly the son or grandson of Charles Turnbull, a merchant of Petersburg, who married a Miss Cole of York Co. in 1759, but is otherwise unidentified. ("Notes from Colonial Virginia Newspapers," Va. Mag. of Hist. & Biog., XVI [1908], 208.)

43. John Thomson (1776-1799), the son of a prominent Petersburg physician, Dr. John Thomson, impressed not only Tazewell but many of his contemporaries with his brilliant mind and literary style. His promising career as a political essayist was cut short by his death from pleurisy in 1799. A partial collection of his writings was published as Letters of Curtius...to which is Added a Speech on the British Treaty (Richmond, 1804). See Maude H. Woodfin, "John Thomson," DAB, XVIII, 484-485.

44. Professor Robert Andrews.

45. Wickham married Mary Smith Fanning on Dec. 24, 1791. After her death in 1799, he married Elizabeth Selden McClurg, daughter of Dr. James McClurg. Their Richmond home, built in 1812, became the first site of the Valentine Museum founded in 1892. See "Gray, Wickham, Shore, &c.," 65, 294-295, for information on Wickham's family.

46. A Robert Carter is listed in A Provisional List of Alumni...of the College of William and Mary..., II, as having attended the college in 1793; and is mentioned in "Glimpses of Old College Life," Wm. & Mary Qly., 1st ser., VII (1899), 157, as having delivered an oration at the college, but is otherwise unidentified.

47. Bannister (or Banister) was the second son of Col. John and Elizabeth Bland Bannister of Battersea, near Peters-

burg. ("Glimpses of Old College Life," 156.)

48. A copy of the thesis, "An Essay on the Importance of physical Science & the proper method of pursuing it," in Tazewell's handwriting, is preserved in the Tazewell Family Papers, Box 3, 1789-1795 (VSL).

49. The diploma, signed by Bishop Madison and Professors Robert Andrews, St. George Tucker, Charles Bellini, John Bracken, and James Henderson, is also preserved. Ibid.

50. Rev. Samuel McCroskey was rector of Hungar's Parish, Northampton Co., from 1774 until his death in 1803. (Meade, Old Virginia Churches, I, 258.)

51. Frenchtown, DeL, was a small port town on the Elk River due west from New Castle on the Delaware River. In 1775 a stage line was established connecting the two port towns, but had apparently been discontinued when Tazewell made his journey. See John A. Munroe, "The Philadelphareans: A Study in the Relations Between Philadelphia and Delaware in the Late Eighteenth Century," Pennsylvania Magazine of History and Biography, LXIX (1945), 131.

52. Dr. Adam Kuhn (1741-1817), a prominent Philadelphia physician, botanist, and professor of medicine. See Willis L. Jepson, "Adam Kuhn," DAB, X, 510-511.

53. Col. Richard Cooke of Surry had seven sons, several of whom could have been Tazewell's companion. See "The Cooke

Family of Virginia (Henrico)," Va. Mag. of Hist. & Biog., V (1898), 75-76.

54. Berkeley Springs, the first of the Virginia medicinal spas, was known by several names during the last half of the 18th century--Warm Springs, Frederick Springs, and Bath, the name of the town built around the springs according to a 1776 act of Assembly. Later, the community was called simply Berkeley Springs. Originally a part of Berkeley Co. in northern Virginia, it is now in Morgan Co., W. Va. See Joseph Martin, A New and Comprehensive Gazetteer of Virginia... (Charlottesville, 1835), 402-403; Perceval Reniers, The Springs of Virginia... (Richmond, 1938), 33-47; and Carl Bridenbaugh, "Baths and Watering Places of Colonial America," Wm. & Mary Qrtly., 3rd ser., III (1946), 160-164.

55. John Mercer (1772-1817) was the son of Gen. Hugh Mercer, a Fredericksburg physician and Revolutionary War hero, and Isabella Gordon Mercer. After attending the College of William and Mary c. 1790 to 1795, he became a lawyer. (John T. Coolrick, The Life of General Hugh Mercer... [New York, 1906], 72, 106; A Provisional List of Alumni...of The College of William and Mary, 28.)

56. Gen. George Weedon (1734-1793) was innkeeper of the Rising Sun Tavern in Fredericksburg before he distinguished himself as a military officer in the Revolutionary War. He was

commissioned a Brigadier-general in 1777 and commanded the Virginia militia at the Battle of Yorktown. His wife was the sister of John Mercer's mother, Isabella Gordon. (Coolrick, Life of Mercer, 83-87; Lyon G. Tyler, ed., Encyclopedia of Virginia Biography [New York, 1915], II, 167.)

57. Madison's Cave, near the northeast border of Augusta and Rockingham Cos., was named for the father of Bishop James Madison. A popular attraction during the last half of the 18th century, by the 1830's it was rarely visited. See Martin, Gazetteer of Virginia, 310-311; Thomas Jefferson, Notes on the State of Virginia, ed. by William Peden (Chapel Hill, 1955), 21-23.

58. Tazewell was a lieutenant in the 68th regiment of light infantry of the Virginia militia. (Militia Certificate, Tazewell Family Papers, Box 4, 1796-1801 [VSL].)

59. The Whiskey Insurrection of 1794 resulted from discontent among backwoods farmers of the Monogahela Valley in western Pennsylvania over enforcement of the excise tax on home-produced liquor. (Esmond Wright, Fabric of Freedom, 1763-1800 [New York, 1961], 207-208.)

60. Judges Peter Lyons, Edmund Winston, and Joseph Jones signed Tazewell's law license dated May 14, 1796. (Hugh Blair Grigsby, Discourse on the Life and Character of the Hon. Littleton Waller Tazewell... [Norfolk, 1860], 17.)

61. A standard legal maxim both of civil and common law concerning legal liability ensuing from oral or casual promises. (Henry C. Black, Black's Law Dictionary... [4th edn., St. Paul, 1951], 661.)

Notes for Appendix.

1. If Mrs. Bradford did append the speeches, they were not preserved with her manuscript.

2. Hugh Blair Grigsby, Discourse on the Life and Character of the Hon. Littleton Waller Tazewell... (Norfolk, 1860).

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