



PATRICK HENRY

(After the painting by Thomas Sully, who never saw his subject, but successfully used the Fleming miniature. The original, now loaned to the State of Virginia, is the property of Mrs. M. B. Harrison.)

I have been shown a painting of the late Mr. Henry
 painted by Mr. Sully now in possession of Mr. Webster
 which I think a good likeness

John Marshall
 Dec. 3rd 1806

I agree with Mr Marshall in his opinion
 above expressed

Francis Corbin

I agree with the above gentlemen in
 their opinions respecting the late Mr. Henry's
 likeness
 4th Court 1807 John Buchanan

THE SULLY PORTRAIT.—Attestations by Chief Justice John Marshall, Francis Corbin,
 and the Rev. John Buchanan, concerning the fidelity of the likeness.

PATRICK HENRY

BY
GEORGE MORGAN

WITH TWENTY-FOUR ILLUSTRATIONS
AND
A FULL BIBLIOGRAPHY

Henry, the forest-born Demosthenes
Whose thunder shook the Philip of the seas.
—Byron: "*The Age of Bronze*."

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Preface

THERE are those who persuade themselves that Patrick Henry was truly a genius, and there are others so perverse as to deny him his due meed of fame and gratitude. The extreme Henry eulogists put one in mind of the old Arabic tale (*Spectator*) about Gabriel and the boy Mahomet. Gabriel caught him up, carried him off, cut open his breast, took out his heart and wrung it till out dropped the *fomes peccati*, or black spot of sin. In like manner, numerous late Eighteenth, and early Nineteenth, Century admirers of the eloquent Patrick looked upon him as possessing heaven-sent attributes, though it must be admitted that none of them ever hinted at heavenly surgery in his behalf. These contemporaries and devotees, such as Hugh Blair Grigsby, would have us believe that our Patrick was little less than Gabriel-visited—little less than inspired—when, in the high-wrought climax of an oration, he would cast over his hearers what seemed to be a magical, a supernatural, a solemnizing spell, hard to be rid of, impossible to forget.

On the contrary, our unsympathetic, if not cynical, latter-day critics, premising (with J. C. Young) that "there is no greater monster than a faultless man," profess to find in Patrick faults he never had. What was he but a spellbinder? they say, unmindful of the fact that "spellbinder" did not get into our vocabulary until 1888, and of the further fact that the gathering of the freemen on the Courthouse green made little use of newspapers, and no use at all of wires and wireless. Before America became an industrialized, urbanized, polyglot nation with new and complex problems, it was largely a land of farmers and pioneers; and a Patrick Henry was at once telephone, telegraph and radio—the broadcaster of the hustings.

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Few, indeed, of the founders of the republic fit into their times more closely and characteristically than Patrick Henry. As was that spirited age—an age of astonishing effort—so were its men; they harmonized with it and, in truth, constituted it. Like Washington in his high-minded, conciliatory, persevering, dependable and truly superior way, like Franklin in his, Henry appears to us now to have been cut out for his part. This is so whether we consider him as a trumpeter of the Revolution, statesman-patriot, leader of an exacting constituency of yeomen and gentlemen, or a fearless scrutinizer and interrogator of Constitution-makers powerful enough to override him.

Many American histories and biographies have the unmistakable Jeffersonian tinge, while others are of equally pronounced Hamiltonian cast; and it is a fact that Patrick Henry too often suffers from the misjudgments of writers trained in the one school or the other. We may well bear in mind what George Mason said of him: "He is, in my opinion, the first man upon this continent, as well in abilities as public virtues." In simple justice, Henry must be assessed quite apart from Hamilton and Jefferson. His long leadership lasted from Stamp Act days, in 1765, to the Federalist crisis near the end of the century.

That Henry belonged to his own times rather than to these becomes apparent when we bethink us of his oratorical triumphs. It is idle to speculate how his fame would fare if he were now alive and should speak to our modern millions over the radio. It is equally idle to lament that there was no phonograph in existence a century and a half ago to catch and preserve the grand, impressive qualities, the veritable magic, of his delivery. "Deep as the sea," was old Patrick's art to John Randolph, ambitiously listening that he might discover its secrets and reapply its subtleties. Patrick's inborn eloquence, his championship of the rights of man, his inquisitorial genius in exacting safeguards for the commonalty—all these were fruitfully used during the great formative period;

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and, belonging to that period, they undoubtedly belong to the ages.

In any case, we owe a great debt of gratitude to Patrick Henry for what he said or helped to say, and what he did or helped to do in establishing the United States on the very firmest of foundations.

The author wishes publicly to thank his obliging correspondents in various parts of the country for their courtesy and helpfulness in answering Patrick Henry questions. Especially was this book befriended by the late Mrs. Elizabeth Henry Lyons (Mrs. James Lyons), of Richmond, Va., daughter of William Wirt Henry, granddaughter of John of Red Hill-on-the-Staunton and great granddaughter of Patrick. As literary executrix of her father, she granted free access to (1) the material used by William Wirt in preparing his *Sketches*; (2) the original letters and documents collected by William Wirt Henry and (3) the accumulated data gathered by descendants of Patrick Henry's sisters and by various cousins throughout the West and Southwest. Mrs. Lyons was a friend indeed.

GEORGE MORGAN

Philadelphia, Pa., 1929

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"They continued to divide parties afterward more distinctly. The party organized by Jefferson, and afterward led by Calhoun, insisted that the States had entered into a compact, that they were still sovereign, and had only delegated powers which could be recalled. The party organized by Hamilton, and afterward led by Webster, agreed with Mr. Henry, that the people of the States had created a national government, and endowed it with certain supreme powers which were irrevocable by the several States, except by amendment, as provided in the instrument itself, or by revolution. This construction was adopted by the Supreme Court, and acted on by the Federal Government in its several departments, and has been finally established beyond controversy by the result of the greatest civil war history has recorded, brought about by the endeavor of the Southern States to exercise the asserted right of secession."

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AS A LAWYER—ANECDOTES

WE have seen why and how Patrick Henry became a lawyer; we have looked into the fee-books kept by him prior to the Revolution, which interrupted his practice; and we have heard one of his friends say to him: "Go back to the bar—your tongue will soon pay your debts." But as yet we have not stepped into his old stick-gig and journeyed with him along the Virginia roads towards some distant court-house. This gig, or "chair," and the little hair-trunk Henry strapped on behind the seat are now the prized possessions of Louis D. Jones at New Store, in Buckingham. Fresh linen, papers pertinent to suits that were to be argued, and a book or so were packed in the trunk. There is evidence that Henry appreciated books more thoroughly as he grew older. In one sense, he must have had less need of them—in executing the laws he must have learned a great deal of law; in drafting bills he must have perfected himself along certain lines; in buying land he must have acquired useful information—in a word, the experiences of his later life had added to his legal store; yet we find him peering between book-covers as he followed the roads in his gig. Some of his law-books were tossed up by the Civil War into the auction-mart at Richmond, and sold and scattered. Perhaps a favorite volume was Dunmore's black-letter Coke, which Henry had bought in Williamsburg. Campbell, who saw the book, says: "It has his lordship's arms and the orator's autograph." Judge Winston tells us that Henry travelled about "on a circuit (Nelson and White, Judges) carrying Soame Jenyns, of which he

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gave the Judges a copy, desiring them at the same time not to take him for a travelling monk." This book, which bears the title, "Internal Evidences of Christianity," was printed and given free circulation in Virginia at Henry's own expense. Howe says that Henry did the same with Butler's "Analogy," adding: "Sherlock's Sermons, he affirmed, was the work which removed all his doubts of the truth of Christianity; a copy of which, until a short time since, was filled with marginal notes. He read it every Sunday evening to his family, after which they all joined in sacred music, while he accompanied them on the violin. He never quoted poetry. His quotations were from the Bible, and his illustrations from the Bible and ancient and modern history."*

But we have taken him away from his family and started him in his gig towards the court-houses; and we shall go on in that direction after inviting attention to an important fact: Henry was almost a born believer, as well as a born Whig. He got his religion and his politics out of nature in the first place, and in the next place out of that part of the Bible which teaches kindness to all men. Milton, Locke, Sidney, and other great forebears of freedom had intellectualized the grand political idea; but it came to Henry, as it did to other men of his day, by the working of his own mind. Now,

* In William Meade's "Old Churches, Ministers, and Families of Virginia," vol. ii, p. 12, the Rev. Mr. Dresser says that Patrick Henry had "a very great abhorrence of infidelity, and actually wrote a reply to 'Paine's Age of Reason,' but destroyed it before his death." "This," comments Edward Fontaine, "is certainly true. My father, Colonel Patrick H. Fontaine, was the oldest grandson of Patrick Henry. He was living with his grandfather when he wrote the reply to Paine mentioned by Mr. Dresser." But Patrick Henry, having read Bishop Watson's "Apology for the Bible," and deeming it a sufficient answer to Paine, decided not to publish his own manuscript.

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while he was on the circuit, it became fashionable in Virginia for young men to pin atheistic ruffles to their shirts. French views were popular, and threatened to prevail. Henry was hurt by the talk of the young men. Here from the Wirt papers is a scrap of manuscript, much crumpled, torn, and stained, and it reads:

"When the first Constitution of France (in 1789) was formed, it afforded great and general satisfaction, and became the subject of conversation in a circle of which Mr. P. Henry was one. He was asked what he thought of it, and whether the powers of Europe would consent to its undisturbed operation. He immediately replied: 'No, no, no!—the Kings and Powers of Europe will not rest until they have deluged that country in blood.'"

He sympathized with the multitudes of fellow-beings who were under the yoke in France, but he had no patience with the extravagances and bloody horrors of French democracy, and would not put up with French infidelity. In course of time his antipathy to the imported doctrines would cause him to oppose them politically, but just now he was endeavoring as best he could to counteract the irreligious tendency of the hour. That is why he praised Soame Jenyns to the judges and doubtless to others whom he met on the road or on the court-house greens.

We of this day would like to come upon a good report of some roadside talk with Henry about the difference between the American and French Revolutions. We can imagine the scene—a summer sky, with woolly clouds lazily drifting; shade at a cool ford, the horses splashing; an interested questioner in one gig, and Henry answering from the other. We should like to hear Henry on this subject, because we are sure he would show with precision wherein his democracy and Mason's differed from the newfangled French democracy about to be engrafted by Jefferson upon the Ameri-

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can stock. But possibly, at such a meeting, each wayfarer would have produced a Federal receipt for his gig-tax; the talk, indeed, might have been upon that—the first United States internal tax; a strange thing for Stamp Act survivors to contemplate, and a matter provocative of “remarks” at the expense of a consolidated government which might end in heaven knew what.

Several taverns south of the James preserve traditions of Henry as a guest, but the “Lawyers,” eight miles from New London Court-house, is more richly reminiscent of him than any other. Not far away is Jefferson’s “Poplar Forest,” an octagonal brick Monticello in miniature, designed by Jefferson himself, and shaded by trees that were huge of girth long before he or any other white man looked upon the Blue Ridge. Another great Democrat comes into the story at this point—General Andrew Jackson, who saw Henry once, probably at New London. In Parton’s “Life of Jackson,” Colonel Avery is quoted thus:

“I was present one evening in Jonesboro when General Jackson was talking to some dozen of his friends. He told them that in passing through a town in Virginia he learned at breakfast that Patrick Henry was to defend a criminal that day. He was induced to stop. ‘No description I had ever heard,’ said Jackson, warmly, ‘no conception I had ever formed, had given me any just ideas of the man’s powers of eloquence.’”

Judge Roane says: “It was as a criminal lawyer that his eloquence had the fairest scope.” William Wirt Henry adds: “His wonderful powers as an advocate made him especially great in nisi prius practice, but he was also retained in important chancery causes, and some of his greatest triumphs were in arguments addressed to judges on questions of law. Having discontinued his profession for over thirteen years, it was wonderful how rapidly he was able to recall it, and enter

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at once upon one of the most brilliant careers as an advocate ever known to the profession.”

His fame, his popularity, his extraordinary persuasiveness, caused clients to come to him, not only from Prince Edward and the adjoining counties, but from remote regions. Hence he could dictate large fees, and require his clients to employ other lawyers to get everything ready in the preliminaries. A letter of his to Robert Carter, of Nomini, shows just how he managed the matter of fees. From this Carter another Carter, Colonel Charles, wished to recover twelve thousand acres of land. The trial was at far-away Leesburg, near Potomac water, and Henry must have been many days in his gig when he journeyed thither. Edmund Randolph, who was the opposing counsel, writes to a friend, under date of Fredericksburg, August 18, 1789:

“The day before yesterday I returned thither from Leesburg, where I was confronted with Mr. Henry, and for three days we lay alongside of each other. It was a diverting scene, taken in the whole. My client, Charles Carter, must have been defeated if a single point of four had gone against him; and to obtain one everything was attempted in the way of assertion, declamation, and solecism. In three points the Court was unanimous against Mr. H.; on the fourth he had a bare majority. Thus being mortified with defeats, and willing to disguise them under the name of a compromise, he proposed that his client, Robert Carter, should surrender 6000 acres of land and £450. To this I agreed, knowing that two of the four points were in strictness by no means in our favor.”

But Henry’s letter puts the matter in a different light. So far from being chagrined, he was felicitating himself upon having brought his client out of a slippery situation. He reminds Carter that in case of failure the fee was to be one hundred guineas; in case of complete success, four hundred guineas; and he takes him sharply to task for the non-payment of the two hundred guineas demanded.