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The political life of Benjamin Watkins Leigh

Cline Edwin Hall

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THE POLITICAL LIFE OF BENJAMIN WATKINS LEIGH

A Thesis
Presented to
the Faculty of the Department of History
University of Richmond

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts

by
Cline Edwin Hall
August 1959
To

MOTHER AND FATHER

who

couraged me in all the

finer things of life
PREFACE

No attempt has been made in the following pages to give a biography of Benjamin Watkins Leigh nor to speak of his law career except where it relates to the subject. The aim has been rather to give in some detail the public and political life of Leigh and the part he played in the Virginia and United States governments. The formation of the Whig Party in Virginia and the Jackson Administration were the outstanding events that brought Leigh to the forefront. This constitutes the central position in the following chapters.

Most of the material for this work has been obtained at the Virginia State Library and the Virginia Historical Society. To Noble E. Cunningham and his Graduate Seminar, the author is indebted for help in the selection of the subject. A general expression of thanks is due Mr. William Rachal of the Virginia Historical Society and Mr. Edwin Hemphill of the Virginia State Library and their assistants for their cooperation in helping to find source material. Thanks are also due to Dr. Ralph C. McDanel and Dr. Wesley Laing who have read the manuscript and given valuable suggestions in the way of improvement.

C. E. H.

University of Richmond
July 1959
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CHAPTER I
FAMILY BACKGROUND AND YOUNG MANHOOD

The last part of the eighteenth and the first part of the nineteenth centuries presented many problems to the young state and federal governments. Even though Virginia had many of the finest leaders of the new nation, her newly formed state constitution presented some problems as well as solving others. In order to carry out the operation of a new government, Virginia needed many men who were strong in the state as well as strong nationally. One such man was Benjamin Watkins Leigh who was later described as a "debater of the senatorial order."

Benjamin Watkins Leigh came from a prominent Virginia family. He was the grandson of the wealthy Ferdinand Leigh of King William and King and Queen Counties, Virginia. Ferdinand married Mary, daughter of William Cole of Warwick and one of their two children was the Rev. William Leigh, the father of Benjamin Watkins Leigh.

The Rev. William Leigh was a minister of the Episcopal

Church of the Dale and Manchester Parishes in Chesterfield County. He had been educated at William and Mary College and had been ordained by the Bishop of London in 1772. He married Elizabeth, the daughter of Benjamin Watkins who was the first clerk of Chesterfield County and a member of the Convention of 1776.

William and Elizabeth Leigh lived at "Gravel Hill," near Petersburg, in the Dale Parish and he preached at Wood's Church, Ware Bottom and sometimes at the Saponey Church. They had four children, two sons and two daughters. Both sons became famous lawyers in the State. The younger son, named William, became the famous Circuit Court Judge of Halifax and he along with his brother were members of the Virginia Constitutional Convention of 1829-30. The eldest son, named Benjamin Watkins, after his maternal grandfather, was born June 18, 1781.

Benjamin was brought up under the strict religious guidance of his father which was shown in later life as he continually made references to the Bible in his debates. When Benjamin was only six his father died and left him to be trained by his mother. He received further instruction by a

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4. The Richmond Critic, loc. cit.
5. "Letters from William and Mary College, 1798-1801," Virginia Magazine of History and Biography, XXIX (April, 1921), 156.
tutor, Needler Robinson, a Scotch scholar who succeeded Benjamin's father at the Dale Parish. His formal education was at William and Mary College where he studied law and was graduated in 1802. He is described by J. Shelton Watson as one of the cleverest pupils at William and Mary. It was here that he made friends with Joseph Cabell and Chapman Johnson who disagreed severely with Leigh at the Convention of 1829-30. Even though their friendship was strained they continued to show affection for each other. Even after this Leigh named one of his sons Chapman Johnson Leigh after his friend. It was on December 24, 1802 that Leigh married his first wife, Mary Selden Watkins, a cousin. The ceremony was performed by his teacher, Needler Robinson. They had one child.

Leigh was admitted to the bar the same year he finished college and immediately began his successful law career in Petersburg. In his first law case he gained a good reputation by securing the acquittal of a youth who in defense of his mother had killed his step-father. His first case in the Supreme Court of Appeals concerned his own admission to practice there. He refused to take the oath against dueling required of attorneys and was denied admission but by a brilliant defense he won the case and was granted the right to

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practice there. One of his law partners for a time was General Winfield Scott who practiced law with Leigh in 1810-11 before going into a military career. Scott gave Leigh credit for his taste for military matters.

Leigh was also military minded. He was one of the first officers of the newly organized "Petersburg Republican Light Infantry." He had the rank of First Lieutenant when he marched with that group in 1807 to show resentment against the insult on our flag in the Chesapeake affair. He became commander of that group in 1807 and remained commander until he was succeeded by Alexander Taylor who led them into the field during the War of 1812. Leigh did take part in the War of 1812, but to no great extent. He was for a short time on the staff of Governor Barbour. Leigh continued to live in Petersburg until 1813 when he moved his law office to Richmond.

11. Edward A. Wyatt, IV, "Dr. James Greenway, Eighteenth Century Botanist, of Dinwiddie County, with an account of Two Generations of His Descendants," Tyler's Quarterly Historical and Genealogical Magazine, XVII (April, 1936), 221.
12. Calendar of Virginia State Papers, IX (January 1, 1799-December 31, 1807), 447.
13. Petersburg American Constellation, October 7, 1834.
14. Calendar of Virginia State Papers, X (January 1, 1808-December 31, 1835), 32.
When Leigh moved to Richmond he lived at Clay and Eighth Street. It is not known what happened to his first wife but it must have been about this time that he married Susanna Colston who was born November 27, 1792. She was the daughter of Raleigh Colston and Elizabeth Marshall, a sister of John Marshall. Benjamin and Susanna had two children. It must have been within the next few years that Leigh met Julia Wickham, the daughter of John Wickham who lived at Clay and Eleventh Street, and fell in love. Whatever became of Susanna is not known but on November 22, 1821, Leigh married Julia and they had eight children. She was the granddaughter of the famous Doctor James McClung and Benjamin and Julia lived in the McClung house on the opposite corner from the Wickham house. The Wickham house was one of the best in Richmond and now is part of the Valentine Museum.

It was while Leigh lived in Petersburg that he entered politics. It was during this time that he was elected to his first public office and became known in the State. Here he not only began his service as a public servant but entered

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politics and later was a leader of the Whig Party. It will be best to consider how he began and its effects on his later life.
CHAPTER II
EARLY POLITICAL ACTIVITIES

Leigh began his political career as a lawyer. In fact, the reputation he gained as a lawyer gave him the confidence of his constituents. They saw in him the type of man they would like as a public servant. In this chapter will be presented Leigh's first activities on the state level which gave him a reputation which resulted in later service on a national level.

A. SERVICE IN THE HOUSE OF DELEGATES, 1811-13

While practicing law in Petersburg, Leigh gained the confidence of the people of Dinwiddie County. As a result they elected him as their representative to the state House of Delegates in 1811. He took his seat in the House at the beginning of the session on December 2, 1811 and served until February 23, 1813. During his term of office, he was very conscientious about his responsibility to the people and attended the sessions with great regularity. During the session of 1811-12 he attended 74 days and was absent only eight days.

Even though Leigh had had no experience as a Representative, he was now thirty years old and already a successful lawyer.

1. Earl G. Swem and John W. Williams, A Register of the General Assembly of Virginia, 1776-1918 (Richmond: Public Printing Office, 1918), 81, 83.
and gained several important committee appointments in the House. The most important was the Committee on Courts of Justice on which he served both sessions. This committee was to examine what laws expired since the previous session and those that would expire before the end of the present session and report to the House which of them were fit to be revised and continued. Here Leigh probably gained much valuable experience which he used later in recoding the laws. In the Session of 1811-12 he also served on the Committee on Privileges and Elections, which was to examine all election returns of the House members and compare them with election laws, the Committee on Propositions and Grievances, and special Committees to examine the Bank of Virginia and study the state of the Commonwealth. Other committee appointments in 1812-13 besides the Courts of Justice were the Committee on Finance and the Road Committee.

There are two areas in which Leigh played a prominent part in the House and they should be mentioned. They include the matter of instructing Congressmen concerning the United States Bank and his reaction to the resolutions adopted against Great Britain.

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The most important effort of Leigh while in the House was his resolution guaranteeing the State Legislature's right to instruct its United States Senators. This resolution rose out of the question of the recharter of the United States Bank. Many thought a United States Bank was unconstitutional as did the people of Virginia. The General Assembly on January 17, 1811, instructed Senators Richard Brent and William B. Giles not to vote for the recharter of the Bank on the grounds that it was unconstitutional and a violation of state rights. Many State Legislatures and especially Virginia thought that instruction was essential. In fact, it was the bulwark of liberty and a protection against consolidated government. However things did not happen as the General Assembly wanted. Brent voted for recharter of the Bank and Giles denied the binding power of the instruction but followed the instruction given.

Instruction may have been proper but it seemed that it was being used politically against Giles as it later was used against Leigh. Leigh in writing to Monroe in December, 1811, declared that the enemies of Giles were now attacking him on the grounds of instruction. The biographer of Giles claims

6. Ibid., Vol. 1810-11, p. 70.
that Leigh desired to shield Brent, and Leigh's resolution on instruction seemed to be against Giles because of his anti-administration attitude. It is known that Giles lost popularity in the state immediately after his denial of the binding power of instruction.

Virginia was not at all pleased with its Senators who had disobeyed the instruction. As a punishing measure John Tyler on January 14, 1812, presented a resolution to the House censuring the conduct of Brent and Giles. Tyler was only 22 years old and had not consulted with anyone on the matter. Since his resolution was very short and did not fully express the sentiments of the Assembly it was referred to a select committee of which Leigh was the chairman. On January 28th Leigh presented a substitute resolution that passed by a large majority. It proclaimed (1) that the Assembly disapprove the conduct of both Senators, (2) that state legislatures possess the right to instruct and it is the duty of the senators "to obey provided the instruction does not commit a violation of the Constitution or an act of moral turpitude," and (3) that no man should accept senate appointment who would not obey such instruction.

8. Ibid.
10. Ibid., pp. 105, 155-60.
In a lengthy preamble Leigh justified the practice of instruction. Anyone who reads the debates of Leigh can see that he was well informed about the government of England. Whatever argument he formulated he had proof for his belief from English practices. Here he showed that many in the House of Commons were firm believers in the right of instruction and would not vote until they found out the views of their constituents. American statesmen designed our Constitution so that constituents should have more influence over their representatives. He further justified instruction by saying that instruction is an essential principle of the representative system for a representative must express the will of his people. If the people have a right to instruct the State Legislature also has that power for it is not forbidden by the Constitution. He said the electoral college cannot instruct the president for it is only in existence a short time and represents many different views. Leigh brought out the fact that the General Assembly of 1799-1800 instructed its senators on the basis of 'state sovereignty' and yet the very man (Giles) who voted in approval then has now denied the obligation to obey instructions. To instruct means to command and "the right to command implies the duty to obey." Leigh brought in a precaution in saying that if a state instructs its senators to give a vote plainly unconstitutional, the senators are not bound to obey such instruction. Every case must stand on its own peculiar
circumstances. This latter statement was what Leigh based his argument on when he refused instruction as a Senator. Senatorial instruction was to play a large part in his life in the 30's.

Leigh's attitude toward the resolutions against Great Britain brought immediate results. There had been trouble between England, France, and the United States for several years in relation to trade and commerce. The United States felt that it had been treated unjustly and the Macon Bill of 1810 resulted in non-intercourse with England. This led to what is known as the War of 1812. Many groups as well as Virginia's Legislature made it known how they stood on the matter. It was on January 25, 1812, that Virginia passed three resolutions against England and favored war with her. Leigh being a peace-loving man did not favor war. All three resolutions passed with great majorities but Leigh voted against two and for the third. The two he voted against were (1) the approval of the government trying to obtain from Great Britain by negotiation a redress of the many wrongs inflicted upon us by her Orders of Council, and (2) the approval of war because "peace, as we now have it, is disgraceful, and war is honorable." After these resolutions passed Leigh voted for the resolution that Virginia would support the general government in its struggle against England.

11. Ibid., Vol. 1811-12, pp. 71, 75-6.
The nation was not ready for war. There were financial troubles for the United States. Bank Charter had run out in 1811 without being renewed. There was also a shortage of manpower in the regular army and navy. During the House session of 1812-13 Leigh voted against a resolution for Virginia to loan the United States Government money to build a warship. The bill passed. As British ships were seen off the coast, the people of Virginia were uneasy because the Virginia rivers were an easy access to trade centers. For this reason Leigh wrote the preamble to the bill establishing a defense for the state as the United States Government had not done so. From this evidence it can be shown that Leigh, while not in favor of war with England, supported most of the efforts of the government when war appeared inevitable.

One may wonder why Leigh was not in the House longer than he was. Although there is a lack of sources for that period there is some evidence that he was voted out of office by the Republicans who thought his views on the war with England obnoxious. Petersburg and Dinwiddie County favored war and were considered to be Jeffersonian Republicans but Leigh was against war. For this reason he was charged as being a Federalist by many. Brown of Petersburg in a speech in 1834 said

13. Ibid., pp. 162, 166.
that Leigh was in error regarding his war views but that the error was corrected when he came before a public assemblage in Petersburg as soon as war was declared and presented himself ready to take up arms and urged all to do so. Whether this was enough to satisfy the people is not known. "An Old Petersburg Republican" wrote in a letter replying to Brown's speech that Leigh was the lead man in a new party which opposed the administration of Jefferson and Madison. This party continued opposition to the administration even after the war began. Because Leigh opposed war and his attachment to this party he was turned out of office. To what extent the sentiments of the people were against Leigh and the effect it had on his political career cannot be said but it seems evident that his view on the war was not the accepted one of the people and did in some way effect his not being elected in 1813. This incident probably was the beginning of Leigh's anti-administration attitude which some say lasted from Jefferson to Jackson. Soon after the House session ended in 1813 Leigh moved to Richmond. Perhaps he thought that here he would find a little more harmony.

B. PREPARING THE LAW CODE OF 1819

As soon as Leigh moved to Richmond in 1813 he opened a

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\[14.\] *Richmond Enquirer*, March 4, 1834.  
law office and began to practice law. For several years he did not take an active part in politics. However, in March, 1819, the State Legislature thought it time to re-code the laws of the State and publish them. In looking for a man who had had the necessary experience for such a task as this, Leigh was chosen. He was to superintend the work, classifying the laws by subject matter, prescribing the order in which they were to be published, and make marginal notes of the contents. He could have the assistance of a clerk.

Leigh's experience as a lawyer and in the House helped him to code the laws. He spent many days in the process. On October 29, 1819, Leigh wrote to Governor James Preston saying he spent five months of continual application at a great loss and incalculable inconvenience from his law practice. He requested a compensation of $2,500. This task in itself gave Leigh invaluable experience in Virginia laws and it was said at the time of the Convention of 1829 that Leigh probably knew more about Virginia laws and history than anyone else alive. During the period of 1813-29, Leigh continued to practice law in Richmond except for two interruptions when he was employed by the State—the first to re-code the laws in 1819 and the other as a commissioner to Kentucky which will be considered next.

17. Calendar of Virginia State Papers, X (January 1, 1808-
December 31, 1835), 489-90.
C. MISSION TO KENTUCKY, 1822

Leigh was twice appointed as a commissioner to other states to settle important affairs. His first mission was to Kentucky in 1822 to settle a dispute between the two states over military land claims. In order to understand his mission, a knowledge of the background is necessary.

Virginia, upon recommendation of the United States Congress, gave land to the Revolutionary soldiers in payment for services during the war. Land for this purpose was set aside between the Green, Tennessee, and Ohio Rivers, and the Carolina line. A land office was set up in 1779. When the North Carolina line was extended in 1781, grants within the North Carolina boundary were relocated between the Tennessee, Ohio, and Mississippi Rivers. This land was not located by survey but warrants were held by the claimants. When the surveying began in 1783, it was found that the land west of the Tennessee River was claimed by Indians so the survey was suspended the next year without many of the claims being located. The Treaty of Hopewell was signed by the Chickasaw and Cherokee Indians with the United States Government in 1786 giving the Indians the land west of the Tennessee. This treaty was valid until 1818. When Kentucky became a state in 1789, an agreement was made that all unlocated military claims granted by Virginia
should be exempt from Kentucky disposition until May 1, 1792.

This meant that Virginia had until May, 1792 to locate the claims without interference from Kentucky. However, the claims could not be located west of the Tennessee River by 1792 because that land rightfully belonged to the Indians granted to them by the Treaty of Hopewell. When this treaty ran out in 1818, Virginia began settling its claims in Kentucky but Kentucky protested. Kentucky had appointed commissioners to bring their case before Virginia but Virginia could not accept their offer and a committee appointed by the Virginia General Assembly recommended that a commissioner from Virginia be appointed to request Kentucky to honor the claims west of the Tennessee.

Leigh was appointed commissioner to Kentucky on March 4, 1822, to present to the Legislature of Kentucky the resolution adopted by Virginia to the effect that Kentucky provide by law for the location of the unsatisfied military warrants west of the Tennessee River. If Leigh did not succeed he was to

18. Report and Resolution of the Committee, to whom the Memorial of the Officers and Soldiers of the Virginia Lines, was referred (Richmond: Thomas Ritchie, 1821), pp. 3-5; Speech of Mr. Leigh on the Subject of Military Land Claims, Delivered before the Legislature of Kentucky, May 17, 1822 (Pamphlet in Virginia State Library), pp. 2-7.


20. Report and Resolution of the Committee, to whom the Memorial of the Officers and Soldiers of the Virginia Lines, was referred (Richmond: Thomas Ritchie, 1821), pp. 11-2.

ask the Kentucky Legislature to cooperate with Virginia in organizing a board of commissioners as set forth in the eighth article of the Compact made between the states in 1789.

Leigh arrived at Frankfort on May 8, and was given a chance to speak before the Legislature on May 17. He began by giving a review of the laws regarding land claims. He said that Virginia was proud of her children and was now appealing to her for justice. The argument that Leigh used was that the title to the land depended only on the mere fact of service in the war and the location was not necessary nor was there a time limit on it. The location of the land was only to let a claimant enjoy it and was not necessary for the claim to be valid. Even when a land is conquered, the conqueror must respect the rights of private property. Surely, Virginia could secure the same respect from Kentucky, her daughter, that she would receive from a conqueror. Leigh continued by saying that the Compact of 1789 had been misunderstood by Kentucky and even Kentucky laws protected the unlocated claims but the Hopewell Treaty prevented the location of these claims. The term 'residue' in the Compact, which referred to the land Virginia granted to Kentucky to dispose of, could only refer to the land left over after all military warrants had been

satisfied. Virginia had only one twentieth of the land needed to satisfy the claims and needed another 250,000 acres. He brought his speech to a close by saying that honor was the dearest possession of a state, that justice was the most profitable policy, and that national character was worth much more than the whole tract between the Tennessee and Mississippi. In his speeches and debates, Leigh was a shrewd politician in that he always appealed to the reason and respect of his listeners. This was one reason he was a great debater.

Unfortunately, the Kentucky Legislature did not accept the request of Virginia; therefore, they resorted to a board of commissioners to settle the matter. Henry Clay was appointed by Kentucky to work with Leigh in drawing up the duties of this board. Leigh and Clay met at Lexington, Kentucky, on June 5, to draw up the documents presenting the terms on which the board would be organized. Two documents were presented to the Kentucky Legislature on October 24, whereby two commissioners from each state would be elected. Kentucky accepted the terms and appointed its commissioners. The Virginia Senate rejected the

The rejection by Virginia should not be blamed on Leigh for he did what he was instructed to do. If he could not convince Kentucky of the position of Virginia then he was to set up a board of commissioners. That is what he did. He later wrote to Clay expressing his regret that the Virginia Senate rejected the resolution but felt the people of Virginia did not have any hard feelings against Kentucky except a bare majority in the Senate. He expressed the feeling that the Senate would yet consent to the terms. After this Leigh was relieved of his duty and the matter was finally taken to the Supreme Court. Leigh then came back to Richmond to his law practice until being elected as a delegate to the Convention of 1829. Before considering his activities in that Convention it would be best to find out his attitude towards the politics of the day.

D. OPPOSITION TO JACKSON

It will be well to trace Leigh's break from the Republican Party which resulted in his anti-administration attitude and brought about severe opposition to Jackson. Leigh did not take

a very active part in the politics of the day but did let his views be known. In fact there is some evidence that he entered politics through the Richmond Junto which was considered to be the powerhouse of the Republican Party in Virginia. He took part on some of the committees of this group but was probably a minor member. In the election of 1808, Leigh along with a few others supported Monroe whereas the Junto supported Madison. This probably was Leigh's first break-off from the Party. In fact, Leigh was probably the leader of this group that broke from the Junto and was what "An Old Petersburg Republican" had reference to when he wrote that Leigh was the head man of a new party opposed to the Administration. Apparently Leigh made a total break later for he stated that he did not like the strong party that had been running Virginia politics for the previous twenty years. In a letter written to Henry Lee in November, 1824, Leigh said he had been banned a heretic as far as politics goes and had been "excommunicated from every political sect." He said the Virginia Party (Richmond Junto) had ruled absolutely and "enfeebled the public mind" and he would like to see it removed.

30. Ibid., p. 403.
32. Leigh Papers (MSS in the Virginia Historical Society Library), Sec. 1, Pt.2, Item 15.
Leigh was one of the early men to come out against Jackson as soon as the General showed political ambitions. As early as 1818, Leigh wrote under the name of Algernon Sydney several articles in the *Richmond Enquirer* concerning the defense of civil liberty and against the encroachment of military despotism. In these articles he charged Jackson with "offences against all the rules of military discipline, against the Constitution of the United States and of such of the states as have been the scene of his operations, and against the laws of nature and nations." He pointed out the offences Jackson had committed in his military career and charged Jackson and Adams with injustice in the trial of Arbuthnot and Ambrister.

Leigh did not go along with the majority in the elections of 1824 and 1828. In a letter to Henry Lee in 1824 he expressed the opinion that Virginia would vote for Crawford and Macon in the election that year. He said that if the election went to the House for a decision between Jackson, Adams, and Crawford, he thought Crawford would be the victor. In a House decision between Jackson, Adams, and Clay, then Adams would be the victor instead of Clay because of Clay's scheme of protective duties. A decision between Jackson and Adams, then Jackson would win. Leigh predicted rightly that Virginia would go for Crawford. In 1824, Leigh supported Clay and was in opposition.

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to Adams and Jackson but would prefer Adams over Jackson.

After 1824, there was a move in Virginia for an Anti-Adams man. Governor Giles was a Jackson supporter and the Richmond Enquirer supported Jackson while the Richmond Whig was the principal Anti-Jackson paper. Still Leigh was Anti-Jackson. He said that he would take neither Adams nor Jackson for his masters in constitutional law much less in the doctrine of the cardinal virtues. In speaking of Jackson he said chivalry was not a redeeming characteristic and did not cover his multitude of sins. His two main reasons for opposition to Jackson were: (1) his lack of ability as a political leader, and (2) his weakness of mind in saying the writ of habeas corpus did not apply to the territories of the United States. The only talents Jackson had displayed were military talents and Leigh even doubted Jackson had any remarkable capacity for war. He spoke of Adams as John 'Quill-driver' Adams and said there was a littleness about him. Leigh would prefer New England policy and politicians rather than Jackson's Tennessee set.

In speaking of the election of 1828, Leigh in a letter of 1826 to Henry Lee stated that Virginia would go for Jackson.

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34. Leigh Papers, loc. cit.
36. Leigh Papers, loc. cit.
but he still would vote for Jackson and Adams as a last resort.

Even though there was an Anti-Jackson sentiment in Virginia, Jackson was given a 2-1 vote. This opposition of Leigh to Jackson was significant in that it was responsible for his actions later in the United States Senate. Actually, the Anti-Jackson views of Leigh and others was the beginning of the Whig Party in Virginia. This is most likely the time when Leigh broke completely from the Richmond Junto.

This chapter has presented the political activities and views of Leigh from the time he entered his law career until he was elected a delegate to the Convention of 1829. These activities were interspersed with his law practice. The next major activity is that of the Convention of 1829 which will be considered in the next chapter.

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37. Letters of Benjamin Watkins Leigh, 1819-29 (MSS in the Virginia Historical Society Library), Letter Book "L".
CHAPTER III

CHAMPION OF EASTERN VIRGINIA

Since the Virginia Constitution was formed in 1776 there had been a struggle between Eastern and Western Virginia over representation, suffrage, and taxation. There was so much agitation that a solution had to be found. That solution was a Constitutional Convention in 1829-30 to form a new Constitution. This chapter deals with Leigh's conduct and beliefs as a leading figure in this Convention.

A. EVENTS LEADING TO THE CONVENTION

In 1828, the House of Delegates was quite unbalanced according to the population of the State. The transmontane country had a white population of 254,196 with eighty delegates, while the cismontane country had a white population of 342,873 with one hundred and thirty-four delegates. Suffrage was based on a freehold qualification. A freehold was the ownership of real property or an estate. To vote a person must have a freehold of fifty acres of land. Taxation was another problem as the East paid $3.24 in taxes for every dollar paid by the West. The West was dissatisfied with the existence of the governor's council and thought the county court system was run by only a few. Thus the people in the West were

ardent reformers while the conservative East generally wanted to leave the Constitution as it was to protect their interests.

Leigh, being from the East and a conservative, from the first did not favor a Convention. In fact, while in the Legislature in 1811 he moved to postpone indefinitely the decision on a resolution suggesting that the people vote on the question of holding a Constitutional Convention. As the demand for a Convention grew stronger Leigh thought it best to let his views be known on the calling of a Convention and what should be considered, so he published his views in the Richmond Enquirer in April, 1824. In this publication he declared that no Convention should be called and he defended the present Constitution by saying that what had stood the test of time without change must have a firm foundation. Reform and change would serve only to destroy old foundations. This was not a very impressive argument to the West for it was these very foundations that were limiting their freedom.

In the same publication Leigh reviewed some of the arguments of abuses put forth by the West and gave his answers as to why he thought they were unjustified. In brief here are the three main complaints and Leigh's answers. (A) The West thought the Executive Council should be abolished to which

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3. Substitute Intended to be Offered on the Subject of a Convention (Richmond: Shepherd and Pollard, 1824), pp. 2-25. Reprint in pamphlet form from Richmond Enquirer.
Leigh said that the Council was established in order to have a true republican government and to take away power invested in one man, the governor. (B) The West had three complaints in the judicial department: (1) To the whole system of chancery courts. Leigh answered that if the jurisdiction of these courts was changed to Circuit Courts, it would result in such a demand on the Circuit Courts that there would be faulty transactions. (2) To the County Court system which had legislative and executive as well as judicial power. Leigh said the County Courts were the cheapest system of justice ever devised. (3) To the lack of any provision to remove super-annuated judges. Here Leigh pointed out the good of Judge Roane who would have been removed under such a system. (C) There were four complaints of the West in the legislative department: (1) The inequality of representation. Leigh by dividing up the state in three parts said the Tidewater and mountain sections could outvote the slave middle section which had the most population. He said there were only two ways to equalize representation: (a) to have a proportional representation according to population which would increase the House to an unreasonable number, or (b) to equalize counties into districts of equal population. The main objection to this is that in the West a district would be so large that the delegate would not be able to represent the local and varied interests of so large a territory. (2) The freehold qualification of suffrage.
The argument of the West was that "all men are by nature equally free and independent, and have certain inherent rights" but Leigh said the right of suffrage was not a natural right but one given by the law of society and therefore must be defined and regulated. (3) The number in the House of Delegates was too large and was an economic burden. Leigh said that to reduce the number in the House would not necessarily cut expenses. A smaller number would bring about more duties on each Delegate and result in a request for an increase in salary. For economy, let the Delegates cut their wages one-half. (4) The union of executive and judicial powers with the legislative. Leigh said that through a study of the Constitution it was difficult to imagine where the judicial powers are limited and where they are not limited. As a conclusion Leigh said that the present Constitution is the best that could be formed and should not be changed.

Leigh probably did not expect the West to accept his arguments fully but hoped they would help the West to see the position of the East. Opposition came soon in August in the form of a letter from Samuel Kercheval of Frederick County who disagreed with Leigh on the idea of suffrage, the County Court system, and who proclaimed himself for free white population as a basis of representation. The West took up the arguments of

Jefferson who favored reform just as the Enquirer did.

It was not until 1828 that the General Assembly acted to place the question of calling a Convention before the people, and after a Convention was approved by a large majority, the people elected four delegates from each of the senatorial districts. Leigh was elected from the district of Amelia, Chesterfield, Cumberland, Nottoway, Powhatan, and the Town of Petersburg. When the Convention began in October, 1829, there had assembled one of the greatest group of men to ever assemble in Virginia. The group included two Ex-Presidents, Madison and Monroe, Chief Justice John Marshall, and several men who had distinguished themselves as Senators, Judges, or as Governor of the State. These men were chosen not along party lines but according to their qualification to promote and protect the interests of the people they represented.

B. LEIGH AS THE CONSERVATIVE LEADER

The Convention organized itself around four committees which would bring in proposed changes to the Constitution. Leigh was made chairman of the committee to study the Legislative

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5. Niles' Weekly Register, XXVI (March-September, 1824), pp. 117, 179; Richmond Enquirer, April 27, 1824.
7. Ibid., p. iii.
Department of the government. On this Committee twelve of the twenty-four were reformers, eleven were conservatives, while Madison refused to concede to either side. The reformers, led by Philip Doddridge, stood for white basis of representation in both houses and a general extension of suffrage. The conservatives, led by Leigh, favored a ratio of white population and direct taxes as a basis of representation in both houses. Another leader of the West was Chapman Johnson, an old friend of Leigh since college, but now they were not only to differ in their views but to lead the columns of their respective forces. It seemed that their friendship at times flickered, yet "they were never insensible of the sympathy which united them."

Such were the conditions Leigh faced in the Committee and Convention as he led the conservatives. Ambler says there were three classes of political thinkers; the reformers, the old conservatives such as Madison and Monroe, and the new conservatives such as Leigh and Abel P. Upshur. The latter group attacked nationalism, protected their aristocratic rights, and stood for a practical application of Mason's Bill of Rights.

10. Ambler, op. cit., p. 147.
In the Legislative Committee, Leigh stood for white population and taxation as a basis for apportionment of the House, but the West won out with white population by the vote of Madison. Editorially the Enquirer was for white population as a basis. In regard to suffrage Leigh stood for the freehold qualification but the Committee voted to extend suffrage. The Committee agreed to reduce the number in the House. The recommendations of this Committee were far from what the East wanted so it was in the Convention itself that the eastern delegates fought for their rights.

Since the Convention spent most of its time on debating the question of representation and suffrage, the activities of Leigh in relation to these questions and others will be given separately. First will be considered the basis of representation in the House.

The Legislative Committee recommended white population as a basis of representation in the House and no change in the Senate. However the East proposed to change this to a basis of white population and taxation or what was known as the mixed basis. The West through Cooke defended the white basis by the Bill of Rights which stated that all power was invested

13. Richmond Enquirer, October 17, 20, 1829.
16. Ibid., p. 53.
in the people who were by nature equally free and through the belief in the right of majority rule.

Leigh made one of his most brilliant speeches in defending the mixed basis. His arguments were based on taxes and slaves of the East and his interpretation of the Bill of Rights. He said the East paid $3.24 in taxes for every dollar by the West. By the white basis the West would be able to control the body which levied taxes and could spend money for internal improvements which the East would pay for and the West benefit from. The "representation will rise in the Mountains, and overflow and drown the Lowlands; while taxation, rising in the Lowlands, and reversing the course of nature, will flow to the Mountains, and there spend, if not waste its fertilizing streams, over every narrow valley and deep glen, and mountain side." Give him the liberty in the English sense, requested Leigh, where the pursestrings are in the hands of its owners. Leigh put a different interpretation on the Bill of Rights when he said that the Bill enumerated property as equally sacred as life and liberty and in order to have happiness which the Bill guaranteed as inherent one must have property. The government that fails to produce happiness and protect property as well as liberty should be abolished. He said "liberty is only a means; the end is happiness. It is the

17. Ibid., pp. 54, 58.
wine of life; but like other wines, it must be used with temperance, in order to be used with advantage; taken to excess it first intoxicates, then maddens, and at last destroys."

In one part of Leigh's debate there is a section that played an important part in the politics of the 30's and must be quoted:

In every civilized country under the sun, some there must be who labor for their daily bread, either by contact with, or subjection to others, or for themselves. Slaves, in the eastern part of this State, fill the place of the peasantry of Europe—of the peasantry or day-laborers in the Alleghany... men who tend the herds and dig the soil, who have neither real nor personal property of their own... these by this scheme, are all to be represented—but none of our slaves, and yet in political economy, the latter fill exactly the same place... I ask gentlemen to say, whether they believe, that those who are obliged to depend on their daily labor for daily subsistence, can, or do ever enter into political affairs? They never do, never will, never can....Now what real share, as far as mind is concerned, does any man suppose the peasantry of the west...can or ever will take in affairs of State.

The above remarks caused an immediate resentment on the part of the West and Leigh was burned in effigy in Harrisonburg. The Enquirer and Niles' Register decried this action as 'improper.' Even though both did not agree with Leigh they called for 'positive argument' and not 'violent language' against him.

20. Richmond Enquirer, November 24, 1829; Niles' Weekly Register, XXXVII (September, 1829-March, 1830), pp. 210, 225.
This violent reaction against Leigh was to do him great harm during his years as a senator.

After a month of debate, the plan of mixed basis was defeated but Leigh naturally voted for it. Many plans were presented to bring about an agreement for a constitutional basis. Leigh's plan was Federal Numbers for a basis in the House. Federal Numbers is the combination of white population plus three-fifths of the slave population. This plan was defeated by two votes with Madison and Marshall in favor.

Since there seemed to be a deadlock, the decision on the constitutional basis was dropped and the Convention turned to the task of trying to even out the unfair representation in the House without adopting any constitutional basis. There were five compromise plans presented. Leigh offered a plan for a House of 126; East receiving 77, and the West, 49. It provided that the number of counties in the West could be increased and given delegates provided the House never exceeded 130. By this the East would have always retained the majority. There was to be no constitutional basis, but the apportionment proposed was on an average between the white and mixed basis. This plan as well as the others was not suitable to the West and was voted down because they provided no basis.

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22. Ibid., pp. 494-5.
for future apportionment. As far as future apportionment was concerned, Leigh voted for an average of the white basis and Federal Numbers but this was unsatisfactory to the West. In regard to future apportionment, Leigh presented a plan for a House of 139, 56 from the West and 83 from the East. The East was to have no more new counties, but ten could be formed in the West. Representation could be increased with the population, provided the House never exceeded 160. This meant that 21 more members could be added but even if the West got all, the East would still have a majority of six. Leigh said this plan had a provision for settling the controversy hereafter where the others did not. Cooke opposed Leigh's plan for he said it gave the Legislature power to do as it pleased in giving additional representation to the West. Leigh's plan was rejected by a vote of 66-30.

Finally, a select Committee was appointed to draw all the resolutions of the Convention into the form of a new constitution. Leigh was on this Committee along with Madison, Marshall, Doddridge, Johnson, Tazewell, and Cooke. After several

23. Ibid., pp. 668, 671.
25. Ibid., pp. 679-80.
interchanges between the Committee and the Convention, a House of 134 and Senate of 32 was adopted and this is the way it appeared in the new Constitution. No constitutional basis was adopted and this is one of the reasons that the West did not approve of the Constitution. The new Constitution also gave the Legislature power to reapportion every ten years provided the number from each district should not be increased or decreased. However, it gave the Legislature the authority after 1841 to make reapportionments by two-thirds vote provided the House did not exceed 150 and the Senate 36. Leigh voted in favor of these measures as they still provided a majority for the East. 27

Second only to representation was the struggle for an extended suffrage. The West quoted Jefferson as an advocate of manhood suffrage and appealed to reason and rights of the individual. Some in the East favored an extension of suffrage but generally based on landed qualifications. The Legislative Committee had recommended that suffrage remain on the freehold qualification, provided the freehold was a certain value and that suffrage be extended to those who owned a vested estate.

and to those who held a leasehold of a certain value, and to taxpaying housekeepers or householders. A leasehold was considered a tract of land that had been leased by a person. A housekeeper or householder was considered a master or head of a family. This recommendation was satisfactory to neither the West, who wanted free manhood suffrage, nor the East who wanted to place a specific minimum value on the small freeholds but could not agree as to what valuation was to be required.

Leigh presented one of the compromise plans in which he wanted to extend the suffrage to an estate freehold, tenant or joint-tenant, a reversion, and a leasehold of a certain value. He desired to keep the franchise from the hands of the housekeepers. He was for freehold suffrage and only extending the right to such as come within the reason on which the principle itself was established by our forefathers. I say, so that the freehold landed qualification—though it is not absolutely perfect...is still...—the best criterion for ascertaining the class most worthy to be entrusted with the political powers of the State. If we can find a rule which will exclude the fewest of those who on any account ought to be excluded, with that rule we ought to be content. And I shall forever maintain, that the freehold qualification is that rule. It is remarkable that if any evil arise in any of the states South of us, it never takes a northerly direction... whereas if any plague originate in the north, it is sure to spread to the South and to invade us sooner or later: the influenza—the smallpox—

30. Ibid., p. 393.
Universal Suffrage—all came from the North—and they always cross above the falls of the great rivers... 31

Leigh further defended his view that the right of suffrage is not a natural right but it supposes a state of society. The freehold qualification is not an exclusion for it is possible to acquire a freehold of the proper amount which will give them the right to vote for only fifty dollars. Neither is it an oligarchy because four-fifths of the people control the government. The introduction of the ballot is an acknowledgment that the right is extended too far and to men who cannot give an independent vote. Leigh's amendment was voted down by 51 to 37, Monroe in favor of it. 32

In the remainder of the voting Leigh voted against suffrage for the householder, but not to disqualify anyone who already had a vote. The new Constitution gave the right to vote to those who possessed: (1) a 25 acre freehold of improved land acquired before 1830, (2) a 50 acre freehold of unimproved land acquired before 1830, (3) a $25 freehold, (4) a $25 joint tenancy, (5) a $50 reversion, (6) a five year leasehold of annual rent value of $20, and (7) a paying housekeeper being the head of a family. Leigh voted against this because it granted suffrage to householders and he said some

32. ibid., pp. 398, 402, 406, 432.
householders would have a vote and the small freeholder would not.

Another important matter Leigh took part in was the term of office for the Governor and the Executive Council. The Executive Committee had recommended that the Executive Council be abolished and no other organized in its place. An amendment was made to establish a Council of three but that the Governor would not be bound by their advice. Leigh voted against this for he said if this was done the Governor would be a monarch. He wanted a Council of four, one being elected every four years so as to have a continuous body.

When the original recommendation to abolish the Council came up, Leigh voted against it but it passed. However later a new amendment was offered providing a Council of three, one being elected every three years, and the Governor should seek their advice. This is as it appeared in the new Constitution and Leigh supported it wholeheartedly.

The fourth matter Leigh took an active part in was the discussion on the county court system. The Judiciary Committee had recommended that this system remain. However there was a move on to abolish the county courts. Leigh was not in favor

33. Ibid., pp. 636, 638, 827, 900.
34. Ibid., p. 34.
35. Ibid., pp. 588-92, 594, 596.
36. Ibid., pp. 720, 855-6, 901.
of abolishing the county courts because they accomplished nine-tenths of the Judicial business of the State and were the cheapest. To abolish them would mean that the people would get a 'pettifogger' too young to understand his profession or with not enough brains to acquire it, while the present judges were pure and dignified. The county courts were not a family affair as some charged and to abolish them would be more expensive. When the final vote was taken it was decided that the county courts be kept and the Legislature was given power to establish any Superior Courts it saw fit. This was one time the Enquirer praised Leigh in an editorial stating that Leigh's speech on the county courts was "one of the happiest efforts he has made during the present Convention."

After three months of deliberations the new Constitution was voted on and passed by a vote of 55-40, Leigh voting in favor. The West was not satisfied with it and only one from the West was in favor of the new Constitution. Indeed it was a victory for the East.

It may be interesting to some to see how Leigh's views differed from or were like those of other men in the Convention. Leigh's brother, William, was also a member of the Convention and was a delegate from Halifax. William did not

37. Ibid., pp. 502, 513-16, 530, 901.
38. Richmond Enquirer, December 3, 1829.
take an active part in the Convention and did not make any major speeches. As a result his views cannot be truly presented but some indication can be made by the way he voted on the major issues. He voted the same on most of the major issues as his brother so it can be assumed that he had about the same views as his brother. He may have differed on many minor points but their major views were about the same.

It is interesting to note the difference between Leigh and Madison, Marshall, and Monroe. Monroe was elected president but was not able to keep this office because of ill health. However he was for a landed qualification for suffrage and he approved of Leigh's plan for suffrage. Madison and Monroe were the leaders of the old conservatives who were devoted to the teachings of 1776 and were strict constructionists. Madison was on the Legislative Committee and was a neutralist in the Committee as he refused to concede to the reformers or the new conservatives. Both Marshall and Madison voted against Leigh's plans of future apportionment and his plan of suffrage. Both approved Leigh's plan of Federal Numbers as a constitutional basis for apportionment in the House. However Madison probably leaned a little more to reform for he approved

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40. Ibid., pp. 341, 680, 432, 638, 827, 720, 856, 882.
41. Ibid., pp. 2, 432.
42. Ambler, op. cit., p. 150.
43. Ibid., p. 147.
giving the vote to householders. Marshall disagreed with Leigh and wanted the Executive Council abolished. All of them voted for the Constitution in its final form.

Leigh was highly praised for his service in the Convention by letters from Amelia, Nottoway, Chesterfield, and the Town of Petersburg. They applauded his eloquence and boldness at the front of battle and the honest zeal and fidelity he showed. However the West was bitter against Leigh for his strong conservative stand. In their resolution to stand firm against the Constitution, the people of Wythe used such language as "the bastard foetus of Benjamin Watkins Lee [sic]" to show their distaste to him. Even within the Convention there was a strong resentment against Leigh by the western delegates because of his conservative stand. He said in one debate that the West had "thought him an aristocrat and were ready to fix the name of maddog upon him; and to keep clear of all communication with him, for fear of a bite."

In the Convention one can readily see that Leigh was strictly a conservative and stood for the preservation of the tried, tested and proved doctrines of republican government. Concerning the basis of representation he stood for the

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45. *Richmond Enquirer*, December 17, 1829; January 9, 12, 1830.
mixed basis in the House and white basis in the Senate. He was in favor of extension of suffrage but within the bounds of a landed qualification. He declared the county court system the best that had been devised and stood firmly for an Executive Council. All of these he thought necessary for the type of government that had been established by his forefathers. His actions in the Convention did much to make him known in the State, the East generally approving and the West disapproving. However these sentiments paved the way for greater service and dispute in the next decade. Leigh became so well known in the State because of this Convention that he immediately became a controversial political figure which resulted in his becoming a senator only four years later. The next chapter will present his activities before his election as a senator.
CHAPTER IV
THE QUIET BEFORE THE STORM

After the Convention of 1829-30, there developed a quick succession of events which brought disturbance to Virginia. First, there was the Turner Insurrection and the Slavery Debates of 1831-32, followed quickly by the South Carolina Nullification, and then the question regarding the United States Bank. This chapter will give Leigh's relation to these events before being elected to the Senate in 1834.

A. The State Legislature and Slavery

Leigh went back to private life after the Convention but not for very long. The people of Nottoway requested the people of the City of Richmond to elect Leigh to the next Legislature. It was stated that his services would be needed in organizing the Courts of Justice. The people of Richmond and Henrico alone had the right to elect him because he was a resident in that district.

Leigh was elected to the House of Delegates from Henrico County for the session of 1830-31 and he served on the committee on Courts of Justice and the committee on Privileges and Elections. He did not take a lead here as he did in the

1. Letter signed "Nottoway," Richmond Enquirer, February 20, 1830.
Convention, but it was important that he be in the Legislature, for this session had to make important decisions on the new court system. The new Constitution gave the Legislature right to establish new superior courts as it saw the need. Leigh served on the select committee which considered the bill to establish law and chancery courts in each county. Leigh was in favor of these courts. This bill established the court in Halifax in which his brother, William, became the famous judge.

Leigh was not in favor of a reorganization of the Court of Appeals. He was one of the seventeen who voted against the bill which provided that this court be made up of a president and four judges. Another important bill was the bill to regulate the general elections which Leigh generally favored. These are a few of the important bills in this session and Leigh's vote. The main accomplishment of this session was the establishment of the new circuit courts.

In the summer of 1831 there was a slave insurrection in Southampton County led by Nat Turner. Most of the 1831-32 session of the General Assembly was taken up with debate on the slave rebellion and abolition. Leigh was not in the Legislature and did not take part in the debates, but he did let his views on slavery be known through the newspapers. Leigh himself was

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4: Ibid.
5: Ibid., pp. 271, 281.
a slaveholder and by conviction an unyielding conservative.
He could see nothing wrong with slavery. Leigh published
several letters in the Enquirer under the name of "Appomattox"
in which he gave his slavery views. He said that there was not
a panic in the State over the insurrection as it was argued in
the debates to justify colonization and abolition. He stated
that if another insurrection broke out it would not be attributed
to Negro fanatics nor to incendiary writings from the North but
"to measures proposed and to speeches delivered, in our own
legislature,..." He was against the Randolph Plan of abolition
whereby the State would buy slaves and work them to pay for
their freedom. Leigh stated that this would cause an evacuation
of the State. In speaking of abolition he said

necessity is no argument. We lie under an invincible
necessity to keep them here...a necessity imposed
upon us by Providence...Providence...sent them hither;
... Providence (imposed) that here they shall remain;
and Providence, in its own good time, will dispose
of them and us according to its wisdom.7

As a precaution Leigh recommended that arms and ammunition be
provided for defense against further insurrection, that southern
citizens send no one to the Legislature who is in favor of
abolition or colonization, and that the people of slave holding

6. Joseph Clarke Robert, The Road From Monticello, A Study
of the Virginia Slavery Debate of 1832 (Durham, North Carolina:
Duke University Press, 1941), p. 44.
7. Letter of "Appomattox" to the People of Virginia, Richmond
Enquirer, February 4, 1832.
territories discourage circulation of the Virginia abolition presses.

"Jefferson" in answer made free with Leigh's "long-winded essay" and the Congressional Whig editorially claimed that Leigh had been out-argued by mere striplings in the Legislature. However, Leigh found a receptive audience among the eastern conservatives preparing to dispute the re-election of any delegate who had favored abolition during the 1831-32 session. Later in the Senate in one of his speeches, Leigh said that Congress did not have the right to free slaves as they were private property and that a slave-holding society was the happiest on earth. He severely criticized an abolitionist book by Edward Channing. This review gives some insight into the way Leigh felt about slavery. It seemed that he thought slavery to be good and necessary for the economic system of the South and did not favor abolition or colonization.

B. COMMISSIONER TO SOUTH CAROLINA, 1833

The second mission on behalf of his State was the trip to South Carolina during the Nullification issue. The Tariff Bills of 1828 and 1832 were drawing a large amount of revenue from the South and were burdensome on the South. On November 23, 1832,

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8. Ibid.
10. Register of Debates, Twenty-Fourth Congress, First Session (Washington: Gales and Seaton, 1836), XII, 188-201, 779-810.
a special convention in South Carolina adopted, by a vote of 136-26, an Ordinance declaring the Tariff Acts of May 19, 1828 and July 14, 1832 null and void. This Ordinance was to go into effect February 1, 1833 and gave the right to secede if force was used against the State.

This caused a stir in Virginia as well as throughout the nation. Most of Virginia believed in State Rights but did not want a collapse of the federal union. The Enquirer did not sanction the course of South Carolina and said Virginia should be a peace-maker instead of an umpire between the Federal and State clash. All eyes were turned upon Virginia to see her course of action.

Accordingly, on January 21, 1833, the General Assembly adopted a resolution (1) to request South Carolina to rescind the Ordinance until the close of Congress, (2) to ask Congress to reduce the tariff, (3) to reaffirm the doctrine of state sovereignty as set forth in the Resolutions of 1798-9, but did not consider them as sanctioning the proceedings of South Carolina, and (4) to appoint a commissioner to proceed to South Carolina and communicate the resolution. Leigh was unanimously

elected as that commissioner. The Enquirer hailed Leigh as worthy of the honor and said he was no nullifier but a devout friend of the Union and State Rights. Leigh had already represented Virginia at an anti-tariff convention at Philadelphia late in 1831.

Leigh left Richmond the next day and arrived in Charleston on February 3. The following day he had an interview with Governor Hayne at which time he communicated to him the resolution of Virginia. It was sent on to General Hamilton who called another convention. The Virginia Legislature instructed Leigh to remain in South Carolina until the convention and to fulfill his mission. Leigh was given a warm welcome to Charleston and the city council gave a dinner in his honor in which State and City dignitaries were present.

On March 11, Leigh went to Columbia for the convention and he was invited to speak. After consideration of the Virginia Resolution, the convention on March 15, by a vote of 153-4,

15. Editorial in Richmond Enquirer, January 29, 1833.
19. Ibid., p. 177.
20. Richmond Enquirer, February 12, 1833.
rescinded the Ordinance of November 23, 1832, but stated that the Force Bill was null and void. Thus Leigh had completed his mission successfully. This did a great deal to get his name before the people of the State and nation and is probably the major event that led to his being suggested for President. In fact, this was first mentioned while he was in South Carolina. This is the reason it can be said that this period in his life was the quiet before the storm broke over his views concerning the Bank question. By this mission he had declared himself to be anti-tariff and not a nullifier. This stand along with his stand on the United States Bank later were the major issues that contributed to his being elected as Senator. This will be given in the next chapter.

21. Ibid., March 12, 1833; Houston, op. cit., p. 131.
CHAPTER V
THE CROWNING YEARS

The South Carolina Nullification began a movement in Virginia back to State Rights. This fact along with Jackson's Proclamation, the Force Bill, and his removal of the deposits from the United States Bank brought a rapid development of an anti-Jackson sentiment in the State. This sentiment against Jackson was the foundation of the new Whig Party. This chapter will give Leigh's political activities as a Senator in relation to this movement resulting in a sharp political difference.

A. EVENTS LEADING TO ELECTION AS SENATOR

Many of the states looked to Virginia in dealing with the Nullification issue. What she did would influence the outcome of the entanglement between federal and state governments. Leigh had been supported by all parties in Virginia when he was elected as commissioner to South Carolina. His activities in representing Virginia had brought him to the attention of the nation. After the Proclamation by Jackson and the passage of the Force Bill, there was an anti-Jackson sentiment in eastern Virginia. The West generally supported Jackson.

Since there was such an anti-Jackson sentiment, there was

as early as 1833 a considerable discussion in Virginia as to
the next President. The man most often mentioned was Leigh.
Several counties in eastern and southern Virginia, among them
Lunenburg, Powhatan, Nottoway, Amelia, Essex, King and Queen,
and Mecklenburg, had meetings in which Leigh was endorsed. 2
The reason probably was that Leigh was a Clay supporter, was opposed
to Jackson's Proclamation, and was a Southerner. A letter in
the Enquirer signed "Curtius" gave further reasons for his support
in that he was not partisan to any party, was uncommitted in his
political sentiments, and would guard against consolidation and
nullification. However there was some opposition generally
in the western papers, among them the Kanawha Banner, Staunton
Spectator, Warrenton Spectator, and Romney Intelligencer, because
of his attitude of hostility to the West in the Convention of
1829-30.5 The Enquirer thought that the movement toward Leigh
was premature and refused to endorse anyone yet.

Some of Leigh's supporters urged Leigh to let his views be
known through the newspapers on such subjects as nullification,
tariff, Bank Charter, and internal improvements. They hoped

2. Richmond Enquirer, August 2, 27, September 10, 13, 17,
and October 1, 1833.
5. Richmond Enquirer, August 6, 1833; Richmond Whig, August
16, September 10, 1833.
7. Letter of "Yellow Jacket," Richmond Enquirer, July 26,
1833.
this would bring him before the people and give him more support. However, no reply came from Leigh. In a private letter he said that he was not a candidate for office and to answer the questions put to him would seem that he was electioneering and would amount to a pledge to one party or another. This movement died down when the controversy arose over Jackson's removal of deposits from the Bank. It had, however, brought Leigh to the attention of the people and may have helped to pave the way for his election to the Senate.

The actions of Jackson on the Bank question were definitely related to Leigh's being elected to the Senate. Jackson's veto of the re-charter in 1832 brought about a struggle over the question. In the Senate, Clay, Webster, and Calhoun supported the Bank while Thomas H. Benton and Silas Wright supported Jackson. Jackson became confident that the Bank was becoming an electioneering machine by its use of funds for political purposes; and he requested his Secretary of the Treasury, William J. Duane, who alone had the power to do so, to remove the public deposits from the Bank. Duane refused and Jackson asked him to resign and then replaced him with Roger B. Taney, who was in favor of Jackson's plans. Thus Jackson had the deposits removed

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8. Letter of Leigh to a gentleman of Mecklenburg dated June 24, 1833, printed in Richmond Whig January 24, 1834.
in October, 1833, and placed in a number of State banks.

Most of Virginia resented this action of Jackson and favored restoration of the deposits. The West did not support Jackson as they did on the Proclamation. In a meeting of the people of Richmond on December 26, 1833, presided over by Chapman Johnson, Leigh presented resolutions saying the President (1) had assumed too much power over the public purse, (2) had abused his power of appointment and dismissal of officers, (3) had violated the constitution by removal of the deposits, and called for restoration of the money. These were adopted as well as similar resolutions throughout the State. Sentiment was so high that the General Assembly on February 11, 1834, adopted resolutions condemning Jackson for removing the deposits and instructing its senators, John Tyler and William Rives, to try to persuade Congress to restore the money to the Bank. At the same time it even declared that Congress did not have the constitutional right to establish a Bank.

Tyler was in favor of restoration but Rives resigned rather than obey the instruction. Winfield Scott wrote to Leigh urging him to speak to friends in the General Assembly in favor of William Archer to replace Rives if Leigh himself would not

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When time came for the election of a Senator to replace Rives, Leigh was placed in nomination as the anti-Jackson candidate, because the Clay supporters and State Rights elements could easily unite upon him. Leigh defeated P. P. Barbour by a vote of 86-71. It can be seen from Figure II that his greatest strength lay in eastern Virginia where there was more anti-Jackson sentiment. The Whig Party was stronger here. Some charges made against Leigh were that he was not an Old School Republican but a Federalist because of his attitude toward the War of 1812 and that his views were not known. J. T. Brown of Petersburg came to Leigh's defense, saying that Leigh stood for opposition to the tariff, was in favor of a strict structure of Federal Constitution, believed in the right of instruction and in the Resolution of 1798-99, and opposed the U. S. Bank as unconstitutional. The Richmond Enquirer waited before endorsing Leigh and presented the question as to whether Leigh would vote against a re-charter of the present Bank. It had been rumored that Leigh was in favor of a watered down bank. This was not truly known until Leigh's first speeches in the Senate. So Leigh, immediately after the election, came into the Senate and very soon was in the middle of a long and hard

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16. Editorials in Richmond Enquirer, February 27, March 1, 1834.
FIGURE II
Election of a Senator, February 26, 1834
(Compiled from vote in the House of Delegates)
fight between the newly formed Whig Party and those who supported Jackson.

B. LEIGH AS SENATOR

Within Leigh's first month in the Senate, he had made two important speeches that caused one of the hottest political contests in Virginia. Everything hung on the course Leigh would take in relation to the restoration of the deposits and re-charter of the Bank. The first speech was made on March 12 when he presented the Memorial from Petersburg against the removal of deposits. He stated that the present evils in business and the decrease in the price of tobacco had been caused by the removal of the deposits. The President had assumed too much power and the country was moving towards a monarchy. He stated that in the transfer of money from the United States Bank to State Banks, public tax money was used to pay private debts. Liberty was in jeopardy and the President was working under the impulse of passions.

The second speech was on March 18 in protest to a bill proposed by Webster, which would continue the Bank for six years. Leigh said that the Virginia Legislature was against the Bank on constitutional grounds and that Congress had only a right to coin money and not to regulate it. The Bank had been established

17. Register of Debates, Twenty-Third Congress, First Session (Washington: Gales and Seaton, 1834), X, 876-83; 946-7; hereafter cited as Register of Debates.
on the ground that Congress had power to regulate money. He made the statement that Virginia would probably change its mind and be in favor of the present Bank, for, if the present Bank was not re-chartered, a bank would be formed which would give the President more power than before over public monies. It was now a choice between two evils. Leigh condemned the treasury Bank as proposed by Jackson. Leigh stated that emphasis was being placed on the wrong thing, and that the people should not worry over the re-charter of the Bank but try to correct the abuse of power by the President. Leigh was in favor of a metallic basis for currency, but he said the President did not have power to accomplish this and that it must be done only by legislation. He said the President's power over the present State Bank system was more unconstitutional than a Federal Bank system. Some have assumed the President to be a friend to State Rights by removing the deposits, but this is totally false.

On March 28, two resolutions passed in the Senate and Leigh voted for both. They were: (1) that the reasons given by the Secretary of the Treasury for removal of the money were unsatisfactory and insufficient, and (2) that the President had assumed authority and power not conferred by the Constitution and the laws. So it can be seen that Leigh condemned Jackson

18. Ibid., pp. 995-1003, 1041-47.
19. Ibid., p. 1187.
for his actions. He thought the Bank unconstitutional, but he declared that Virginia must decide between the lesser of two evils and vote for a modified bank.

There was a grave reaction to this in Virginia. Many said that Leigh had truly misrepresented Virginia and that he had embraced federal doctrines. The Enquirer immediately came out against Leigh's stand and stated that the issue now was "Bank or no Bank." It urged the people to vote in the April elections for representatives to the House of Delegates who would be firmly and wholly against a Bank. The Whig however said the Bank was dead and that the real issue was "Van Burenism."

There seemed to be a shift on the local level to the view that Jackson by removing the deposits was a friend of State Rights and that he had not abused his power in doing so. A letter from Halifax stated that the April elections would be Leigh's Waterloo and that the handbill speeches of Leigh sent into Halifax by the United States Bank had politically killed those who voted for him. Thus the campaign progressed and the outcome showed that the opposition elected 79 delegates to the House to 55 for the Administration. By this the Whig Party in Virginia was born.

22. Richmond Enquirer, May 2, 1834.
During the Virginia elections, other actions were taking place in Washington. Jackson on April 17 had protested to the Senate against their resolution of March 28. On the next day Leigh gave his speech against the President's protest. He stated that the resolution of March 28 was so worded that it did not include criminal intent. Jackson had charged that the Senate had put him on trial in his absence. Leigh also said that the President had claimed the right to judge on the constitutionality of the acts of the Senate. The protest was without constitutional authority because it was addressed to the Senate as a protest "against its own proceedings, containing an appeal to the people..." He continued to say that the President had found a new source of power and if he kept on would soon protest against the decisions of the Supreme Court and appeal to the people. One should not overlook the power the President had assumed by saying he did a great good by destroying the Bank. He continued to say that Jackson had done nothing to relax the Tariff of 1824 for which he voted and he did not do a thing to bring about a compromise when civil war was almost at hand. Leigh praised Clay and Robert P. Letcher for doing so. At this point Leigh's speech was interrupted by applause and hissing in the galleries. The National Intelligencer reported that scarcely ever had such a throng pressed upon the Senate as that which

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came to hear Leigh, including one-half of the members of the House.

The Senate resented the protest of the President and passed those four resolutions which Leigh favored: (1) The protest of the President was inconsistent with the Constitution, (2) the Senate will never be ready to receive any protest from the President, (3) the protest was a breach of the Senate and was not entered in the Journal, and (4) the President had no right to send any protest to the Senate. The Enquirer condemned the Senate for such harsh treatment of Jackson and approved of his protest.

Since a Senator from Virginia would normally be chosen in 1835, the first effort of the administration forces was to organize popular sentiment against Leigh. The two principal papers against Leigh were the Enquirer and the Petersburg Constellation. The Constellation said that Leigh could see nothing right in Jackson and nothing wrong in the Bank, charged him with non-democratic feelings by referring to his speech in the Convention of 1829 which he compared the western farmer to the eastern slave, and attacked Leigh for voting to replace the deposits saying he would next vote for recharter of

27. Editorial in *Richmond Enquirer*, April 22, 1834.
The Enquirer followed the same course in criticizing Leigh and said that now his course is no longer a mystery and that he is wound up in Clayism, Bankism, and Nullifyism.

In order to keep Leigh from being re-elected in 1835, the administration forces began a campaign, led by the Enquirer, to persuade the counties to instruct their representatives to vote against Leigh. This began in the counties around Petersburg and spread to the western counties according to the Culpeper Gazette. A meeting was held at the Chesterfield Court House on July 14 to instruct Delegate Johnson to vote for a Jackson man in place of Leigh for the Senate. Leigh attended this meeting in person and defended his course in the Senate and denounced Jackson. Immediately the administration newspapers condemned Leigh for attending the meeting and said that he was responsible only to the Legislature and not to the people. He should not instruct the people how to instruct their delegate. The Whig and the Danville Reporter supported Leigh in his attendance at the meeting and charged that a secret paper circulating in Chesterfield censuring the course of Leigh was the work of the

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28. Editorials in Petersburg Constellation, June 19, 26, 28, 1834.
30. Petersburg Constellation, June 21, August 9, October 4, 1834.
31. Editorials in Petersburg Constellation, July 12, 15, 1834.
32. Editorials in Richmond Enquirer, July 18, 22, 1834; and in Petersburg Constellation, July 19, 1834.
Van Buren Party, which was not willing to meet its opponent face to face.

During this time the Whigs were waging a popular campaign on behalf of their Senatorial candidate. They claimed that he was not a Bank advocate. Leigh had stated that he would support a Bank, only if confronted with an alternate which he considered less desirable, and this alternate meant a New York Bank or an Exchequer Bank at Washington. The principal newspapers supporting Leigh were the Charlottesville Advocate, U. S. Telegraph, and the Winchester Republican. The Richmond Whig dropped their support of Clay and turned to support Leigh for he was the best compromise. It also predicted the election of Leigh, charged the Van Buren Party with encouraging people to instruct to oust Leigh, and called these instructions "bush" instructions or secret instructions. They were called "bush" instructions because the Van Burenites had shaken every bush in getting signatures on the instructed lists, a good many of them being illegal voters.

Several Whig rallies were held throughout the State in

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33. Editorial in Richmond Whig, July 4, 1834; Editorial in Danville Reporter reprinted in the Whig, August 8, 1834.
34. Richmond Whig, September 2, 23, 1834.
35. Reprints in Richmond Whig, August 15, 26, September 23, 1834.
36. Editorials in Richmond Whig, July 25, September 2, and December 27, 1834.
37. Simms, op. cit., p. 91.
which Leigh was praised. At a dinner given in his honor at Petersburg on October 15, Leigh said that he still was not a candidate for president and he rebuked Van Buren. He again reaffirmed his stand that there is nothing left to do but decide on the choice between two evils in relation to the Bank. He believed that any administration could establish a bank over Virginia’s opposition when it saw fit. He stated that the State banks could not give a uniform currency.

When the State Legislature met for the session of 1834-35, the Whigs had a majority. This session is said to have been unequalled in respect to the enthusiasm manifested. The election of a Senator was postponed from December 12 to January 27. When that day arrived a move was made to postpone it again until the next session on the grounds that some of the instructions to the delegates were doubtful and doubts existed that the Assembly was properly informed as to the opinions of the people. This move was defeated by a vote of 78-56. It was disclosed that this was a movement of the Van Buren forces because they knew their candidate would not be elected. At a caucus of the Administration Party it had been decided to defer the election if possible when it was seen that a majority for

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38. Speech of Leigh printed in the Petersburg Constellation, November 8, 1834.
the Van Buren candidate could not be mustered. The Enquirer declared that Leigh could not be elected without violating the wishes of the people for many representatives had been instructed to vote against him. It also charged him as an alternate Bank man and said that he had done nothing to deserve the office.

On the day of the election, January 29, 1835, the city of Richmond was crowded as stages and steamboats had brought in strangers from every direction. The Whigs were enthusiastic. Leigh was elected over Rives by a vote of 85-81. It was said that at his election people in the galleries began to shout. A salute of 13 guns was fired and the Whigs celebrated the victory.

It can readily be seen by a comparison of Figure II and Figure III that Leigh gained considerable support in the western counties while in the East he gained and lost but gained slightly more than he lost. These two figures can show fairly well the relative strength and weakness of the Whig and Administration Parties, but the Whigs lost control of the Legislature in the April elections of 1835. The Enquirer took the defeat calmly and stressed the fact that the Whig majority had been cut from 15 to 4 and that if the legislators had voted as instructed, then Leigh would not have been elected.

41. Editorial in Richmond Whig, January 28, 1835.
42. Editorial in Richmond Enquirer, January 27, 1835.
45. Editorial in Richmond Enquirer, January 31, 1835.
FIGURE III

Election of a Senator, January 29, 1835

(Compiled from vote of House of Delegates)
So Leigh returned to the Senate for a six year term and was appointed to the Committee on Judiciary and to the Committee on Revolutionary Claims. He served on these two committees for the two remaining sessions he was in office. Leigh did not make any major speeches at this session. He voted for the bill to regulate public deposits, which provided that public money could not be removed from the banks without the consent of Congress. He further stood for protecting public money by voting for an appropriation bill only after it stated that no money would be paid a minister unless approved by the Senate. His most important vote was against a resolution presented by Benton which would have expunged from the Senate Journal the resolution of March 28, 1834, which stated that the President had assumed too much authority in transfer of money to State Banks. He said that to expunge would be a destruction of our entire frame of government. This resolution was killed by being laid on the table. However, this issue was later to be the downfall of Leigh as a Senator.

After Leigh was re-elected, Jackson forces, through the Enquirer, waged a campaign designed to remove from the Legislature those who had voted for Leigh contrary to instruction.

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46. Register of Debates, XI, 29; XII, 13.
47. Ibid., XI, 622; 630; XII, 1845.
48. Ibid.; XI, 709; 713.
The campaign cry was "Leigh or no Leigh" and "Instruction or no Instruction." They stressed that Leigh would or should resign after he saw in the April elections that the people did not return those who had disobeyed instructions and voted for him.

At the same time the Whigs predicted another victory in April and said the real issue is not "Leigh or no Leigh" but is "Van Buren or no Van Buren." They stressed the fact that the ones elected to the Legislature would determine who the electors would be for the next President and Vice President.

When the April elections came, the Whigs lost control of the General Assembly by a majority of eighteen on a joint ballot. Now with the Jackson Democrats in control of the State Legislature, they continued through that year trying to force Leigh to resign by saying that he was elected against the will of the people. They charged Leigh as being a quasi-Bank man and now he was doing the opposite of what he upheld in his instruction resolution of 1812. When they saw that he was not going to resign, they hinted that Leigh and Tyler should be instructed out of their seats. The Whig upheld Leigh by saying he would obey instructions and would not resign and said the Van Buren Party wanted him not to obey and resign.
wrote to Tyler

I will not obey instruction which shall require me
to vote for a gross violation of the Constitution.
If I shall be instructed to vote for expurgating...I
shall obey, when I shall be prepared to write myself
a fool, knave, and slave, and not before....I know
very well I cannot do my duty to my country without
a sacrifice of myself as a public man in my own
State;...but I am prepared to make the sacrifice
without a sign or a murmur. 56

The actions of Leigh and the Whig Party had evidently thrown
many back into the hands of the Administration Party as shown
by their gain in the Legislature. When the Legislature met for
the 1835-36 session, they rescinded the resolution of February
11, 1834, censuring Jackson for removal of the deposits. Then
after a heated debate they instructed Senators Leigh and Tyler
to vote to expunge from the Senate Journal the resolution of
March 28, 1834, which stated the President had assumed too much
power in removing deposits. By this action the Legislature
had completely reversed their view of the previous session. The
Whig said that by this instruction the Administration Party had
fallen into the arms of Benton and had been dictated to from
Washington. 59

Tyler could not follow the instruction to vote to expunge
and he resigned. Rives was elected to fill his place by the

56. Lyon G. Tyler, Letters and Times of the Tylers (Richmond:Whittet and Shepperson, 1884), I, 523.
58. Ibid., pp. 110-120.
59. Editorial in Richmond Whig, February 11, 1836.
Democrat controlled Legislature. All Virginia waited to see what Leigh would do. In a lengthy letter to the General Assembly dated March 2, 1836, Leigh revealed his plans. He reaffirmed his belief in the Resolution of 1812 regarding instruction, but added that "the general assembly has instructed me to do that which, in my judgment and conscience, would be a crime, and of course, in me, an act of moral turpitude. I do not hold myself bound to do an act which would be a plain violation of the Constitution..." He stated that to expunge would be against the Constitution. He pointed out that the General Assembly had instructed him to expunge the resolution which he voted for by their instruction of 1833-34, but yet the present Assembly had not expunged the resolution of the former Assembly. Leigh then charged the Assembly with trying to instruct him out of his seat and said that he was not going to obey or resign. He warned the Assembly of the doctrine they were formulating that a Senator can be forced to resign if he does not agree with them. He closed his letter by saying he had intended to resign at the end of the 1834-35 session but did not after a campaign was begun to force him out. He announced that he would resign his seat at the beginning of the next session of the Assembly.

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60. Letter of Leigh to General Assembly, Vilas' Weekly Register, L (March-September, 1936), 28-32.
Thus Leigh had refused to obey or resign and had used as his reason for doing so that a Senator was not bound to obey an act that was unconstitutional. This was from the resolution regarding instruction which he had written in 1812.

From this point there seemed to be a movement against Leigh in both parties. The Democrats expressed their indignation that the author of the Resolution of 1812 would be the first to step on it and they again renewed the old issue of "Leigh or no Leigh." The Whigs denied this was still an issue, but many Whigs began to turn against Leigh and wrote him letters requesting him to resign for the sake of the Party. Several counties, among them Henrico, Chesterfield, Buckingham, Mecklenburg, King and Queen, and Madison, adopted resolutions against Leigh for his refusal to obey or resign. The Whig still upheld Leigh and said the present Legislature had pressed the doctrine of instruction too far. At a Richmond dinner in honor of Tyler and Leigh, toasts were drunk to Leigh "As Cato, firm, as Aristides, just."

Leigh's last major speech in the Senate was given on April 4, 1836 on the subject of the expunging resolution. Benton had again presented a resolution to expunge the Senate action

61. Richmond Whig and Richmond Enquirer, March 8, 1836.
62. Tyler, op. cit., p. 536.
63. Richmond Enquirer, March 8, 19, 29, April 5, May 6, 1836.
64. Editorial in Richmond Whig, March 18, 1836.
65. Niles' Weekly Register, I (March-September, 1836), 92.
of March 28, 1831+. Leigh spoke against this resolution by saying that the Senate is bound by the Constitution to keep a Journal. To expunge meant to rub out so as not to be published, and in this case it could not be expunged for it had already been published. To expunge also meant "to keep." Leigh gave proof of this from the Bible and from English government practices. He stated that never before had this country made such rapid strides toward monarchy. If this trend is not stopped then the President will have more power than any king. The Whig called this speech "unsurpassable." It said that to discard Tyler and Leigh and rush into the arms of Benton was like the Athenian who ostracised Aristides because he was tired of hearing him called the just.

During the rest of the summer not much was said about Leigh for it was known that he would resign. On November 5, 1836, he wrote to the Lieutenant-Governor turning in his resignation. His reason was that he was under the necessity of giving attention to private affairs, and the duty he owed to his family. He said he was not resigning because of the instruction for he still believed the way he stated in his letter of March 2.

The Whig gave praise to Leigh for his service and said that

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66. Register of Debates, XII, 877, 1058-87.
67. Editorials in Richmond Whig, April 19, 22, 1836.
68. Letter of Leigh to the Lieutenant-Governor dated November 5, 1836, Calendar of Virginia State Papers, XI (January 1, 1836—April 15, 1869), 1-2.
there was not one in the ranks which was worthy to take his place, while the *Enquirer* again condemned Leigh for not obeying instruction.

So Leigh quietly gave up his Senate seat. However, the Democrat controlled Assembly wanted to get in one last word. On March 23, 1837, a severe resolution against Leigh was passed which said that Leigh's refusal to obey or resign "was a plain violation of his representative obligations—is dangerous as a precedent—and ought to be condemned." Thus, the Administration Party had succeeded in getting rid of a strong Whig and scolding him. But their fight was not over. The Whig Party was determined to gain back control of the General Assembly and it later succeeded. Leigh returned to Richmond and his law practice.

C. LEIGH'S LAST YEARS

When Leigh returned to his law practice in Richmond, his major political activities were over. He was never again elected to public office and he did not take an active part in politics. However, he still supported the Whig Party. His only major political activity was in relation to the nomination of the Whig candidates for President and Vice-President in 1839

69. *Richmond Whig*, November 29, December 9, 1836; *Richmond Enquirer*, December 8, 1836.
and the campaign in 1840.

A Whig Convention was held at Staunton on September 25, 1839, to decide whether a state nomination of President and Vice-President should be made or whether delegates should be chosen for the Harrisburg Convention. Leigh was a delegate to the Staunton Convention from Richmond. At the Convention he was chairman of the Committee of Twenty-Three appointed to consider, digest, and report measures to be adopted by the Convention. Leigh declared that the coming campaign would be war—war to the knife, and spoke about the iniquities of the present rulers. The Convention gave their support to Henry Clay for President and N. P. Tallmadge of New York for Vice-President. Leigh and James Barbour, the present governor, were elected as delegates at large to the National Whig Convention at Harrisburg along with one from each of the districts.

At the Harrisburg Convention Leigh played an important part and probably could have received the nomination for Vice-President if he wanted it. After Tyler became President there was some opposition to him by the Northern Whigs because of his vetoing the Bank bill in 1841 and they made up stories to throw suspicion on Tyler. One was that he was an alternate choice of the Convention. Leigh wrote a letter to the Richmond

71. Richmond Whig, October 1, 1839.
72. Ibid.
73. Richmond Enquirer, October 4, 1839.
Whig explaining what happened at Harrisburg. In it he reveals the true course of the Convention which is the following.

Leigh was the only member from Virginia on the Grand Committee at the Harrisburg Convention. This Committee was to announce the nomination. The Virginia delegation gave him no instruction on whom to nominate for Vice-President because the nomination would not be made on the first ballot and could make its selection from the nominees of the other delegations. Leigh did not know of any plans to nominate him for Vice-President but when time came for Massachusetts to make its nomination, Leigh's name was given. To this Leigh immediately announced that considering the part he had played in the Convention and as he was the only member from Virginia on the Grand Committee and the Virginia delegation had not suggested his name, it could be said that he had procured the nomination for himself. He requested the Massachusetts committee to change their vote which they did and not another vote was cast for him.

Leigh also said if it was left to him to make the nomination he would nominate Mangum of North Carolina instead of Tyler.

After Harrison and Tyler were the choice of the Convention,

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75. Ibid.
Leigh supported them both.

During the next few months, Leigh was active in the campaign. He made several speeches throughout the State in favor of the Whig candidates. Log cabins and coon skins were the favorite of the "Tippecanoe and Tyler Too" campaign. At Richmond, a large log cabin was built on Main Street between Twelfth and Thirteenth. It was a gathering place for the Whigs and campaign headquarters. A "Tippecanoe Club" was organized of which Leigh was probably a member. At least he was one of the many Whig orators who participated in the speeches at the Whig cabin. The most impressive was the Whig Convention held there on October 5, 1840, Leigh being present for the three day meeting.

During this period, Leigh continued his law practice but from this point on he slips from the political scene. These last few years he apparently had ill health. He died February 2, 1849, "after a long and painful illness, which he supported with the fortitude and resignation of a Christian philosopher." Truly, one of Virginia's greatest sons had passed on. All of Richmond and Virginia were sorrowful. The members of the Richmond

76. Ibid.; Richmond Enquirer, December 12, 1839.
77. Simmons, op. cit., p. 149 citing Staunton Spectator, August 20, 1840.
78. A. S. McRae, The Whig Log Cabin (Richmond: Johns and Goolsby, 1881), pp. 3-5.
79. Richmond Whig, October 7, 1840.
80. Richmond Whig, February 6, 1849.
Bar paid their respects as well as the Judges of the Court of Appeals and the Chancery Court who adopted a resolution which stated that he was "one of the oldest and most learned, able, honored and distinguished members of the Bar." The people of Richmond gathered by request of the Mayor to pay their respects to one of the first citizens of the city. He had passed from the scene quietly just as he entered but in between he was in and partially brought about one of the most interesting phases of the history of Virginia and the United States.

D. SUMMARY AND CONCLUSIONS

As a summary to the life of Leigh and to his political views, it will be good to give the six points that seem to stand out more than any other.

(1) He had a strong belief in the doctrine of instruction. The Resolution of 1812 which he wrote was considered as outstanding in this area. He held to it all his life. It was unfortunate that he had a different interpretation as to what was constitutional and what was not constitutional in the Bank question. Because of his different interpretation Leigh was charged by the Administration Party as not upholding the doctrine of instruction.

(2) Leigh was a successful lawyer both in civil and

81. Richmond Whig, February 6, 9, 1849.
constitutional law. He had the experience of formulating the law code of 1819 and helped to organize a new system of courts. His services were invaluable to all men.

(3) He had a continual anti-administration attitude which began at the end of the Jefferson administration when he broke from the Republican Party and brought about a severe disagreement with Jackson's policies. He was one of many that helped build the Whig Party.

(4) Leigh always had a strong love and respect for his State. To him the State of Virginia was the greatest and he continually showed his respect in his speeches, especially on his mission to Kentucky in 1822.

(5) He was also a strong conservative. Since he was from eastern Virginia and brought up in the aristocratic section, he always believed in preserving the traditional form of government and way of life. This is truly shown in his actions in the Convention of 1829 and in his attitude toward slavery. To him slavery was a necessity for the way of life in southern and eastern Virginia.

(6) Leigh was well versed in the operation of a representative government and did all he could to uphold the Constitution. His speeches show that he was well educated in the field of law, in the classics, and in English government. He was criticized by some for continually making reference to England. His disagreement with Jackson's protest to the Senate
and the Expunging Resolution resulted from his interpretation of the Constitution and the fact that he thought them to be unconstitutional.

There is no doubt that Leigh was a faithful public servant. He was not willing to compromise on what he thought to be a basic foundation. If he were willing to compromise then there would have been a possibility that he could have continued in politics without too much criticism. It can be said that he was a statesman but was not as good a politician.

There are at least two major questions that come to mind in the course of this study. They would require research beyond the limits of this undertaking but would be worthwhile to Virginia history.

(1) Were his beliefs on the Bank question due to a hatred of Jackson alone and how much was due to his true belief? If Leigh were friendly to the one in the White House, would his beliefs have been the same?

(2) Since Leigh's Senatorship was controversial, how much did he contribute to or take away from the birth and growth of the Whig Party?

Even though some research has been done on the Whig Party in Virginia, this last question raises a particular interest. It was at the very time Leigh was elected the first Virginia Whig Senator in 1834 and the April elections of that year that the Whig Party was formed. This is based on the conclusions in
Simms' *Rise of the Whigs in Virginia*. However, the nature of his study is such that he did not study individuals in detail in relation to the party formation.

It can be concluded that Leigh's actions regarding the Bank charter were such that it influenced a great deal the Whig defeat in the April elections of 1835. His willingness to support a modified bank while representing a state which had the view that no national bank was constitutional surely did not bring support to him or his party. Leigh's constitution was such that whether his actions helped or hurt the Whig Party he stuck to his belief and did not compromise with anyone, including the Party. How interesting it would have been to see what direction the Whig Party would have taken if Leigh had not resigned. Possibly future study will reveal the answer to these questions. Yet one can see from this study that Leigh played an important part in Virginia history even if he is not well known.
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E. BOOKS


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