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Notes in relation to the
life & character
of the
Hon Harry Toulmin —

Mobile March 16th 1848,

Colr. A. J. Pickett

Dear Sir

I have at last laid my hands on a memorandum, (I prepared some few years since,) relative to the early part of my Fathers life, and enclosed it to you. I also enclose a note from my Uncle, both of which I will thank you, to return to me, after you have taken copies, of them, or such portions as you may wish.— I think you said to me, that I need not answer the Interogatories, contained in your letter of July last, as they had been answerd by others, who were older then myself, at the Battle of Burnt Corn.— Indeed I believe I was the youngest person, in the Command, being barely 17. years of age.— Should you however wish an answer, I will give it to you, it cannot be expected however that I can recollect, the occurrances of those days, as those who are older, & were at that time.— My Mother, has not been to W. Court House, yet but speaks of going soon, & when she does go, will endeavour to find the papers, which you wish to see.—

with great respect your obdt servt

J. L. Tulmie

This & the enclosed are for your own eye alone.

Mobile, 23 February 1848

My dear Sir,

My good Brother Harry your most worthy father was born at Taunton, in England, 7th April 1766. He was educated for the Ministry, and settled at Chowbent in Lancashire about the year 1788 as pastor of the Unitarian Church of that Town. This was about the period of the French Revolution when the High Church & King party in England, viewed liberal opinions, such as he professed & defended, with much bitterness & rancour. Like our estimable father, whose free opinions & manly avowal of them, exposed him to persecution & his life to danger, my brother became obnoxious to the Government party. He was made unhappy, was persecuted, & resolved to leave the old story his fortunes in the New World. In the year 1793 he emigrated with his family to America & landed at Norfolk in Virginia. Thence he proceeded to Winchester where he lost two Children; - travelled a year to see the Country, & finally

settled at Lexington in Kentucky as President of the Transilvanian University. There he remained 3 or 4 years, discharging his duties with zeal & usefulness.

Then he became Secretary to the ~~Comm~~ Commonwealth of Kentuck, & for Eight years devoted himself to the interest of that State, & wrote most of the Public address for the maniral Governor. Mr. Thos. Jefferson, ~~the~~ President of the U. States admiring the sterling worth & talents of my brother's character appointed him in 1805, District Judge of the Mississippi Territory. He removed to Alabama in that year, after having published the Laws of Kentucky. His subsequent course must be as well known to you, as to my Dear Nephew

Your affect. Uncle

To Genl. T. L. Toulmin
Toulminville

J. B. Toulmin

Your father died 11 Nov. 1823, at Washington Court - House

Genl. J. L. Joulmin

(Copy)

Harry Toulmin.

The subject of this memoir was the eldest son of the late Rev. Joshua Toulmin, D. D., and was born at Taunton, in the year 1766. His father, Dr. Toulmin, was as ~~distinguished~~ distinguished for his piety and benevolence, as for his literary and scientific acquirements. Under such a father, and at one of the principal dissenting seminaries of England, was Mr. Toulmin educated for the Church. At the age of twenty-one he received and accepted an invitation to undertake the pastoral office at the village of Ashton, in Lancashire. Here he continued only about a year, when he removed to Chowbent, in the same County. His sphere of usefulness was there greatly enlarged. He was in the midst of a very populous neighbourhood, and his services in the ministry were highly and deservedly valued. His congregation usually numbered to a thousand hearers. The time of his residence at Chowbent, was distinguished as the era of politico-religious persecution. The French Revolution took place, and was followed, in England, by the strenuous efforts of Government to suppress every independent expression of public opinion. The ingenuous mind of Mr. Toulmin could ill brook the coerced silence imposed in this reign of terror. He became obnoxious to the partizans of the ruling powers, and was threatened with personal injury. His place of worship was at one time attacked while he was engaged in the pulpit, but his coolness and energy prevented the commission of any act of serious violence. On another occasion, a tumultuous assemblage surrounded his house, determined to drag him forth: he was absent at the moment, but being informed of the state of alarm into which his household was thrown, he hastened homeward, and, disregarding the solicitations of his friends, rode fearlessly into the midst of the riotous multitude. Awed into silence by the intrepid energy of his manner, the rude rabble listened to his calm, but forcible vindication of himself, and at length, forgetting the rage into which they had been hurried, they quietly dispersed, blessing the man whom they came with intent to destroy.

"And as, in consequence of his support of the principles of liberty and the rights of man, there existed, against him, considerable persecution, he sought that country whose cause he had embraced, and dedicated himself to its service. In the year 1793 he landed at Norfolk, in Virginia, where he was received with that respect and cordiality of feeling which his talents deserved*. In 1794 he was appointed President of the Transylvania University, in Lexington, Ky. to which state he removed; he continued at the head of that Seminary between two and three years. It was during this period that he bestowed his attention to the study of the Law. His proficiency in this pursuit being highly appreciated, he was appointed Secretary to the State of Kentucky. At this time he revised and compiled the Laws of Kentucky. In 1805 he was appointed Judge of the Federal Court for the Mississippi Territory, by Thomas Jefferson, and removed thither the same year. His qualifications for this high office were evinced by his undertaking, at the desire of the Government, to revise and digest the laws of the territory over which he presided. This important task he accomplished, much to the satisfaction of his employers, and his abridgements were published, in a cheap and accessible form, for general information. On the formation of the State of Alabama into a separate government, he served in the Convention, and assisted in the formation of the Constitution. Judge Toulmin had now become, in his political principles, thoroughly American; and his letters to his friends in England breathe strongly the spirit of republican independence, and abound in expressions of continued satisfaction at his emancipation from the thraldom of European governments, and of admiration of the excellent qualifications of the public institutions of his adopted country. Nor was this high estimate materially affected by his own removal from office, which was neither called for by any demerit, nor handsomely effected. On this topic he writes thus in the year 1821: "Of this, (the very moderate remuneration for his public duties,) I am all at once deprived; and this rather unexpectedly; for I did think that long, faithful and arduous services gave me a title to a re-appointment; (the office having ceased by law, on the conversion of the Mississippi Territory into a State;) but it was no such thing. All offices in the new State in the gift of the federal Government, were distributed among the par-

* From a Biographical notice of Judge Toulmin.

tirans of the Secretary of the Treasury, who aims to be President, a few years hence. But I was not of that class. + + + + + Remember that intrigue, that ambition, that sycophancy, that corruption, prevail in Republics as well as in monarchies, for both are governed by man; and the main difference is, that in Republics, these passions and the men who are governed by them, can be checked and controuled by the people; and often are so."

Judge Toulmin prepared a book of Reference for Magistrates and other officers of the law. also a vol. for the use of Students preparatory to entering the practice of the law. During the year 1822 he was appointed to digest the Laws, which service was performed to the acceptance of the Legislature. His correspondence with the most conspicuous Jurists of this country and Europe was immense. It would in itself constitute a vol. of great use for this Country as well as of Europe. He was an accurate and attentive observer of passing events, and an indefatigable inquirer, when any curious facts presented themselves: His family have many interesting papers in their possession, copies of his letters and observations written for the benefit of friends in England, on the features and character of this Country, its customs and institutions.

In the last year of his life he had been elected to the general assembly of this (the Alabama) State. "He had set his heart upon attending it,"- we here use the words of one who knew him well,- "for he thought he could do much good in the revision of bad laws, and in simplifying the mode of proceeding hitherto adopted in courts of justice. Had he been well, he would have done good, for he would have been the leading member in the House of Representatives." But in a week before the assembly met Judge Toulmin died. His death took place at his residence in Washington County, on the eleventh of November, 1823. - Aged 58. The personal character of the deceased is thus summed up by his faithful biographer; "He placed not his happiness in ostentation, but referred the whole to conscience, and sought the reward of his virtues, not in the clamorous applauses of the world, but in the silent satisfaction which results from having acted well."