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FROM THE ENQUIRER.

The following Funeral Oration, in honor of the late venerable Chancellor, George Wythe, delivered on Monday, the 9th inst. by William Mumford, Esq. to a numerous audience assembled at the Capitol, in the hall of the House of Delegates, was furnished by him for publication at the request of the Editor of this Paper. As it was a composition for which very little time was allowed, as previous to its being pronounced, nothing more than its outlines were prepared, all the rest being conceived and uttered extempore, it is hoped by the author that the candid reader will make all reasonable allowances for its inaccuracies.

Oration

PRONOUNCED AT THE FUNERAL OF GEORGE WYTHE.

Fellow-Citizens,

I ADDRESS you on this occasion with feelings which agitate and oppress me. The mournful duty which we are assembled to perform, the irreparable loss we have all sustained, and particularly myself who am now called upon, with an heart torn with grief, to speak of him, who was not only the friend of human nature, but my own dearest and best friend; the sorrow which I am certain is felt by every individual in this numerous audience, and which I see strongly depicted on the faces of many; all combine to overpower me with diffidence and regret. Hard indeed is the task to do justice to the many virtues of the great and good man for whom we mourn. I dread that my abilities will be found inadequate to this important undertaking; and I wish most sincerely that some gentleman of superior eloquence had consented to commemorate, by a funeral Eulogy, the departed Patriot and Sage, who was truly the boast of Virginia. Particularly I should have been happy if some older citizen, who knew him in his younger days, and joined his glorious labors at the commencement of our revolution, had now endeavoured to describe his great and meritorious public services in those days of difficulty and danger. But it cannot be. Most of the Heroes and Patriots of the Revolution are gone to their graves with glory, and George Wythe, one of the oldest and best of those venerable fathers of their country, has now followed Washington, Franklin, Samuel Adams, and many others, who are indeed removed from this troublesome world, and at rest from their labors, but whose fame shall live forever in the hearts of their fellow citizens. Under these circumstances, the task devolves on me, far inferior to those immortal worthies, to pay the last sad tribute of applause to their departed coadjutor and friend. I am emboldened, however, to engage in this difficult enterprise by considering, that although many of the public virtues of the deceased were not personally known to me, yet some of them, and not the least important, have come within my own observation, and that I have long been most intimately acquainted with those which adorn his private life. His extraordinary goodness to me, that kindness which induced him to take me when an unfortunate orphan into his house, and to treat me as a second father, afforded me peculiar opportunities of feeling and knowing the god-like spirit which animated the bosom of him who now lies cold and insensible before us. The sacred ties of gratitude therefore bind me not to permit the funeral of my dear, my noble benefactor, to be unattended with an eulogy expressed with truth and sincerity, however imperfect in other respects. Indeed I am most encouraged on this occasion by the reflection that truth, plain, artless and unadorned, is all that is needful in an attempt to celebrate a character noted for his plainness and republican simplicity. True it is, that nothing that can be said can benefit him. The "dull, cold ear of death" cannot be roused by the voice of honor, nor awakened by the lamentations of those who survive. Perhaps he hears not our praise, or is so engaged by the bliss he now enjoys as not to regard it. It might appear therefore that funeral solemnities are useless and unavailing. But such is not the case. They serve at least as

an example to the living, and may be the means of communicating and keeping alive the sacred fire of virtue. I am also enthusiastic enough to believe, that the souls of the good and worthy, even after death, may be gratified by knowing the manner in which their memories are regarded in this world; that they look down and observe the sorrows of their friends, and rejoice in their praise. Very probably this is one of the rewards of a well-spent life; else wherefore has heaven implanted in the breasts of men the desire of fame in future ages as an incentive to virtuous actions? I shall therefore proceed to describe as faithfully as I can, the career of glory through which this exalted patriot, firm republican and honest man has passed, trusting that the affection of you all for the dead, will induce you favorably to accept a well meant, though feeble endeavor to pay the respect so eminently due to his memory.

In calling to your recollection his virtues, my own inclination would induce me to begin with those of his private life, in which I confess my own heart is more particularly interested; but as his public virtues were of the greatest importance, not to a few persons only, but to all America, the superior dignity of the subject requires me to mention them in the first place. Of these, let me turn your attention to the uncommon patriotism, which was conspicuous during the whole course of his long and useful life. The first remarkable example evincing the degree in which he possessed that divine virtue, was his conduct at the commencement of the Revolution. In those perilous days, when life, liberty and property were placed at hazard; when death and confiscation would have been the fate, if they had proved unsuccessful, of those who opposed the tyrant King of Great-Britain; our venerable patriot, Mr. Wythe, was firm and undaunted, and zealously attached to the cause of his country. At that important time, when the greatest men America ever produced were chosen by her voice to save her from destruction, to whom did his fellow-citizens look up as one of her deliverers? To George Wythe—to him whom we now with so much cause lament, for, alas! he can serve no longer those he so tenderly loved. He was one of that famous Congress, who assembled on the 13th of May, 1775, and did not separate until they had declared the Independence of America. He was one of those that signed that ever memorable declaration by which they pledged "their lives, their fortunes, and their sacred honor" to maintain and defend the violated rights of their country. He was an active, useful, and respected member of that body, the most enlightened, patriotic and heroic that perhaps ever existed in the world, in esteeming and admiring which all nations now concur. From the arduous and important duties which he there exercised, he was called by his native state to perform others not less interesting and necessary. Our countrymen were then attempting a new and hitherto untried experiment, of vast importance and doubtful success; no less than the political regeneration of a great nation, the total destruction of a monarchical system, and the establishment of a republic in its stead; every thing then depended on infusing into our laws that republican spirit which animated the people, and by the preservation of which alone, their liberty could be preserved and perpetuated. It became therefore necessary to remodel our laws, and lay the foundations of the temple of freedom firmly in the wisdom and justice of our institutions. The persons appointed to execute this great work, and by whom it was accomplished were, Thomas Jefferson, Edmund Pendleton, and George Wythe: who, though mentioned last, might with propriety be considered as the chief; for, great and exalted as is the merit of Mr. Jefferson, it must be confessed, that he is in a great measure indebted for it to George Wythe, his preceptor and his friend. Between these two extraordinary men the warmest friendship has ever existed, and the

President of the United States has always been proud to acknowledge himself the pupil of the wise and modest Wythe. By a resolution of Virginia Assembly, dated the 5th of November, 1786, the three gentlemen, I have mentioned, were appointed revisors of the laws, with powers to propose such alterations as in their judgment should be deemed necessary: A trust of prodigious importance, on which the future destiny of Virginia depended! And in what manner was it discharged? In a manner more glorious and more useful to the human race than the works of any other legislators, ancient or modern. On the 18th of June 1779, the committee of revisors made their report, a memorable monument of indefatigable industry and attention, as well as of wisdom, virtue and patriotism. In reviewing the labors of that committee, we find that they were the authors of the act directing the course of descents, by which the odious and unequal doctrine of the right of primogeniture was abolished and an equal distribution of the landed property of persons dying intestate is made among their children, or other nearest relations; an act which, by introducing and supporting equality of property to a certain degree among the citizens of this commonwealth, has produced, and will continue to produce, a more important and permanent effect in favor of freedom and republicanism, than any other cause whatsoever. The same committee proposed the act for regulating conveyances, by which all estates in tail were converted into fees simple, and one of the most detestable contrivances of aristocracy to keep up inequality, and support proud and overbearing distinctions of particular families, was completely defeated. They also produced the deservedly celebrated act for the establishment of religious freedom, which I trust has released the people of Virginia from the danger of being ever subjected to an ecclesiastical tyranny, perhaps the worst of all. As a proof however, that the proposal of that act did not arise from a desire to subvert religion, but, on the contrary, to maintain it in purity and peace, they at the same time proposed another, entitled an act to punish disturbers of religious worship and sabbath-breakers. Such were the most precious fruits of the appointment of that truly republican and patriotic committee.

Other important acts might also be mentioned, for in fact, the whole of our militia system as first organized, the original arrangement and mode of proceeding in our courts of common law and chancery, were all the work of that committee, were all illustrious examples of their industry and legislative skill: in which if some defects have, in the course of experience, been discovered, they are only proofs that no human performance can be perfect. Yet the committee of revisors are not only entitled to praise for the laws, of which they were instrumental in obtaining the establishment, but for several which they proposed without success. Among those may be found a bill for the more general diffusion of knowledge, which, if the public spirit of the General Assembly had been equal to that of its authors, would have enabled the children of the poorest citizen in the community to stand an equal chance of acquiring science, honor, and promotion, with those of the most wealthy. Animated by motives of the same enlightened nature, they proposed a bill for establishing a public library; another for amending the constitution of William and Mary College, and providing more adequate revenues for its support; and furnished a hint, which gave birth to our present Penitentiary system, by a bill for proportioning crimes and punishments in cases heretofore capital, and a bill for the employment, government and support, of malefactors condemned to labor for the commonwealth.

We next find this excellent citizen in the important office of one of the three Judges of the High Court of Chancery, and afterwards, sole Chancellor of the state of Virginia. His extraordinary patriotism and dis-

interestedness were here most completely displayed. He served in that most troublesome and laborious office of all in the gift of the commonwealth of Virginia, and perhaps of the United States, for many years with the small salary of \$300 and, at last, with a salary somewhat larger but still very inadequate. With that scanty supply from his country, he lived in this expensive city, secluded from all other business but that of the public, to which he devoted all his time, unless when prevented by sickness; and in that office he continued till the day of his death, because he believed himself better qualified to serve his country in that station than in any other; when, if he had been disposed to seek for offices, he might have obtained others far more easy and lucrative. Notwithstanding, however, the toilsome duties of that office, his patriotism, ever active and ardent, brought him forward whenever he conceived his country's interest to require his assistance. We behold him a member of the convention which met in this city in the year 1788, to take under its consideration the proposed constitution of the United States. Being convinced that the confederation was defective in the energy necessary to preserve the union, liberty and general welfare of America, he was a zealous advocate for the new constitution. In that august convention, this venerable patriot, even then beginning to bow under the weight of years, was seen to rise to advocate that constitution, and exerted his voice almost too feeble to be heard, in contending for a system on the acceptance of which he conceived the happiness of his dear beloved country to depend.—But the most remarkable instance of his genuine patriotism, to which I confess I am rendered most partial, perhaps, by my own experience of its effects, was his zeal for the education of youth. Enveloped as he was with business; harassed with perplexing papers, and intricate suits in chancery, he yet found time for many years, to keep a school for the instruction of a few young men at a time, always with very little, and often demanding no compensation.—What a proof was this of condescension, of pure patriotism and philanthropy! With all this, his industry and attention to business was not diminished, but continued as incessant as ever. Of his indefatigable assiduity I was myself, even in his last sickness. When on his death bed, racked with agonizing pains, I saw him with a large bundle of papers, relative to an injunction in chancery, lying by his bedside. He told me he had been studying them, and hoped to be better by the next day, that he might be enabled to hold the court again, and pronounce his decree in that cause; lamenting with extreme concern the inconvenience, which of the delay of business occasioned, by his sickness would be productive to persons who had causes depending before him. At that moment, when death was visible in his face and in every limb, he thought not of himself; he thought only of the public. Oh! where shall we find such another Chancellor?

The necessary consequence of his great assiduity and attention to study, was his extensive, various and profound learning; his sound and excellent judgment. Others may indeed have excelled him in genius, but he certainly never was surpassed in patriotism, learning and judgment.

Another quality, too, demands our attention, the most illustrious perhaps in the bright constellation of his virtues; of which I have already adverted to several striking testimonials. Ever attached to the constitution of the United States, and to the principles of freedom, he was in every change of affairs always steady and unshaken. His mind was not to be moved by the gusts of popular influence, nor by the stormy threats of tyranny. As in 1776, he was the enemy of the king of Great-Britain, so in 1798 and 1799, he was an opponent of the administration of John Adams, of alien and sedition laws, and standing armies. Always the friend of liberty and his

country, twice have I seen him, hoary with age, and touching all with veneration, in that very chair (pointing at the Speaker's chair) sitting as President of the republican college of electors, and voting twice for a republican President. Yet, was it very observable, that he never yielded for a moment to the raucour of party-spirit, nor permitted the difference of opinion to interfere with his private friendships; the truth of which observation will be acknowledged by many of his political opponents, to whom he, nevertheless remained a friend in private life, to the last.

His impartiality as a judge, and rigid attachment to what appeared to him to be equitable, was not less remarkable than his other extraordinary qualities. It ought ever to be remembered, that notwithstanding he loved his country so passionately, and was so attentive to its interests, he yet loved equity still more. It ought to be remembered, that he was the first judge who decided, (against the public opinion,) that the British debts should be recovered, and that on several very important occasions he entered decrees for large sums of money against his native state. Yet, to the immortal honor of the people of Virginia, he it said, those decisions of his did not diminish his popularity, but made them admire and respect him still more than ever.

Such then, were the public virtues of this great man. His private virtues were not less exemplary. Among the most conspicuous of these were his integrity and disinterestedness. Undoubtedly, no man, not even the best of the worthies of ancient Greece and Rome, ever carried those virtues to a greater height than he did. Plain in his manners, strictly temperate in his life, and regardless of all profits except such as were made with honor and a good conscience, he furnished an example in the vigour of his youth (as I have been told by some, whom I am happy to see present) of a truly honest and upright lawyer, a character supposed by many (though I hope erroneously) to be very uncommon. No consideration could ever induce him to swerve from the straight line of integrity, to violate justice, or the laws of his country. With the spirit of a philosopher he lived a lawyer, and was indeed the brightest ornament of the bar. With these virtues of a stern and rigid cast, it should moreover be known, that this laborious student, this man of undeviating integrity, this firm and inflexible republican possessed a heart overflowing with the milk of human kindness. A kinder never throbbed in the bosom of a human being. His soul was the seat of benevolence and sensibility. From this most amiable turn of mind proceeded his ever active charity and liberality, the gentleness and mildness of his temper, which was seldom irritated but by zeal for his country's good, his modest and unassuming deportment, and unwillingness to give pain to any mortal. His charity extended to every human being, however low and humble his station; for he, emphatically, was always striving to do good. Let the officers of his court, the gentlemen who had the pleasure of pleading, and those who had causes depending before him, let all who were educated by him, and indeed all who knew him, bear witness to the sweetness of his temper, his benevolence and kind deportment. His unwillingness to give trouble and pain was apparent almost in his last agonies.—"Oh gentlemen!" said he, scarce audibly, you are very good—I am sorry you take so much trouble—but all will be in vain!" It may be said, indeed, that in one deplorable instance, (which it strikes me with horror even to mention,) his benevolence was placed on an unworthy object, and repaid with black ingratitude.

But let not the selfish man deduce from this dreadful event an argument against the indulgence of charity, nor let the good man be discouraged. As no human being can be perfect, it is true perhaps, that the mildness and goodness of Mr. Wythe was sometimes carried too far. But if