

BIOGRAPHY  
of the Signers to the  
DECLARATION OF INDEPENDENCE  
JOHN SANDERSON



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**BIOGRAPHY**  
**OF THE SIGNERS TO THE**  
**DECLARATION OF INDEPENDENCE.**  
**BY JOHN SANDERSON.**

**VOL. II.**

**EASTERN DISTRICT OF PENNSYLVANIA, to wit:**

BE IT REMEMBERED, that on the first day of August, in the forty-seventh year of the independence of the United States of America, A. D. 1822, JOSEPH M. SANDERSON, of the said district, hath deposited in this office the title of a book, the right whereof he claims as Proprietor, in the words following, to wit:

*“Biography of the Signers to the Declaration of Independence.—Vol. II.”*

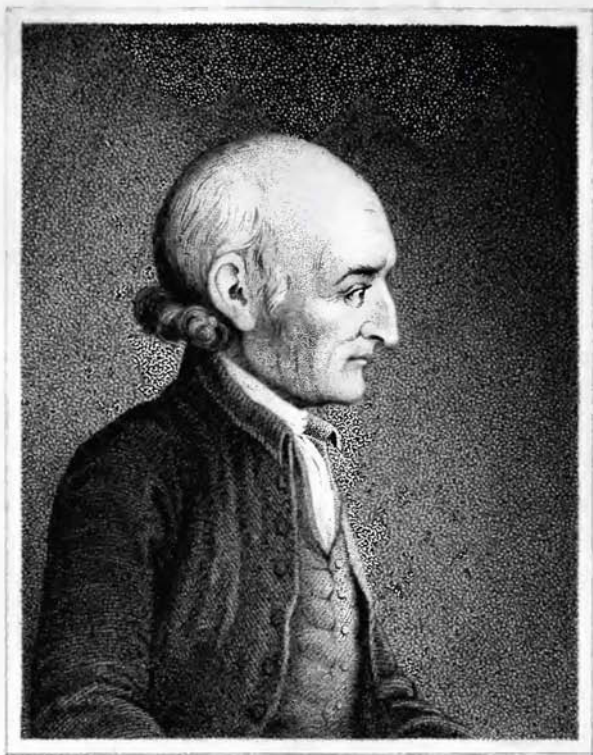
In conformity to the act of the congress of the United States, intituled “An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned.”—And also to the act, entitled, “An act supplementary to an act entitled, “An act for the encouragement of learning, by securing the copies of maps, charts and books, to the authors and proprietors of such copies during the times therein mentioned,” and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints.”

D. CALDWELL,  
*Clerk of the Eastern District of Pennsylvania.*

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## **GEORGE WYTHE.**



GEORGE WYTHE.

Drawn and Engraved, by J. B. Longacre, from a Portrait

in the American Cleaner.

## WYTHE.

THE following account of Mr. Wythe is much less circumstantial than is required by the dignity of the subject. The most important actions of his public life, are so blended with the general history of the country, and his name so conjoined with the other patriots of the revolution, as to admit very little distinct or particular detail. Of his private and domestic transactions, he has left himself no remembrance, and his friends, by whose aid we hoped to supply the deficiency, appear to have postponed this principal object, to indulge in expressions of affection for his memory, and have furnished us rather a panegyric, than a history of his life. We shall endeavour, however, from the few materials within our reach, to exhibit such a general view of his character as, we hope, will not be unacceptable to our readers.



GEORGE WYTHE was born in the year 1726, in the county of Elizabeth city, on the shores of the Chesapeake, in the then colony of Virginia. He was descended from a respectable family, and inherited from his father, who was a farmer, an estate amply sufficient for all the purposes of ease and independence. His mother was a woman of great strength of mind, and of singular learning; amongst other acquirements, she possessed an accurate knowledge of the Latin language, and under her tuition, he received the rudiments of his education.

The instructions which he received at school, by some unaccountable negligence, were extremely limited; being confined to mere reading and writing the English language, with a very superficial knowledge of arithmetic. But his powerful mind, exerting its own efforts, soon supplied his defect of scholastic education; for, with the sole assistance afforded by his mother, he became one of the most accomplished Latin and Greek scholars of his country; and by his unaided exertions, attained a very honourable proficiency in other branches of learning. To grammar, rhetoric and logic, which he is said to have studied with great success, he added, at an early age, an extensive acquaintance with ci-



vil law; a profound knowledge of mathematics, as well as of natural and moral philosophy.

Of these various attainments, so honourable to his industry and genius, much of the merit, no doubt very justly, is ascribed to the affectionate and tender zeal of his mother: it is related that she not only taught him the Latin, but assisted also his acquisition of the Greek, though altogether unacquainted with that language; uniting for this purpose, in his studies, and by inspecting an English version of the works which he read, enabling herself to aid his progress and to ascertain the accuracy of his translations.

Of this excellent mother, he was bereaved during his minority. He lost also, near the same time, his father, of whom there is given a very amiable character, for simplicity and candour of behaviour, parental tenderness, and for prudence in the management of his fortune. Being thus in the possession of money and exposed, in the luxuriance of youthful passions, to the seductions of pleasure, he suspended during several years, all useful study, and spent his whole time in idle amusements and dissipation. But to whatever levities he may have been betrayed, it is evident from the subsequent events of his life, that his principles of honour remained uncorrupted. When he had attained his

thirtieth year, he shook off all these youthful follies and employed himself in the most indefatigable study; and from this period till the close of his life, protracted to the length of eighty years, lived in the practice of the most rigid and inflexible virtue.

To his friends he often expressed the deepest regret that so many years of time had thus been irretrievably lost to him; and when we reflect on the many splendid monuments of his wisdom, and patriotic devotion to the best interest of his country, which have given him an imperishable name in her records, an instructive lesson may be drawn from his generous repentance. No man ever stood higher in the estimation of his countrymen; and no one better merited this distinction; yet after fifty years had been spent in the exercise of all that is noble in man, the venerable patriot still sighed over the short period of youthful aberration, as so much valuable time unemployed in conferring benefits on his country and on mankind.

He studied the profession of the law under the direction of Mr. John Lewis, an eminent practitioner; and at an early period was called to the bar of the general court, then filled by men of great eminence and ability in their profession. For a short time he continued their equal, but by reason of his extensive learning, correctness of elocution, and

his logical style of argument, he quickly arrived at the head of the bar.

As a lawyer, the character of Wythe bears the severest scrutiny. In his hands the dignity of the profession was never prostrated to the support of an unjust cause: in this he was so scrupulous, that where doubts were entertained of the truth of his clients' statements, he even required the solemnity of an oath previous to his defence; and if deception was in any manner practised upon him, the fee was returned, and the cause abandoned. Such disinterestedness procured him universal esteem; and as he was no less distinguished by correctness and purity of conduct in his profession, than by his great learning, and his industry and fidelity to those who employed him, promotion succeeded confidence, and on the organization of the new government, he was invested with the most considerable judicial rank which his country could bestow upon him. As chancellor of Virginia, he continued to dispense the most exact justice until the day of his death.

Early in life he was elected to represent his native county in the house of burgesses; of which he continued a member until the dawn of the revolution. His cotemporaries in the house, were men of the highest standing in Virginia for rank and talent; and in the memorable year of 1764, when the re-

solutions of the British parliament preparatory to the passage of the stamp act, were communicated to the house of burgesses, he found himself called upon to act with such worthies as Robert C. Nicholas, Edmond Pendleton, Richard Bland, Peyton Randolph, Richard Henry Lee and Benjamin Harrison. And his holding a prominent station amongst these most celebrated names of our country, is no equivocal evidence of his abilities and merits.

On the 14th of November 1764, he was appointed a member of a committee of the house of burgesses to prepare and report a petition to the king; a memorial to the house of lords, and a remonstrance to the house of commons, on the subject of the proposed stamp act. The latter paper was drawn up by Wythe, and following his own principles, his language was that of boldness and truth; going far beyond the timid hesitations of his colleagues, who viewed it as bordering on treason, consequently his draft was subjected to many material modifications. These documents were reported on the 18th of December, and after much warm debate and considerable amendments tending to soften the asperity of complaint, received the concurrence of council.

From the general tenor of these papers, it is obvious that revolutionary opposition to the regal government, was not then intended. For, although



the rights of the colony, so far as they respected exemption from taxation, except by her own representatives, are firmly set forth and insisted on; yet the language is supplicatory, and the miseries about to be inflicted on an impoverished community by the excessive weight of the projected law, are feelingly anticipated. Remonstrance alone was intended, and the colonies looked with anxiety to the parent country for favourable replies to most dutiful petitions; but remonstrance was ineffectual, and in January 1765, the stamp act was passed, to have operation from the first of November following. The promulgation of this law, soon diffused a spirit of discontent and opposition through America, and brought the abilities of her patriots and heroes into more conspicuous notice.

In Virginia, the house of burgesses had received an extraordinary acquisition in the person of one of its young members, the celebrated Patrick Henry; who, from comparative obscurity, was ultimately thrice raised to the highest dignity of the commonwealth, by the unanimous voice of his countrymen. Henry was one of the most fascinating orators of modern times: his patriotism, like that of most of his associates in public life, was of the purest kind; and in consequence of his great exertions in the house of burgesses; by the marked intrepidity of his

conduct; by the fire of his matchless eloquence, the American revolution presented its first determined front, in the boldest opposition, to the hateful law.

A few days previous to the close of the session, in May, 1765, the following resolutions were offered to the consideration of the house by Mr. Henry.

“ Resolved—That the first adventurers and settlers of this, his majesty’s colony<sup>e</sup> and dominion, brought with them, and transmitted to their posterity, and all other his majesty’s subjects, since inhabiting in this, his majesty’s said colony, all the privileges, franchises, and immunities, that have at any time been held, enjoyed and possessed, by the people of Great Britain.

“ That by two royal charters granted by king James the first, the colonists aforesaid are declared entitled to all the privileges and immunities of denizens and natural born subjects, to all intents and purposes, as if they had been abiding and born within the realm of England.

“ That the taxation of the people by themselves, or by persons chosen by themselves to represent them, who can only know what taxes the people are able to bear, and the easiest mode of raising them, is the distinguishing characteristic of British freedom, and without which the ancient constitution cannot subsist.

“That his majesty’s liege people of this most ancient colony, have uninterruptedly, enjoyed the right of being thus governed by their own assembly in the article of their taxes and internal police; and that the same hath never been forfeited, or any other way given up, but hath been constantly recognized by the king and people of Great Britain.

“Resolved therefore, that the general assembly of this colony, have the sole right and power to lay taxes and impositions upon the inhabitants of this colony: and that any attempt to vest such power in any person or persons whatsoever, other than the general assembly aforesaid, has a manifest tendency to destroy British, as well as American freedom.”

These resolutions created an extraordinary alarm in the house, and the most violent debates ensued. Not only were they opposed by the advocates of the measures of the royal government, and by the aristocracy of the state, but even some of the warmest friends of American independence, endeavoured to prevent their adoption. Among the latter we find, Nicholas, Pendleton, Randolph, Bland, and Wythe; who had long been the habitual leaders of the house. Their opposition was, however, not founded on any difference of principle, but because the petition, memorial and remonstrance of the pre-



one hand, the liberties of his country were threatened; and on the other, his character, nay, his life itself was placed in danger. But no human consideration was equivalent to his love of liberty and fidelity to his country. He stood on the solid ground, that the only link of political union between the colonies and Great Britain, was the identity of the executive: that the parent country and its parliament, had no more authority over the colonies, than the colonies over them: and that the colonies were co-ordinate nations with Great Britain and Hanover.

Thomas Jefferson had been the pupil of Wythe, and under his auspices, was introduced to the bar. The sentiments of the friend and counsellor, which were instilled by instruction and example, were exhibited to the world in the "Summary View of the rights of British America:" and now in the same venerable public body, the preceptor and pupil stood forth, as vindicators of the rights and privileges of their injured countrymen, and as undeviating advocates of that system of government, which has since been so happily established.

From this time until the year 1775, Wythe continued his unabated exertions in favour of independence. On the first rising of the colonists, he joined a corps of volunteers, and evinced his

ceding session, had already expressed the same sentiments, and made the same assertions of right; and answers to those documents were yet to be expected. Notwithstanding the daring language of the resolutions, the opposition of the ministerial party in the house, and the dread of the best friends of our liberties, of plunging the colony unprepared, feeble, and without defence, into hostility with Great Britain, the bold and sublime eloquence of Henry achieved a victory. The resolutions were all adopted after some immaterial alterations in each of them; but the fifth, and strongest, was passed by a majority of a single vote. Henry did not attend the sitting of the following day, and then, the alarm of a majority of burgesses, caused them by a timid vote, to expunge the fifth resolution from the journals.

The repeal of the stamp act in 1766, in a great degree revived the affection of the colonists for the mother country; but the subsequent passage of the statute, commonly termed the glass, paper and tea act; the statute restricting the powers of the New York legislature; and the statute erecting courts of vice admiralty on new models, soon afterwards excited anew their apprehensions, and inflamed their discontents; and during the session of 1768, Wythe was a member of the house of burgesses, in which

promptness to support the cause which he had advocated in the senate, by a resort to arms in the field. But his country, at this important period, required the united talents of her ablest statesmen; and in August, 1775, he was appointed one of the delegates from his native state, to that congress, which, in the succeeding year, declared the Independence of America.

In consequence of this great change in the form of government, and in order to strengthen and confirm the principles of the revolution, the house of assembly of Virginia, by a resolution of the fifth of November, 1776, appointed Thomas Jefferson, Edmond Pendleton, George Wythe, George Mason, and Thomas Ludwell Lee, a committee to revise the laws of the state, as well of British as of colonial enactment, and to prepare bills for re-enacting them, with such alterations as the change in the form and principles of the government, and other circumstances required. The two last named gentlemen did not act with the committee, owing to the death of one, and the resignation of the other; but so industrious were Jefferson, Pendleton, and Wythe, in this great work of legislation, that on the eighteenth of June, 1779, one hundred and twenty-six bills were prepared, and reported to the general assembly.

he held a prominent station, when the famous resolutions were adopted, by which Virginia asserted in determined language, her exclusive right of taxation, in all cases whatsoever; complained of the violation of the British constitution, by recent acts of parliament; and firmly remonstrated against the oppression of holding trials in England, on persons, for offences committed in the colonies.

These resolutions breathing the full spirit of patriotism, were hurried through the house without regard to the established form of parliamentary proceedings, lest the assembly should be dissolved by the governor, on the first intimation which he might receive of their proposed acts. In fact, lord Bottetourt heard of the resolutions late in the evening; in vain endeavoured to procure a copy of them from the clerk, and on the next day dissolved the house of burgesses; but not until the records were entered on the journals: the members having very early in the morning convened for that purpose, in correct anticipation of their immediate dispersion.

The resolution of the house, did not produce any effect favourable to the royal cause. The same members, without any exception were returned, and the spirit of resistance, increased in strength. Wythe, as a member of the house, was bold and determined in the position he had taken. On the



The common law of England is preserved as the basis of the revised code. To use the language of one of the committee,\* the most remarkable alterations proposed, were,

“To change the rules of descent, so as that the lands of any person dying intestate, shall be divisible equally among all his children, or other representatives, in equal degree.

“To make slaves distributable among the next of-kin, as other moveables.

“To have all public expenses, whether of the general treasury, or of a parish or county, (as for the maintenance of the poor, building bridges, court houses, &c.) supplied by assessments on the citizens in proportion to their property.

“To hire undertakers, for keeping the public roads in repair, and indemnify individuals through whose lands new roads shall be opened.

“To define with precision, the rules whereby aliens should become citizens, and citizens make themselves aliens.

“To establish religious freedom on the broadest bottom.

“To emancipate all slaves born after passing the act.

\* Jefferson's Notes on Virginia.

“To proportion crimes and punishments according to a scale submitted.

“To abolish pardon and privilege of clergy, but if the verdict be against the defendant, the court in their discretion may allow a new trial.

“No attainder to cause a corruption of blood or forfeiture of dower.

“Slaves guilty of offences punishable in others by labour, to be transported to Africa, or elsewhere, as the circumstances of the time admit, there to be continued in slavery.

“A rigorous regimen proposed for those condemned to labour.

“To diffuse knowledge more generally through the mass of the people by means of public schools.

“To establish a public library and gallery, by laying out a certain sum annually in books, paintings and statues.”

Of this extensive work of legislation, Wythe executed the revision of those laws which had been enacted during the period commencing with the revolution in England, and ending with the establishment of the new government here, except the acts for regulating descents; for religious freedom; and for proportioning crimes and punishments, which were part of the labours of Mr. Jefferson.

In 1777, the distinguished learning of Wythe in

parliamentary law, and proceedings, caused him to be chosen speaker of the house of delegates; towards the close of the same year, he was appointed one of the three judges of the high court of chancery of Virginia: and on the subsequent change in the organization of the court of equity, was constituted sole chancellor; which high station he filled with the strictest integrity for more than twenty years. Whilst in this office he published a collection of Chancery Reports, which, by legal characters, are held in high estimation.

Previous to, and during the revolution, debts had been contracted between British and American merchants, and other individuals. The recovery of those debts was made the subject of the sixth article of Jay's treaty with Great Britain; but popular feeling was strong against legal decrees in favour of British claimants. Chancellor Wythe was the first judge who decided that the claims were recoverable, and such decision was given in cases where the state of Virginia was a party. The firmness of the judge, in resisting the torrent of popular prejudice, is not the less to be commended because mere duty was performed; a new and important question had arisen—the complainant was an alien, a late enemy; the respondent was a commonwealth; the judge an officer of the respondent's



creating; the current of opinion set against the legality of the claim, and a nation awaited the decision of the court of equity.

On reviewing the judicial character of Wythe, we find it deeply impressed with the most scrupulous impartiality—rigid justice; unremitting assiduity; and the most pure disinterestedness. It may appear a strange encomium to bestow upon a judge, that his interest did not in the least degree lead him to swerve from his duty: yet when such men have lived as Verulam,

“The greatest, wisest, meanest of mankind,”

and Macclesfield, whose corruption was systematically exercised; since a chief justice Thorpe could traffic with a suitor's rights: since an earl of Middlesex could delay justice, in a matter referred to his decision by his king; it is not incorrect to place chancellor Wythe in dignified opposition: not to praise indeed that conduct which resulted from adherence to duty, but to hold him up to the world as an example of republican integrity. Bacon died despised and unpitied; Parker lost his estate, and languished in imprisonment; Thorpe was sentenced to death; and the most exemplary punishment was inflicted by James I on the commissioner who was tardy in executing his trust. George Wythe, living,

was the fountain of justice—dead, his spotless integrity has erected him a durable monument in the memory of his countrymen.

Wythe had suffered much during the revolution in his pecuniary circumstances. Not only did he devote his time and property to the public service, but the greater part of his slaves which he inherited from his father, was carried over to the enemy by the dishonest manager of his Hampton estate. His immediate relatives, however, benefitted during his life by his generosity. One half of his estate in Elizabeth City he settled on his nephew, and of the remaining part, being sold, the payment of the purchase money was protracted during many years. Thus his resources were limited, and although his salary as chancellor did not exceed three hundred pounds per annum, by economy and judicious management, he discharged his debts, preserved his independence, and was enabled, besides, to perform many conspicuous and estimable actions of private charity. The professorship of law, in the college of William and Mary, for some time gave him an additional income; but the arduous duties of chancellor induced him, on his removal to the city of Richmond, to vacate the chair.

In December 1786, he was selected by the legislature, together with Washington, Henry, Ran-

dolph, Blair, Madison and Mason, as delegates to meet the proposed convention, to revise the federal constitution. His country never losing sight of his distinguished patriotism and abilities, when occasion required his services, we again find him a conspicuous member of the great public body assembled at Richmond, in 1778, to take into view the adoption or rejection of the lately framed constitution of the United States. Subsequently, he was twice a member of the presidential electoral college of Virginia, and presided with great distinction and applause over its meetings.

Amidst all his public services, throughout all his private life, the devotion of Wythe to his country, his scrupulous discharge of the duties of his office, and his universal benevolence of disposition, were eminently apparent. Some of the greatest luminaries at the bar, and in the senate, that Virginia has produced, were instructed in science and led up the steep of Fame by George Wythe. In the list of his pupils we may enumerate two presidents of the United States, a chief justice, and others, who by their abilities and virtues are entitled to the most distinguished honours of their country. Not confining his efforts to those situations in which duty impelled him to exercise the great faculties of his mind for the public advantage, his active philan-

thropy induced him to institute a private school, in which his great pleasure was to impart instruction to such young persons as wished for improvement: demanding no compensation—his reward was found in virtuously educating republican citizens, who would transmit to posterity the pure principles of the venerable sage and statesman.

In emancipating his slaves, Wythe did not cast them on the world friendless and needy; he gave them sufficient to free them from want, and his own example had taught them industrious habits. He had also carried his benevolent disposition to the extent of imparting instruction to a negro boy, whom he had taught the Latin and Greek languages, and who was considerably advanced in science, but unfortunately died a few days before his benefactor.

An unassuming modesty, a simplicity of manners, and a general equanimity of temper, were his distinguishing personal characteristics throughout life. To the possession of these qualities may be referred the cause of his religious opinions being unknown. Immersed in public business, his time devoted to his country, and the energies of his mind directed to her best interests, Wythe sought not in private conversation to disclose his own belief, or to elicit that of others. It was his daily endeavour to live a christian, and he effectually succeeded. One



of his most intimate friends\* who pronounced his funeral eulogium, and who feelingly describes himself as an "unfortunate orphan," who found in Wythe "a second father, instructor and friend," rescues the character of his "dear and noble benefactor," from the charge of infidelity. "He conveyed to me," says he, "a year or two before his death, his full conviction of the truth of the christian religion; and on his death-bed, often prayed to Jesus Christ his Saviour, for relief."

His long life of public usefulness was closed, in exhibiting an additional proof of fervent devotion to the interests of the community. Tortured on the bed of death, with agonies produced by poison taken in some portion of his aliment, he was immersed in the study of cases, yet pending in his court; regretting as long as his senses continued, the delay and consequent expense which would be incurred by the parties, should his illness prove fatal. He died in the midst of this benevolent anxiety, on the 8th of June, 1806, in the eighty-first year of his age.

In his death, Virginia mourned one of her most favoured sons: but the cause of his sudden loss spread an additional gloom over the darkness of her grief. No doubt remained of his death being pro-

\* William Munford, Esq.

duced by violence, and suspicion fell upon one, who if guilty, would have added the blackest ingratitude to the most detestable of crimes.

By his last will he bequeaths a great part of his property in trust to support his three freed negroes, a woman, a man and a boy, during their lives; after several legacies, particularly one, "of his books and philosophical apparatus, to his valued friend Thomas Jefferson, president of the United States," the remainder of his estate is devised to George Wythe Sweney, the grandson of his sister.

During the life time of Wythe, his freedman died, and by a codicil to the will, the legacy to the freed-boy is increased, with a provision, that if he should die before his full age, the bequest to him should enure to the benefit of Sweney, the residuary legatee.

A few days before the death of Wythe, a second codicil is dated; in this instrument the freed-boy is mentioned as having "died this morning:"—all the devises to George Wythe Sweney are revoked, and the whole of the Chancellor's estate is left to the other grandchildren of his sister, the brothers and sisters of Sweney, to be equally divided between them.

The sudden death of the negro boy; the revocation of the former devises; the suspicions of the

community, fatally confirmed by the death of Wythe himself, all tend to the conclusion that poison was introduced amongst the provisions of the household. The residuary legatee of the first will, submitted to a public trial, on the charge of poisoning his uncle and freed-boy: an acquittal by a jury has caused a veil to be dropped over the transaction revolting to humanity; and the solemn decision of a criminal court, has shown to the world, that although the lamented Wythe died by poison, yet legal certainty cannot be attached to his murderer.

He had been twice married; his first wife was the daughter of Mr. Lewis, with whom he had studied law; and his second was a lady of the wealthy and respectable family of Taliaferro, residing near Williamsburg. He had one child which died in infancy, and no issue survived him.

Mr. Jefferson, to whom we are indebted for some of the facts of the preceding narrative, has thus drawn the portrait of the instructor of his youth, the friend of his age, and his compatriot through life.

“ No man ever left behind him a character more venerated than George Wythe. His virtue was of the purest kind; his integrity inflexible and his justice exact; of warm patriotism, and devoted as he was to liberty, and the natural and equal rights of men, he might truly be called the Cato of his coun-



try, without the avarice of the Roman; for a more disinterested person never lived. Temperance and regularity in all his habits, gave him general good health, and his unaffected modesty and suavity of manners endeared him to every one. He was of easy elocution, his language chaste, methodical in the arrangement of his matter, learned and logical in the use of it, and of great urbanity in debate. Not quick of apprehension, but with a little time, profound in penetration, and sound in conclusion. In his philosophy he was firm, and neither troubling, nor perhaps trusting any one with his religious creed, he left to the world the conclusion that that religion must be good which could produce a life of such exemplary virtue.

“ His stature was of the middle size, well formed and proportioned, and the features of his face, manly, comly and engaging. Such was George Wythe, the honour of his own, and model of future times.”