

ties may be enforced, the course of government may be at any time arrested by the will of one of its members. Each member will possess a *veto* on the will of the whole.

That the United States form, for many and most important purposes, a single nation has not yet been denied. These States are constituent parts of the United States. They are members of one great empire, for some purposes sovereign, for some purposes subordinate. In a government so constituted is it unreasonable that the judicial power should be competent to give efficacy to the constitutional laws of the legislature? That department can decide on the validity of the Constitution or law of a State, if it be repugnant to the Constitution or to a law of the United States. Is it unreasonable that it should also be empowered to decide on the judgment of a State tribunal enforcing such unconstitutional law? Is it so very unreasonable as to furnish a justification for controlling the words of the Constitution? We think not.

THE DUTIES OF A JUDGE.

Advert, sir, to the duties of a judge. He has to pass between the government and the man whom that government is prosecuting; between the most powerful individual in the community and the poorest and most unpopular. It is of the last importance that, in the exercise of these duties he should observe the utmost fairness. Need I press the necessity of this? Does not every man feel that his own personal security and the security of his property depends on that fairness? The judicial department comes home, in its effects, to every man's fireside; it passes on his property, his reputation, his life, his all. Is it not to the last degree important that he should be rendered perfectly and completely independent, with nothing to influence or control

him, but God and his conscience? . . . I have always thought, from my earliest youth until now, that the greatest scourge an angry Heaven ever inflicted upon an ungrateful and sinning people was an ignorant, a corrupt, or a dependent judiciary. Our ancestors thought so; we thought so until very lately; and I trust that the vote of this day will show that we think so still. Will you draw down this curse on Virginia?

HENRY LEE.

1756-1818.

HENRY LEE, "Light-Horse Harry," of the Revolution, and father of General R. E. Lee, was born at Leesylvania, Westmoreland County, Virginia. His father was also named Henry Lee, and his mother was Lucy Grymes, the famous "lowland beauty," who first captured Washington's heart. Her son was a favorite of his, and it is an interesting fact that it was this same Henry Lee who delivered by request of Congress the funeral oration on Washington. In it he used those now well-known words, "First in war, first in peace, first in the hearts of his countrymen."

He was educated at Princeton, and joined the American army in 1777, with his company, as Captain Lee. He rose successively to be major, colonel, general; and after the war he served in the Continental Congress and in the Virginia Legislature. He was injured in a riot at Baltimore, while trying to defend a friend, and went to Cuba for his health; but he died on his way home, at Cumberland Island on the coast of Georgia, at the home of General Greene's daughter, Mrs. Shaw.

With his first wife, his cousin Matilda Lee, he obtained Stratford House, where R. E. Lee was born; whose

mother, however, was the second wife, Anne Hill Carter of Shirley.

WORK.

Memoirs of the War in the Southern Department of the United States, edited by his sons, Henry and R. E. Lee.

General Lee's "Memoirs of the War" is a life-like and spirited narrative of events in which he was an actor. The style is plain and clear. His style as an orator is seen in his celebrated Funeral Oration, of which we give the closing sentences.

CAPTURE OF FORT MOTTE BY LEE AND MARION,
MAY, 1780.

(From General Henry Lee's *Memoirs of the War*.)

This post was the principal depot of the convoys from Charleston to Camden, and sometimes for those destined for Fort Granby and Ninety-Six. A large new mansion house, belonging to Mrs. Motte, situated on a high and commanding hill, had been selected for this establishment. It was surrounded with a deep trench, along the interior margin of which was raised a strong and lofty parapet. To this post had been regularly assigned an adequate garrison of about one hundred and fifty men, which was now accidentally increased by a small detachment of dragoons, which had arrived from Charleston a few hours before the appearance of the American troops, on its way to Camden with despatches for Lord Rawdon. Captain M'Pherson commanded, an officer highly and deservedly respected.

Opposite to Fort Motte, to the north, stood another hill, where Mrs. Motte, having been dismissed from her mansion, resided, in the old farmhouse. On this height Lieutenant-Colonel Lee with his corps took post, while Brigadier Ma-

rión occupied the eastern declivity of the ridge on which the fort stood.

The vale which runs between the two hills admitted our safe approach within four hundred yards of the fort. This place was selected by Lee to break ground. Relays of working parties being provided for every four hours, and some of the negroes from the neighbouring plantations being brought, by the influence of Marion, to our assistance, the works advanced with rapidity. Such was their forwardness on the 10th, that it was determined to summon the commandant.

A flag was accordingly despatched to Captain M'Pherson, stating to him with truth our relative situation, and admonishing him to avoid the disagreeable consequences of an arrogant temerity. To this the captain replied, that, disregarding consequences, he should continue to resist to the last moment. The retreat of Rawdon was known in the evening to the besiegers; and in the course of the night a courier arrived from General Greene confirming that event, urging redoubled activity, and communicating his determination to hasten to their support. Urged by these strong considerations, Marion and Lee persevered throughout the night in pressing the completion of their works. On the next day, Rawdon reached the country opposite to Fort Motte; and in the succeeding night encamping on the highest ground in his route, the illumination of his fires gave the joyful announcement of his approach to the despairing garrison. But the hour was close at hand, when this joy was to be converted into sadness.

The large mansion in the centre of the encircling trench, left but a few yards of the ground within the enemy's works uncovered; burning the house must force their surrender.

Persuaded that our ditch would be within arrow shot before noon of the next day, Marion and Lee determined to

adopt this speedy mode of effecting their object. Orders were instantly issued to prepare bows and arrows, with mis-sive combustible matter. This measure was reluctantly adopted; for the destruction of private property was repugnant to the principles which swayed the two commandants, and upon this occasion was peculiarly distressing. The devoted house was a large, pleasant edifice, intended for the summer residence of the respectable owner, whose deceased husband had been a firm patriot, and whose only marriageable daughter was the wife of Major Pinckney, an officer in the South Carolina line, who had fought and bled in his country's cause, and was now a prisoner with the enemy. These considerations powerfully forbade the execution of the proposed measure; but there were others of much cogency, which applied personally to Lieutenant Colonel Lee, and gave a new edge to the bitterness of the scene.

Encamping contiguous to Mrs. Motte's dwelling, this officer had, upon his arrival, been requested in the most pressing terms to make her house his quarters. The invitation was accordingly accepted; and not only the lieutenant colonel, but every officer of his corps, off duty, daily experienced her liberal hospitality, politely proffered and as politely administered. Nor was the attention of this amiable lady confined to that class of war which never fail to attract attention. While her richly spread table presented with taste and fashion all the luxuries of her opulent country, and her sideboard offered without reserve the best wines of Europe—antiquated relics of happier days—her active benevolence found its way to the sick and to the wounded; cherishing with softest kindness infirmity and misfortune, converting despair into hope, and nursing debility into strength. Nevertheless the obligations of duty were imperative; the house must burn; and a respectful communi-

cation to the lady of her destined loss must be made. Taking the first opportunity which offered, the next morning, Lieutenant Colonel Lee imparted to Mrs. Motte the intended measure; lamenting the sad necessity, and assuring her of the deep regret which the unavoidable act excited in his and every breast.

With a smile of complacency this exemplary lady listened to the embarrassed officer, and gave instant relief to his agitated feelings, by declaring, that she was gratified with the opportunity of contributing to the good of her country, and that she should view the approaching scene with delight. Shortly after, seeing accidentally the bows and arrows which had been prepared, she sent for the lieutenant colonel, and presenting him with a bow and its apparatus imported from India, she requested his substitution of these, as probably better adapted for the object than those we had provided.

Receiving with silent delight this opportune present, the lieutenant colonel rejoined his troops, now making ready for the concluding scene. The lines were manned, and an additional force stationed at the battery, lest the enemy, perceiving his fate, might determine to risk a desperate assault, as offering the only chance of relief. As soon as the troops reached their several points, a flag was again sent to M'Pherson, for the purpose of inducing him to prevent the conflagration and the slaughter which might ensue, by a second representation of his actual condition.

Doctor Irvine, of the legion cavalry, was charged with the flag, and instructed to communicate faithfully the inevitable destruction impending, and the impracticability of relief, as Lord Rawdon had not yet pass'd the Santee; with an assurance that longer perseverance in vain resistance, would place the garrison at the mercy of the conqueror; who was not regardless of the policy of preventing waste

of time by inflicting exemplary punishment, where resistance was maintained only to produce such waste. The British captain received the flag with his usual politeness, and heard patiently Irvine's explanations; but he remained immovable; repeating his determination of holding out to the last.

It was now about noon, and the rays of the scorching sun had prepared the shingle roof for the projected conflagration. The return of Irvine was immediately followed by the application of the bow and arrows. The first arrow struck and communicated its fire; a second was shot at another quarter of the roof, and a third at a third quarter; this last also took effect, and, like the first, soon kindled a blaze. M'Pherson ordered a party to repair to the loft of the house, and by knocking off the shingles to stop the flames. This was soon perceived, and Captain Finley was directed to open his battery, raking the loft from end to end.

The fire of our six pounder, posted close to one of the gable ends of the house, soon drove the soldiers down; and no other effort to stop the flames being practicable, M'Pherson hung out the white flag.

Powerfully as the present occasion called for punishment, and rightfully as it might have been inflicted, not a drop of blood was shed, nor any part of the enemy's baggage taken. M'Pherson and his officers accompanied their captors to Mrs. Motte's, and partook with them of a sumptuous dinner; soothing in the sweets of social intercourse the ire which the preceding conflict had engendered.

THE FATHER OF HIS COUNTRY.

(From the funeral oration, 1800.)

First in war—first in peace—and first in the hearts of his countrymen, he was second to none in the humble and

endearing scenes of private life; pious, just, humane, temperate, and sincere; uniform, dignified, and commanding, his example was as edifying to all around him, as were the effects of that example lasting.

To his equals he was condescending, to his inferiors kind, and to the dear objects of his affections exemplarily tender; correct throughout, vice shuddered in his presence, and virtue always felt his fostering hand; the purity of his private character gave effulgence to his public virtues.

His last scene comported with the whole tenor of his life—although in extreme pain, not a sigh, not a groan escaped him; and with undisturbed serenity, he closed his well-spent life. Such was the man America has lost—such was the man for whom our nation mourns.

Methinks I see his august image, and I hear falling from his venerable lips these deep-sinking words:

“Cease, sons of America, lamenting our separation: go on, and confirm by your wisdom the fruits of our joint councils, joint efforts, and common dangers; reverence religion, diffuse knowledge throughout your land, patronize the arts and sciences; let Liberty and Order be inseparable companions. Control party spirit, the bane of free governments; observe good faith to, and cultivate peace with all nations, shut up every avenue to foreign influence, contract rather than extend national connection, rely on yourselves only; be Americans in thought, word and deed;—thus will you give immortality to that union which was the constant object of my terrestrial labors; thus will you preserve undisturbed to the latest posterity the felicity of a people to me most dear, and thus will you supply (if my happiness is now aught to you) the only vacancy in the round of pure bliss high Heaven bestows.”

MASON LOCKE WEEMS.

1760—1825.

MASON LOCKE WEEMS was born at Dumfries, Virginia, and educated in London as a clergyman. He was for some years rector of Pohick Church, Mt. Vernon parish, of which Washington was an attendant. His health demanding a change of occupation, he became agent for the publishing house of Matthew Carey of Philadelphia, and was very successful, being "equally ready for a stump, a fair, or a pulpit." He played the violin, read, recited, and was humorous and interesting in conversation.

His writings are attractive and often very eloquent and forcible; but we know not how much of his narratives to believe. His "Life of Washington" is the most popular and widely read of the many lives of that great man; to it alone we are indebted for the Hatchet Story.

WORKS.

Life of Washington.
Life of Franklin.
Life of Marion.

Life of Penn.
The Philanthropist, [a tract prefaced by
an autograph letter from Washington.]

THE HATCHET STORY.

(From Life of Washington.)

The following anecdote is a case in point; it is too valuable to be lost, and too true to be doubted, for it was communicated to me by the same excellent lady to whom I was indebted for the last, [a relative of the Washington family.]

"When George," she said, "was about six years old, he was made the wealthy master of a *hatchet!* of which, like most little boys, he was immoderately fond, and was constantly going about chopping everything that came in his

way. One day, in the garden, where he often amused himself hacking his mother's pea-sticks, he unluckily tried the edge of his hatchet on the body of a beautiful young English cherry-tree, which he barked so terribly that I don't believe the tree ever got the better of it. The next morning the old gentleman finding out what had befallen his tree, which, by the by, was a great favorite, came into the house, and with much warmth asked for the mischievous author, declaring at the same time that he would not have taken five guineas for his tree. Nobody could tell him anything about it. Presently George and his hatchet made their appearance. "George," said his father, "do you know who killed that beautiful little cherry-tree yonder in the garden?" This was a *tough question*, and George staggered under it for a moment; but quickly recovered himself; and looking at his father, with the sweet face of youth brightened with the inexpressible charm of all-conquering truth, he bravely cried out, "I can't tell a lie, Pa; you know I can't tell a lie; I did cut it with my hatchet."—"Run to my arms, you dearest boy," cried his father in transports, "run to my arms. Glad am I, George, that you ever killed my tree, for you have paid me for it a thousand-fold. Such an act of heroism in my son, is more worth than a thousand trees, though blossomed with silver, and their fruits of purest gold."

JOHN DRAYTON.

1766-1822.

JOHN DRAYTON, son of William Henry Drayton, was born in South Carolina, educated at Princeton and in England, and became a lawyer. He was governor of South Carolina, 1800-2, and again 1808-10; and he was District Judge of the United States at the time of his death.

WORKS.

Letters written during a tour through the Northern and Eastern States.
A View of South Carolina.

Memoirs of the Revolution in South Carolina, [prepared mainly from his father's manuscripts].

Governor Drayton's writings are characterized by a desire to express the simple and exact truth. His style carries with it a conviction of his sincerity and of the reliability of his narrative.

A REVOLUTIONARY OBJECT LESSON IN THE CAUSE OF PATRIOTISM, APRIL 1775.

(From *Memoirs of the Revolution.*)

With all these occurrences, men's minds had become agitated; and it was deemed proper to bring forth something calculated to arrest the public attention, to throw odium on the British Administration, to put down the Crown officers in the Province, and to invigorate the ardor of the people. And nothing was deemed more likely to effect the same than some public exhibition which might speak to the sight and senses of the multitude.

For this purpose effigies were brought forward, supposed to be by the authority or connivance of the Secret Committee. They represented the Pope, Lord Grenville, Lord North, and the Devil. They were placed on the top of a frame capable of containing one or two persons within it; and the frame was covered over with thick canvas, so that those within could not be distinguished. In the front of the frame on the top, the Pope was seated in a chair of state, in his pontifical dress; and at a distance immediately behind him the Devil was placed in a standing position, holding a barbed dart in his right hand; between the Pope and the Devil, on each side, Lords Grenville and North were stationed. Thus finished the frame and effigies were fixed on four wheels; and early in the morning, this un-

common spectacle was stationed between the Market and St. Michael's Church in Broad-street to the gaze of the citizens.

Many were the surmises respecting it; but at length by its evolutions, it soon began to explain the purposes for which it was constructed. For no sooner did any of the Crown officers, Placemen, Counsellors, or persons known to be disaffected to the common cause, pass by than the Pope immediately bowed with proportioned respect to them; and the Devil at the same moment striking his dart at the head of the Pope convulsed the populace with bursts of laughter. While on the other hand, the immovable effigies of Lords Grenville and North, appearing like attendants on the Pope or criminals, moved the people with sentiments of disgust and contempt against them and the whole British Administration, for the many oppressive acts which they had been instrumental in procuring to be passed through both Houses of Parliament.

In this manner the machine was exposed; after which it was paraded through the town the whole day by the mob; and in the evening, they carried it beyond the town where surrounding it with tar barrels the whole was committed to the flames. Nor did the idea or influence of the thing end here—for boys forsook their customary sports to make models like it, with which having amused themselves, and having roused their youthful spirits into a detestation of oppression, they also committed them to the flames. And many of those very boys supported with their services and blood the rights and liberties of their country.

THE BATTLE OF NOEWEE, BETWEEN THE SOUTH CAROLINIANS AND THE CHEROKEES, 1776.

(From *Memoirs of the Revolution in South Carolina.*)

The army now crossed Cannucca Creek, and was proceeding towards Noewee Creek when tracks of the enemy's

spies were discovered about half past ten o'clock, A. M., and the army was halted and thrown into close order. It then proceeded on its left towards a narrow valley, bordering on Noewee Creek, and enclosed on each side by lofty mountains, terminated at the extremity by others equally difficult; and commenced entering the same, for the purpose of crossing the Appalachian Ridge, which separated the Middle Settlements from those in the Vallies.

These heights were occupied by twelve hundred Indian Warriors; nor were they discovered, until the advance guard of one hundred men began to mount the height, which terminated the valley. The army having thus completely fallen into the ambuscade of the enemy, they poured in a heavy fire upon its front and flanks; compelling it to recoil, and fall into confusion. Great was the perturbation which then prevailed, the cry being, "*We shall be cut off;*" and while Col. Williamson's attention was imperiously called to rally his men, and charge the enemy, he was at the same time obliged to reinforce the baggage guard, on which the subsistence of the army depended for provisions, in this mountainous wilderness.

In this extremity, Lieutenant-Colonel Hammond caused detachments to file off, for the purpose of gaining the eminences above the Indians, and turning their flanks; while Lieutenant Hampton with twenty men, advanced upon the enemy, passing the main advance guard of one hundred men: who, being panic-struck, were rapidly retreating. Hampton, however, clambered up the ascent, with a manly presence of mind; which much encouraged all his followers: calling out, "*Loaded guns advance—empty guns, fall down and load.*" and being joined by thirty men, he charged desperately on the foe. The Indians now gave way; and a panic passing among them from right to left, the troops

rallied and pressed them with such energy, as induced a general flight: and the army was thereby rescued from a total defeat and massacre.

Besides this good fortune, they became possessed of so many packs of deer skins and baggage; that they sold among the individuals of the army, for £1,200 currency; and which sum was equally distributed among the troops. In this engagement, the killed of Williamson's army, were thirteen men, and one Catawba Indian; and the wounded were, thirty-two men, and two Catawbas. Of the enemy, only four were found dead, and their loss would have been more considerable, if many of them had not been mistaken for the friendly Catawbas, who were in front.

WILLIAM WIRT.

1772-1834.

WILLIAM WIRT was born at Bladensburg, Maryland, and received an early and excellent education. He removed to Virginia in 1791 and began the practice of law, in which profession he rose to great and singular eminence.

He was elected Chancellor of Virginia in 1801, led the prosecution in the Aaron Burr trial, 1807, and was concerned in several other famous cases. In 1817 he was appointed Attorney-General of the United States and lived in Washington twelve years. In 1826 he delivered before Congress the address on the death of John Adams and of Thomas Jefferson; which occurred on the Fourth of July, of that year, just fifty years after the Declaration of Independence.

His health giving way under his severe labors and distress for the death of his son Robert, he resigned his office. He