

Autobiography

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January 6, 1821

At the age of 77, I begin to make some memoranda and state some recollections of dates & facts concerning myself, for my own more ready reference & for the information of my family.

The tradition in my father's family was that their ancestor came to this country from Wales, and from near the mountain of Snowdon, the highest in Gr. Br. I noted once a case from Wales in the law reports where a person of our name was either pl. or def. and one of the same name was Secretary to the Virginia company. These are the only instances in which I have met with the name in that country. I have found it in our early records, but the first particular information I have of any ancestor was my grandfather who lived at the place in Chesterfield called Osborne's and owned the lands afterwards the glebe of the parish. He had three sons, Thomas who died young, Field who settled on the waters of Roanoke and left numerous descendants, and Peter my father, who settled on the lands I still own called Shadwell adjoining my present residence. He was born Feb. 29, 1707/8, and intermarried 1739. with Jane Randolph, of the age of 19. daughter of Isham Randolph one of the seven sons of that name & family settled at Dungeoness in Goochld. They trace their pedigree far back in England & Scotland, to which let every one ascribe the faith & merit he chooses. [Autobiography, page 2]

My father's education had been quite neglected; but being of a strong mind, sound judgment and eager after information, he read much and improved himself insomuch that he was chosen with Joshua Fry professor of Mathem. in W. & M. college to continue the boundary line between Virginia & N. Caroline which had been begun by Colo Byrd, and was afterwards employed with the same Mr. Fry to make the 1st map of Virginia which had ever been made, that of Capt Smith being merely a conjectural sketch. They possessed excellent materials for so much of the country as is below the blue ridge; little being then known beyond that ridge. He was the 3d or 4th settler of the part of the country in which I live, which was about 1737. He died Aug. 17. 1757, leaving my mother a widow who lived till 1776, with 6 daughters & 2. sons, myself the elder. To my younger brother he left his estate on James river called Snowden after the supposed birth-place of the family. To myself the lands on which I was born & live. He placed me at the English school at 5. years of age and at the Latin at 9. where I continued until his death. My teacher Mr. Douglas a clergyman from Scotland was but a superficial Latinist, less instructed in Greek, but with the rudiments of these languages he taught me French, and on the death of my father I went to the revd Mr. Maury a correct classical scholar, with whom I continued two years, and then went to Wm. and Mary college, to wit in the spring of 1760, where I continued 2. years. It was my great good fortune, and what

probably fixed the destinies of my life that Dr. Wm. Small of Scotland was then professor of Mathematics, a man profound in most of the useful branches of science, with a happy talent of communication, correct and gentlemanly manners, & an enlarged & liberal mind. He, most happily for me, became soon attached to me & made me his daily companion when not engaged in the school; and from his conversation I got my first views of the expansion of science & of the system of things in which we are placed. Fortunately the Philosophical chair became vacant[Autobiography, page 3]

soon after my arrival at college, and he was appointed to fill it per interim: and he was the first who ever gave in that college regular lectures in Ethics, Rhetoric & Belles lettres. He returned to Europe in 1762, having previously filled up the measure of his goodness to me, by procuring for me, from his most intimate friend G. Wythe, a reception as a student of law, under his direction, and introduced me to the acquaintance and familiar table of Governor Fauquier, the ablest man who had ever filled that office. With him, and at his table, Dr. Small & Mr. Wythe, his amici omnium horarum, & myself, formed a *partie quarree*, & to the habitual conversations on these occasions I owed much instruction. Mr. Wythe continued to be my faithful and beloved Mentor in youth, and my most affectionate friend through life. In 1767, he led me into the practice of the law at the bar of the General court, at which I continued until the revolution shut up the courts of justice. [For a sketch of the life & character of Mr. Wythe see my letter of Aug. 31. 20. to Mr. John Saunderson]

In 1769, I became a member of the legislature by the choice of the county in which I live, & continued in that until it was closed by the revolution. I made one effort in that body for the permission of the emancipation of slaves, which was rejected: and indeed, during the regal government, nothing liberal could expect success. Our minds were circumscribed within narrow limits by an habitual belief that it was our duty to be subordinate to the mother country in all matters of government, to direct all our labors in subservience to her interests, and even to observe a bigoted intolerance for all religions but hers. The difficulties with our representatives were of habit and despair, not of reflection & conviction. Experience soon proved that they could bring their minds to rights on the first summons of their attention. But the king's council, which acted as another house of legislature, held their places at will & were in most humble obedience to that will: the Governor too, who had a negative on our laws held by the same tenure, & with still greater devotedness to it: and last of all the Royal negative closed the last door to every hope of amelioration. [Autobiography, page 4]

On the 1st of January, 1772 I was married to Martha Skelton widow of Bathurst Skelton, & daughter of John Wayles, then 23. years old. Mr. Wayles was a lawyer of much practice, to which he was introduced more by his great industry, punctuality & practical readiness, than to eminence in the science of his profession. He was a most agreeable companion, full of pleasantry & good humor, and welcomed in every society. He acquired a handsome fortune, died in May, 1773, leaving three daughters, and the portion which came on that event to Mrs. Jefferson, after the debts should be paid, which were very considerable, was about equal to my own patrimony, and consequently doubled the ease of our circumstances.

When the famous Resolutions of 1765, against the Stamp-act, were proposed, I was yet a student of law in Wmsbg. I attended the debate however at the door of the lobby of the H. of Burgesses, & heard the

splendid display of Mr. Henry's talents as a popular orator. They were great indeed; such as I have never heard from any other man. He appeared to me to speak as Homer wrote. Mr. Johnson, a lawyer & member from the Northern Neck, seconded the resols, & by him the learning & the logic of the case were chiefly maintained. My recollections of these transactions may be seen pa. 60, Wirt's life of P. H., to whom I furnished them.

In May, 1769, a meeting of the General Assembly was called by the Govr., Ld. Botetourt. I had then become a member; and to that meeting became known the joint resolutions & address of the Lords & Commons of 1768 — 9, on the proceedings in Massachusetts. Counter-resolutions, & an address to the King, by the H. of Burgesses were agreed to with little opposition, & a spirit manifestly displayed of considering the cause of Massachusetts as a common one. The Governor dissolved us: but we met the next day in the Apollo of the Raleigh tavern, formed ourselves into a voluntary convention, drew up articles of association against the use of any merchandise imported from Gr. Britain, signed and recommended them to the people, repaired to our several counties, & were re elected without any other exception than of the very few who had declined assent to our proceedings. [Autobiography, page 5]

Nothing of particular excitement occurring for a considerable time our countrymen seemed to fall into a state of insensibility to our situation. The duty on tea not yet repealed & the Declaratory act of a right in the British parl to bind us by their laws in all cases whatsoever, still suspended over us. But a court of inquiry held in R. Island in 1762, with a power to send persons to England to be tried for offences committed here was considered at our session of the spring of 1773. as demanding attention. Not thinking our old & leading members up to the point of forwardness & zeal which the times required, Mr. Henry, R. H. Lee, Francis L. Lee, Mr. Carr & myself agreed to meet in the evening in a private room of the Raleigh to consult on the state of things. There may have been a member or two more whom I do not recollect. We were all sensible that the most urgent of all measures was that of coming to an understanding with all the other colonies to consider the British claims as a common cause to all, & to produce an unity of action: and for this purpose that a commee of correspondce in each colony would be the best instrument for intercommunication: and that their first measure would probably be to propose a meeting of deputies from every colony at some central place, who should be charged with the direction of the measures which should be taken by all. We therefore drew up the resolutions which may be seen in Wirt pa 87. The consulting members proposed to me to move them, but I urged that it should be done by Mr. Carr, my friend & brother in law, then a new member to whom I wished an opportunity should be given of making known to the house his great worth & talents. It was so agreed; he moved them, they were agreed to nem. con. and a commee of correspondence appointed of whom Peyton Randolph, the Speaker, was chairman. The Govr. (then Ld. Dunmore) dissolved us, but the commee met the next day, prepared a circular letter to the Speakers of the other colonies, inclosing to each a copy of the resols and left it in charge with their chairman to forward them by expresses.[Autobiography, page 6]

The origination of these commees of correspondence between the colonies has been since claimed for Massachusetts, and Marshall II. 151, has given into this error, altho' the very note of his appendix to which he refers, shows that their establmt was confined to their own towns. This matter will be seen clearly stated in a letter of Samuel Adams Wells to me of Apr. 2., 1819, and my answer of May 12. I was corrected by the letter of Mr. Wells in the information I had given Mr. Wirt, as stated in his note, pa. 87,

that the messengers of Massach. & Virga crossed each other on the way bearing similar propositions, for Mr. Wells shows that Mass. did not adopt the measure but on the receipt of our proposn delivered at their next session. Their message therefore which passed ours, must have related to something else, for I well remember P. Randolph's informing me of the crossing of our messengers.

The next event which excited our sympathies for Massachusetts was the Boston port bill, by which that port was to be shut up on the 1st of June, 1774. This arrived while we were in session in the spring of that year. The lead in the house on these subjects being no longer left to the old members, Mr. Henry, R. H. Lee, Fr. L. Lee, 3. or 4. other members, whom I do not recollect, and myself, agreeing that we must boldly take an unequivocal stand in the line with Massachusetts, determined to meet and consult on the proper measures in the council chamber, for the benefit of the library in that room. We were under conviction of the necessity of arousing our people from the lethargy into which they had fallen as to passing events; and thought that the appointment of a day of general fasting & prayer would be most likely to call up & alarm their attention. No example of such a solemnity had existed since the days of our distresses in the war of 55. since which a new generation had grown up. With the help therefore of Rushworth, whom we rummaged over for the revolutionary precedents & forms of the Puritans of that day, preserved by him, we cooked up a resolution, somewhat modernizing their phrases, for appointing the 1st day of June, on which the Port bill was to[Autobiography, page 7]

commence, for a day of fasting, humiliation and prayer, to implore heaven to avert from us the evils of civil war, to inspire us with firmness in support of our rights, and to turn the hearts of the King and parliament to moderation and justice. To give greater emphasis to our proposition, we agreed to wait the next morning on Mr. Nicholas, whose grave & religious character was more in unison with the tone of our resolution and to solicit him to move it. We accordingly went to him in the morning. He moved it the same day; the 1st of June was proposed and it passed without opposition. The Governor dissolved us as usual. We retired to the Apollo as before, agreed to an association, and instructed the commee of correspdcce to propose to the corresponding commees of the other colonies to appoint deputies to meet in Congress at such place, annually, as should be convenient to direct, from time to time, the measures required by the general interest: and we declared that an attack on any one colony should be considered as an attack on the whole. This was in May. We further recommended to the several counties to elect deputies to meet at Wmsbg the 1st of Aug ensuing, to consider the state of the colony, & particularly to appoint delegates to a general Congress, should that measure be acceded to by the commees of correspdcce generally. It was acceded to, Philadelphia was appointed for the place, and the 5th of Sep. for the time of meeting. We returned home, and in our several counties invited the clergy to meet assemblies of the people on the 1st of June, to perform the ceremonies of the day, & to address to them discourses suited to the occasion. The people met generally, with anxiety & alarm in their countenances, and the effect of the day thro' the whole colony was like a shock of electricity, arousing every man & placing him erect & solidly on his centre. They chose universally delegates for the convention. Being elected one for my own county I prepared a draught of instructions to be given to the delegates whom we should send to the Congress, and which I meant to propose at our meeting. In this I took the ground which, from the beginning I had thought the only one orthodox or tenable, which was that the relation between Gr. Br. and these colonies was exactly the same as that of England & Scotland[Autobiography, page 8]

after the accession of James & until the Union, and the same as her present relations with Hanover, having the same Executive chief but no other necessary political connection; and that our emigration from England to this country gave her no more rights over us, than the emigrations of the Danes and Saxons gave to the present authorities of the mother country over England. In this doctrine however I had never been able to get any one to agree with me but Mr. Wythe. He concurred in it from the first dawn of the question What was the political relation between us & England? Our other patriots Randolph, the Lees, Nicholas, Pendleton stopped at the half-way house of John Dickinson who admitted that England had a right to regulate our commerce, and to lay duties on it for the purposes of regulation, but not of raising revenue. But for this ground there was no foundation in compact, in any acknowledged principles of colonization, nor in reason: expatriation being a natural right, and acted on as such, by all nations, in all ages. I set out for Wmsbg some days before that appointed for our meeting, but was taken ill of a dysentery on the road, & unable to proceed. I sent on therefore to Wmsbg two copies of my draught, the one under cover to Peyton Randolph, who I knew would be in the chair of the convention, the other to Patrick Henry. Whether Mr. Henry disapproved the ground taken, or was too lazy to read it (for he was the laziest man in reading I ever knew) I never learned: but he communicated it to nobody. Peyton Randolph informed the convention he had received such a paper from a member prevented by sickness from offering it in his place, and he laid it on the table for perusal. It was read generally by the members, approved by many, but thought too bold for the present state of things; but they printed it in pamphlet form under the title of "A Summary view of the rights of British America." It found its way to England, was taken up by the opposition, interpolated a little by Mr. Burke so as to make it answer opposition purposes, and in that form ran rapidly thro' several editions.[Autobiography, page 9]

This information I had from Parson Hurt, who happened at the time to be in London, whether he had gone to receive clerical orders. And I was informed afterwards by Peyton Randolph that it had procured me the honor of having my name inserted in a long list of proscriptions enrolled in a bill of attainder commenced in one of the houses of parliament, but suppressed in embryo by the hasty step of events which warned them to be a little cautious. Montague, agent of the H. of Burgesses in England made extracts from the bill, copied the names, and sent them to Peyton Randolph. The names I think were about 20 which he repeated to me, but I recollect those only of Hancock, the two Adamses, Peyton Randolph himself, Patrick Henry, & myself. [See Girardin's History of Virginia, Appendix No. 12, note.] The convention met on the 1st of Aug, renewed their association, appointed delegates to the Congress, gave them instructions very temperately & properly expressed, both as to style & matter; and they repaired to Philadelphia at the time appointed. The splendid proceedings of that Congress at their 1st session belong to general history, are known to every one, and need not therefore be noted here. They terminated their session on the 26th of Octob, to meet again on the 10th May ensuing. The convention at their ensuing session of Mar, '75, approved of the proceedings of Congress, thanked their delegates and reappointed the same persons to represent the colony at the meeting to be held in May: and foreseeing the probability that Peyton Randolph their president and Speaker also of the H. of B. might be called off, they added me, in that event to the delegation.

Mr. Randolph was according to expectation obliged to leave the chair of Congress to attend the Gen. Assembly summoned by Ld. Dunmore to meet on the 1st day of June 1775. Ld. North's conciliatory propositions, as they were called, had been received by the Governor and furnished the subject for

which this assembly was convened. Mr. Randolph accordingly attended, and the tenor of these propositions being generally known, as having been addressed to all the governors, he was anxious that the answer of our assembly, likely to be the first, should harmonize with what he knew to be the sentiments and wishes of [Autobiography, page 10]

the body he had recently left. He feared that Mr. Nicholas, whose mind was not yet up to the mark of the times, would undertake the answer, & therefore pressed me to prepare an answer. I did so, and with his aid carried it through the house with long and doubtful scruples from Mr. Nicholas and James Mercer, and a dash of cold water on it here & there, enfeebling it somewhat, but finally with unanimity or a vote approaching it. This being passed, I repaired immediately to Philadelphia, and conveyed to Congress the first notice they had of it. It was entirely approved there. I took my seat with them on the 21st of June. On the 24th, a commee which had been appointed to prepare a declaration of the causes of taking up arms, brought in their report (drawn I believe by J. Rutledge) which not being liked they recommitted it on the 26th, and added Mr. Dickinson and myself to the committee. On the rising of the house, the commee having not yet met, I happened to find myself near Govr W. Livingston, and proposed to him to draw the paper. He excused himself and proposed that I should draw it. On my pressing him with urgency, "we are as yet but new acquaintances, sir, said he, why are you so earnest for my doing it?" "Because, said I, I have been informed that you drew the Address to the people of Gr. Britain, a production certainly of the finest pen in America." "On that, says he, perhaps sir you may not have been correctly informed." I had received the information in Virginia from Colo Harrison on his return from that Congress. Lee, Livingston & Jay had been the commee for that draught. The first, prepared by Lee, had been disapproved & recommitted. The second was drawn by Jay, but being presented by Govr Livingston, had led Colo Harrison into the error. The next morning, walking in the hall of Congress, many members being assembled but the house not yet formed, I observed Mr. Jay, speaking to R. H. Lee, and leading him by the button of his coat, to me. "I understand, sir, said he to me, that this gentleman informed you that Govr Livingston drew the Address to the people of Gr Britain." I assured him at once that I had not received that information from Mr. Lee & that not a word had ever passed on the subject between Mr. Lee & myself; and after some explanations the subject was dropt. [Autobiography, page 11]

These gentlemen had had some sparrings in debate before, and continued ever very hostile to each other.

I prepared a draught of the Declaration committed to us. It was too strong for Mr. Dickinson. He still retained the hope of reconciliation with the mother country, and was unwilling it should be lessened by offensive statements. He was so honest a man, & so able a one that he was greatly indulged even by those who could not feel his scruples. We therefore requested him to take the paper, and put it into a form he could approve. He did so, preparing an entire new statement, and preserving of the former only the last 4. paragraphs & half of the preceding one. We approved & reported it to Congress, who accepted it. Congress gave a signal proof of their indulgence to Mr. Dickinson, and of their great desire not to go too fast for any respectable part of our body, in permitting him to draw their second petition to the King according to his own ideas, and passing it with scarcely any amendment. The disgust against this humility was general; and Mr. Dickinson's delight at its passage was the only circumstance which reconciled them to it. The vote being passed, altho' further observn on it was out of order, he could not

refrain from rising and expressing his satisfaction and concluded by saying "there is but one word, Mr. President, in the paper which I disapprove, & that is the word Congress," on which Ben Harrison rose and said "there is but one word in the paper, Mr. President, of which I approve, and that is the word Congress."

[End of section][Review and Reform of the Law, page 19]

So far we were proceeding in the details of reformation only; selecting points of legislation prominent in character & principle, urgent, and indicative of the strength of the general pulse of reformation. When I left Congress, in 76. it was in the persuasion that our whole code must be reviewed, adapted to our republican form of government, and, now that we had no negatives of Councils, Governors & Kings to restrain us from doing right, that it should be corrected, in all it's parts, with a single eye to reason, & the good of those for whose government it was framed. Early therefore in the session of 76. to which I returned, I moved and presented a bill for the revision of the laws; which was passed on the 24th. of October, and on the 5th. of November Mr. Pendleton, Mr. Wythe, George Mason, Thomas L. Lee and myself were appointed a committee to execute the work. We agreed to meet at Fredericksburg to settle the plan of operation and to distribute the work. We met there accordingly, on the 13th. of January 1777. The first question was whether we should propose to abolish the whole existing system of laws, and prepare a new and complete Institute, or preserve the general system, and only modify it to the present state of things. Mr. Pendleton, contrary to his usual disposition in favor of antient things, was for the former proposition, in which he was joined by Mr. Lee. To this it was objected that to abrogate our whole system would be a bold measure, and probably far beyond the views of the legislature; that they had been in the practice of revising from time to time the laws of the colony, omitting the expired, the repealed and the obsolete, amending only those retained, and probably meant we should now do the same, only including the British statutes as well as our own: that to compose a new Institute like those of Justinian and Bracton, or that of Blackstone, which was the model proposed by Mr. Pendleton, would be an arduous undertaking, of vast research, of great consideration & judgment; and when reduced to a text, every word of that text, from the imperfection of human language, and it's incompetence to express distinctly every shade[Review and Reform of the Law, page 20]

of idea, would become a subject of question & chicanery until settled by repeated adjudications; that this would involve us for ages in litigation, and render property uncertain until, like the statutes of old, every word had been tried, and settled by numerous decisions, and by new volumes of reports & commentaries; and that no one of us probably would undertake such a work, which, to be systematical, must be the work of one hand. This last was the opinion of Mr. Wythe, Mr. Mason & myself. When we proceeded to the distribution of the work, Mr. Mason excused himself as, being no lawyer, he felt himself unqualified for the work, and he resigned soon after. Mr. Lee excused himself on the same ground, and died indeed in a short time. The other two gentlemen therefore and myself divided the work among us. The common law and statutes to the 4. James I. (when our separate legislature was established) were assigned to me; the British statutes from that period to the present day to Mr. Wythe, and the Virginia laws to Mr. Pendleton. As the law of Descents, & the criminal law fell of course within my portion, I wished the commee to settle the leading principles of these, as a guide for me in framing them. And with respect to the first, I proposed to abolish the law of primogeniture, and to make real estate descendible

in parcenary to the next of kin, as personal property is by the statute of distribution. Mr. Pendleton wished to preserve the right of primogeniture, but seeing at once that that could not prevail, he proposed we should adopt the Hebrew principle, and give a double portion to the elder son. I observed that if the eldest son could eat twice as much, or do double work, it might be a natural evidence of his right to a double portion; but being on a par in his powers & wants, with his brothers and sisters, he should be on a par also in the partition of the patrimony, and such was the decision of the other members. [Review and Reform of the Law, page 21]

On the subject of the Criminal law, all were agreed that the punishment of death should be abolished, except for treason and murder; and that, for other felonies should be substituted hard labor in the public works, and in some cases, the Lex talionis. How this last revolting principle came to obtain our approbation, I do not remember. There remained indeed in our laws a vestige of it in a single case of a slave. It was the English law in the time of the Anglo-Saxons, copied probably from the Hebrew law of "an eye for an eye, a tooth for a tooth," and it was the law of several antient people. But the modern mind had left it far in the rear of it's advances. These points however being settled, we repaired to our respective homes for the preparation of the work.

Feb. 6. In the execution of my part I thought it material not to vary the diction of the antient statutes by modernizing it, nor to give rise to new questions by new expressions. The text of these statutes had been so fully explained and defined by numerous adjudications, as scarcely ever now to produce a question in our courts. I thought it would be useful also, in all new draughts, to reform the style of the later British statutes, and of our own acts of assembly, which from their verbosity, their endless tautologies, their involutions of case within case, and parenthesis within parenthesis, and their multiplied efforts at certainty by *said*s and *aforesaid*s, by *ors* and by *ands*, to make them more plain, do really render them more perplexed and incomprehensible, not only to common readers, but to the lawyers themselves. We were employed in this work from that time to Feb. 1779, when we met at Williamsburg, that is to say, Mr. Pendleton, Mr. Wythe & myself, and meeting day by day, we examined critically our several parts, sentence by sentence, scrutinizing and amending until we had agreed on the whole. We then returned home, had fair copies made of our several parts, which were reported to the General Assembly June 18. 1779. by Mr. Wythe and myself, Mr. Pendleton's [Review and Reform of the Law, page 22]

residence being distant, and he having authorized us by letter to declare his approbation. We had in this work brought so much of the Common law as it was thought necessary to alter, all the British statutes from Magna Charta to the present day, and all the laws of Virginia, from the establishment of our legislature, in the 4th. Jac. 1. to the present time, which we thought should be retained, within the compass of 126 bills, making a printed folio of 90 pages only. Some bills were taken out occasionally, from time to time, and passed; but the main body of the work was not entered on by the legislature until after the general peace, in 1785. when by the unwearied exertions of Mr. Madison, in opposition to the endless quibbles, chicaneries, perversions, vexations and delays of lawyers and demi-lawyers, most of the bills were passed by the legislature, with little alteration.

The bill for establishing religious freedom, the principles of which had, to a certain degree, been enacted

before, I had drawn in all the latitude of reason & right. It still met with opposition; but, with some mutilations in the preamble, it was finally passed; and a singular proposition proved that it's protection of opinion was meant to be universal. Where the preamble declares that coercion is a departure from the plan of the holy author of our religion, an amendment was proposed, by inserting the word "Jesus Christ," so that it should read "a departure from the plan of Jesus Christ, the holy author of our religion." The insertion was rejected by a great majority, in proof that they meant to comprehend, within the mantle of it's protection, the Jew and the Gentile, the Christian and Mahometan, the Hindoo, and infidel of every denomination.[A New Capitol at Richmond, page 23]

Beccaria and other writers on crimes and punishments had satisfied the reasonable world of the unrightfulness and inefficacy of the punishment of crimes by death; and hard labor on roads, canals and other public works, had been suggested as a proper substitute. The Revisors had adopted these opinions; but the general idea of our country had not yet advanced to that point. The bill therefore for proportioning crimes and punishments was lost in the House of Delegates by a majority of a single vote. I learnt afterwards that the substitute of hard labor in public was tried (I believe it was in Pennsylvania) without success. Exhibited as a public spectacle, with shaved heads and mean clothing, working on the high roads produced in the criminals such a prostration of character, such an abandonment of self-respect, as, instead of reforming, plunged them into the most desperate & hardened depravity of morals and character. — Pursue the subject of this law. — I was written to in 1785 (being then in Paris) by Directors appointed to superintend the building of a Capitol in Richmond, to advise them as to a plan, and to add to it one of a prison. Thinking it a favorable opportunity of introducing into the state an example of architecture in the classic style of antiquity, and the Maison quarree of Nismes, an antient Roman temple, being considered as the most perfect model existing of what may be called Cubic architecture, I applied to M. Clerissault, who had published drawings of the Antiquities of Nismes, to have me a model of the building made in stucco, only changing the order from Corinthian to Ionic, on account of the difficulty of the Corinthian capitals. I yielded with reluctance to the taste of Clerissault, in his preference of the modern capital of Scamozzi to the more noble capital of antiquity. This was executed by the artist whom Choiseul Gouffier had carried with him to Constantinople, and employed while Ambassador there, in making those beautiful models of the remains of Grecian architecture which are to be seen at Paris. To adapt the exterior to our use,[A New Capitol at Richmond, page 24]

I drew a plan for the interior, with the apartments necessary for legislative, executive & judiciary purposes, and accommodated in their size and distribution to the form and dimensions of the building. These were forwarded to the Directors in 1786. and were carried into execution, with some variations not for the better, the most important to which however admit of future correction. With respect of the plan of a Prison, requested at the same time, I had heard of a benevolent society in England which had been indulged by the government in an experiment of the effect of labor in solitary confinement on some of their criminals, which experiment had succeeded beyond expectation. The same idea had been suggested in France, and an Architect of Lyons had proposed a plan of a well contrived edifice on the principle of solitary confinement. I procured a copy, and as it was too large for our purposes, I drew one on a scale, less extensive, but susceptible of additions as they should be wanting. This I sent to the Directors instead of a plan of a common prison, in the hope that it would suggest the idea of labor in solitary confinement instead of that on the public works, which we had adopted in our Revised Code. It's

principle accordingly, but not it's exact form, was adopted by Latrobe in carrying the plan into execution, by the erection of what is now called the Penitentiary, built under his direction. In the meanwhile the public opinion was ripening by time, by reflection, and by the example of Pensylva, where labor on the highways had been tried without approbation from 1786 to 89. & had been followed by their Penitentiary system on the principle of confinement and labor, which was proceeding auspiciously. In 1796. our legislature resumed the subject and passed the law for amending the Penal laws of the commonwealth. They adopted solitary, instead of public labor, established a gradation in the duration of the confinement, approximated the style of the law more to the modern usage, and instead of the settled distinctions of murder & manslaughter, preserved in my bill, they introduced the new terms of murder in the 1st & 2d degree. Whether these have produced more or fewer questions of definition I am not sufficiently informed of our judiciary transactions to say. I will here however insert the text of my bill, with the notes I made in the course of my researches into the subject. [A New Capitol at Richmond, page 25]

Feb. 7. The acts of assembly concerning the College of Wm. & Mary, were properly within Mr. Pendleton's portion of our work. But these related chiefly to it's revenue, while it's constitution, organization and scope of science were derived from it's charter. We thought, that on this subject a systematical plan of general education should be proposed, and I was requested to undertake it. I accordingly prepared three bills for the Revisal, proposing three distinct grades of education, reaching all classes. 1. Elementary schools for all children generally, rich and poor. 2. Colleges for a middle degree of instruction, calculated for the common purposes of life, and such as would be desirable for all who were in easy circumstances. And 3d. an ultimate grade for teaching the sciences generally, & in their highest degree. The first bill proposed to lay off every county into Hundreds or Wards, of a proper size and population for a school, in which reading, writing, and common arithmetic should be taught; and that the whole state should be divided into 24 districts, in each of which should be a school for classical learning, grammar, geography, and the higher branches of numerical arithmetic. The second bill proposed to amend the constitution of Wm. & Mary College, to enlarge it's sphere of science, and to make it in fact an University. The third was for the establishment of a library. These bills were not acted on until the same year '96. and then only so much of the first as provided for elementary schools. The College of Wm. & Mary was an establishment purely of the Church of England, the Visitors were required to be all of that Church; the Professors to subscribe it's 39 Articles, it's Students to learn it's Catechism, and one of its fundamental objects was declared to be to raise up Ministers for that church. The religious jealousies therefore of all the dissenters took alarm lest this might give an ascendancy to the Anglican sect and refused acting on that bill. Its local eccentricity too and unhealthy autumnal climate lessened the general inclination towards it. And in the Elementary bill they inserted a provision which completely defeated it, for they left it to the court of each county to determine for itself when this act should be carried into execution, within their county. One provision of the bill was that the expenses of these schools should be borne by the [A New Capitol at Richmond, page 26]

inhabitants of the county, every one in proportion to his general tax-rate. This would throw on wealth the education of the poor; and the justices, being generally of the more wealthy class, were unwilling to incur that burthen, and I believe it was not suffered to commence in a single county. I shall recur again to this subject towards the close of my story, if I should have life and resolution enough to reach that term; for I am already tired of talking about myself.

The bill on the subject of slaves was a mere digest of the existing laws respecting them, without any intimation of a plan for a future & general emancipation. It was thought better that this should be kept back, and attempted only by way of amendment whenever the bill should be brought on. The principles of the amendment however were agreed on, that is to say, the freedom of all born after a certain day, and deportation at a proper age. But it was found that the public mind would not yet bear the proposition, nor will it bear it even at this day. Yet the day is not distant when it must bear and adopt it, or worse will follow. Nothing is more certainly written in the book of fate than that these people are to be free. Nor is it less certain that the two races, equally free, cannot live in the same government. Nature, habit, opinion has drawn indelible lines of distinction between them. It is still in our power to direct the process of emancipation and deportation peaceably and in such slow degree as that the evil will wear off insensibly, and their place be *pari passu* filled up by free white laborers. If on the contrary it is left to force itself on, human nature must shudder at the prospect held up. We should in vain look for an example in the Spanish deportation or deletion of the Moors. This precedent would fall far short of our case.

I considered 4 of these bills, passed or reported, as forming a system by which every fibre would be eradicated of antient or future aristocracy; and a foundation laid for a government truly republican. The repeal of the laws of entail would prevent the accumulation and perpetuation of wealth in select families,[*A New Capitol at Richmond*, page 27]

and preserve the soil of the country from being daily more & more absorbed in Mortmain. The abolition of primogeniture, and equal partition of inheritances removed the feudal and unnatural distinctions which made one member of every family rich, and all the rest poor, substituting equal partition, the best of all Agrarian laws. The restoration of the rights of conscience relieved the people from taxation for the support of a religion not theirs; for the establishment was truly of the religion of the rich, the dissenting sects being entirely composed of the less wealthy people; and these, by the bill for a general education, would be qualified to understand their rights, to maintain them, and to exercise with intelligence their parts in self-government: and all this would be effected without the violation of a single natural right of any one individual citizen. To these too might be added, as a further security, the introduction of the trial by jury, into the Chancery courts, which have already engulfed and continue to engulf, so great a proportion of the jurisdiction over our property. [*On France*, page 89]

of Europe at Paris, all of them with the court, and eager in prying into it's councils and proceedings, gave me a knolege of these also. My information was always and immediately committed to writing, in letters to Mr. Jay, and often to my friends, and a recurrence to these letters now insures me against errors of memory.

These opportunities of information ceased at this period, with my retirement from this interesting scene of action. I had been more than a year soliciting leave to go home with a view to place my daughters in the society & care of their friends, and to return for a short time to my station at Paris. But the metamorphosis thro' which our government was then passing from it's Chrysalid to it's Organic form suspended it's action in a great degree; and it was not till the last of August that I received the permission I had asked. — And here I cannot leave this great and good country without expressing my sense of it's preeminence of character among the nations of the earth. A more benevolent people, I have

never known, nor greater warmth & devotedness in their select friendships. Their kindness and accommodation to strangers is unparalleled, and the hospitality of Paris is beyond anything I had conceived to be practicable in a large city. Their eminence too in science, the communicative dispositions of their scientific men, the politeness of the general manners, the ease and vivacity of their conversation, give a charm to their society to be found nowhere else. In a comparison of this with other countries we have the proof of primacy, which was given to Themistocles after the battle of Salamis. Every general voted to himself the first reward of valor, and the second to Themistocles. So ask the travelled inhabitant of any nation, In what country on earth would you rather live? — Certainly in my own, where are all my friends, my relations, and the earliest and sweetest affections and recollections of my life. Which would be your second choice? France.



Th. Jefferson
MONTICELLO