

PART ONE

The Murder

COPYRIGHTED MATERIAL

I

“I Am Murdered”

GEORGE WYTHE, the eighty-year-old high chancellor of the Virginia Chancery Court and one of the nation’s founding fathers, sat up in bed on Sunday, May 25, 1806, and rubbed his eyes with his thin fingers. He yawned, tossed back his rumpled sheets, and rose just before 5 A.M., as he did each morning. He had just awakened in his elegant home on Shockoe Hill, the neighborhood where the wealthy resided in Richmond, Virginia’s capital. It was a Sunday that seemed like any other. But on that quiet spring morning Wythe, the mentor and close friend of President Thomas Jefferson, and everyone in his household, would be poisoned, in one of the most shocking murders in the young nation’s history.

Wythe had moved to Richmond in 1791. His bright yellow, well-appointed two-story home with a sturdy hip roof was located on the southeast corner of Fifth and Grace streets, near the very top of the hill. The house was one of the most elegant in the city and sat at the edge of a square surrounded by fine homes, including that of the mayor of Richmond, William DuVal. Also in this neighborhood were the dwellings of the city’s and the state’s most prominent lawyers, physicians, and politicians, as well as its richest merchants.¹ It was a subdued, pleasant part of town where men, women, and children greeted the dignified Wythe with friendly smiles when they saw him walking down the street.

The house on the steep hill, one of many hills within the city limits, had an unobstructed view of the slow-rolling James River below. From this height, one could also see the river's pretty, thickly forested small islands and the tiny village of Manchester on its southern bank.² Because the rapidly growing city, founded in 1737, had been built on the hills that overlooked the James, comparisons to ancient Rome were inevitable. "The aristocratic city of Richmond prided itself on being like Rome, built on seven hills," wrote the local sculptor Moses Ezekiel.³

"We believe [it is] one of the most beautiful [cities] in the Union," wrote a *Richmond Enquirer* reporter. "The situation of the city and the scenery surrounding it combines in a high degree the elements of grandeur and beauty. The river, winding among verdant hills, which rise with graceful swells and undulations, is interrupted by numerous islands and granite rocks, among which it tumbles and foams for a distance of several miles."⁴

The judge's house overlooked Richmond, which had become a raging American boomtown, an exploding urban mecca with something for everyone. There were dozens of raucous taverns where



In this painting, the Richmond of 1806, topped by Jefferson's capitol building, is viewed from Manchester, just south of the James River.



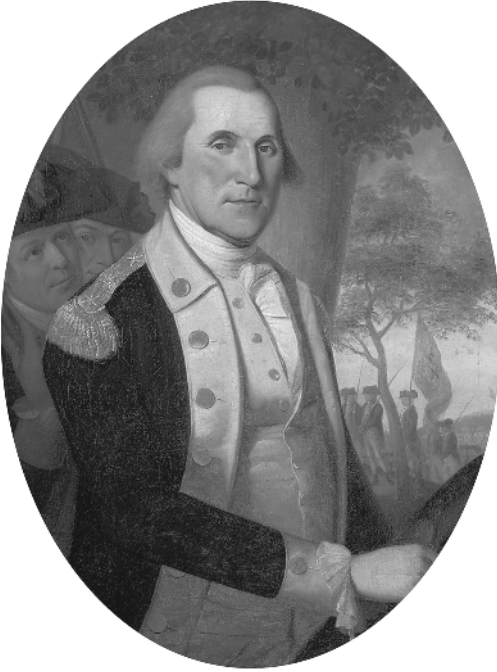
George Wythe lived in one of the finest homes in Williamsburg, or in all of the South, for most of his life. The two-story brick home overlooked one of the two village greens in town.

entertainment ranged from fiddlers to singers to exotic elephant acts. There were churches of every major sect; the city was home to the first Jewish synagogue in the South. The literati enjoyed two of the largest bookstores in Virginia. Three different respected theaters featured local groups plus traveling troupes from England with Britain's most honored actors. Well-stocked general stores offered everything from imported wines and rums to tickets for passage to Europe on the huge oceangoing ships that docked in the city's Rocketts section. The James River was lined with spacious wooden-and-brick tobacco warehouses and was jammed with dozens of tall, majestic tri-masted merchant ships. The vessels were either just in from, or bound for, exotic ports around the world, carrying shipments of Virginia's tobacco, the crop that made the state so rich.

Justice Wythe, for years a familiar figure as he walked about town, was one of the few remaining signers of the Declaration of Independence and architects of the U.S. Constitution. For decades, he had enjoyed his role as a guardian of the establishment, the wise old sage living among all the tough young lions of bustling Richmond. He was still regarded

as one of the most prominent men in the United States, especially now in 1806, the thirtieth anniversary of the signing of the Declaration. He was beloved by all of the middle-aged men in town who had fought in the Revolution, some of them limping and still bearing the scars of war, yet he was just as admired by the well-dressed young lawyers and court employees. All of the students he taught liked the old judge, too. They saw him as a vibrant twenty-five-year-old man in an eighty-year-old body. His cheerful conversations, in which he repeatedly quoted Homer and Cicero, compared current events to the besieging of Rome by Carthage, or made references to the speeches of Pericles and his Greek antagonists, regaled all.⁵ Searching for a title for the distinguished octogenarian, who was still as feisty as ever, someone had nicknamed him the “American Aristides” after Aristides the Just, the greatly respected ancient Athenian soldier and statesman. An intelligent man who spoke five languages, the judge had earned the nickname with his well-rounded sophistication.

Wythe, a wisp of a man, had mastered Greek and Latin as a teenager, graduated college at nineteen, and was admitted to the bar as a lawyer at twenty. He was elected to the prestigious House of Burgesses, the Virginia state legislature, in his thirties, and was chosen by his peers there to be a delegate to the Continental Congress in 1774 and again in 1775.⁶ He was an invaluable member of the delegation because of his legal skills. Whenever a delegate was perplexed by some legality at Congress, he would do what George Washington advised all of the assembled representatives: “Ask George Wythe.” As a delegate, Wythe, a fierce patriot and a member of the Revolutionary movement for years, wrote the instructions for American diplomats in Europe to follow as they attempted to gain alliances with other nations throughout the war.⁷ He worked with Thomas Jefferson and Edmund Pendleton from 1777 to 1779 to write an entirely new legal code for the state of Virginia. In 1778, he was named one of the three judges for Virginia’s Chancery Court, the state’s highest court for civil matters, and became chancellor, or chief justice, in 1789. He still held this extremely time-consuming position in 1806.⁸ Due to age and infirmity, he had turned down an appointment to the State Supreme Court, as well as George Washington’s offer to make him one of the first justices of the U.S. Supreme Court. His rulings from the bench shaped the political,



George Washington, Wythe's longtime friend, wanted to name him one of the first justices to the U.S. Supreme Court. Wythe, fearing extensive travel on the job, declined.

economic, and social life of perhaps the most important state in the Union. Virginia was the home to four of the nation's first five presidents as well as to Chief Justice John Marshall, numerous cabinet members, and important political figures such as Patrick Henry.

Everyone had enormous respect for George Wythe. Once, recommending the College of William and Mary, where Wythe taught, to the well-read son of a friend, Jefferson said that Wythe was "one of the greatest men of the age." To another, Jefferson wrote that Wythe was "the Cato of his country." After meeting Wythe, John Adams wrote that he was "a lawyer of high rank at the bar, a great scholar, a most indefatigable man and a staunch Virginian."⁹

Wythe, who always had a wry smile on his lips, was of "middle size," as one of his protégés, William Munford, later wrote in a description filled with color and detail. He was slightly stooped, "well formed and proportioned, and the features of his face manly, comely and engaging. In his walk, he carried his hands behind him, holding the one in the other, which added to his thoughtful appearance. In his latter days, he was very bald. The hair that remained was uncut and worn behind,

John Adams, who did not like most Southerners, struck up a friendship with Wythe as soon as the two met as delegates to the 1775 Continental Congress in Philadelphia. He considered Wythe one of the country's most intelligent men.



curled up in a continuous roll. His head was very round, with a high forehead, well arched eyebrows, prominent blue eyes, showing softness and intelligence combined, a large aquiline nose, rather small but well defined mouth; and thin whiskers, not lower than his ears.

"There were sharp indentations from the side of the nose down on his cheek, terminating about an inch from the corner of his mouth; and his chin was well rounded and distinct. His face was kept smoothly shaven; his cheeks considerably furrowed from the loss of teeth; and the crow's-feet very perceptible in the corner of the eyes. His countenance was exceedingly benevolent and cheerful. . . . He had a ruddy, healthy hue."¹⁰

Wythe was always immaculately dressed, although he would stoop over a bit on his cane as he took the three-block walk to his office in the gleaming new marble state capitol building. This American acropolis, with its commanding, columned Grecian portico, was designed by his lifelong friend Jefferson. In an era when most men died before they reached their fiftieth birthday, the sight of the frail, balding, happy justice, padding down the streets of Richmond with a well-worn

law book or two under his arm, was reassuring. "He moved with a brisk and graceful step . . . a pleasing image of a fresh and healthy old man," remarked one observer.¹¹

On this particular Sunday morning, however, one of the most distinguished jurists in America certainly did not look very distinguished. George Wythe was a man of habit, and every morning he followed the same routine. He slid out of bed, pulled a robe over his pale body, descended the narrow, creaking wooden staircase, and walked through the house to his large backyard. There, as the sun struggled to rise over the Virginia horizon, he passed his well-tended and now blooming garden, the kitchen outbuilding, the smokehouse, the dairy shed, the stables, and the carriage house. He lowered a large wooden bucket into his deep well with a thick rope and, after a moment, drew it back up, full of swirling ice-cold water from far below the ground. He carried the bucket to his back porch, where he had constructed an outdoor shower stall. Wythe stood on a chair and dumped the bucket of water into a reservoir connected to the porch ceiling. He slipped off his robe, stood in the narrow stall, pulled the reservoir cord down with his bony hands, and doused himself with the water.

The bucket shower was usually accompanied by an audible gasp as he shivered from the shock of the chilly water rushing over his body. The judge then soaped up, washed the suds off, and dried himself with a large towel. When he finished his morning shower, those who knew him well, such as Munford, said, "His face would be in a glow, and all his nerves were fully braced."¹² On most Sunday mornings, Wythe went back to his bedroom and dressed. He read the latest editions of the city's newspapers after ringing a bell to summon his maid, the freed black woman Lydia Broadnax, who brought up his morning breakfast. On those mornings, he could usually hear the inordinately intelligent sixteen-year-old former slave Michael, a mulatto, whom he had brought to live in his home as the latest in a long line of protégés, rummaging about the kitchen to the rear of the home—kitchens were disconnected from houses to prevent fires—either helping Lydia fix breakfast or making some for himself. The smell of eggs and toast wafting out of the kitchen windows filled the morning air.

Wythe sometimes heard his sister Anne's obstinate grandson, George Wythe Sweeney, running down the stairs to the kitchen, as his

fast-moving feet created a thunderstorm of noise on the steps. Sweeney, now eighteen, had been named after the judge and frequently stayed with him. Few people in the city liked the brash boy, but the judge saw his sister's irresponsible grandson as a headstrong, impulsive, and misunderstood young man who merely needed a little guidance. Wythe had known his grandnephew since he was a small child. Anne often brought him to visit Wythe at his home in Williamsburg, where the boy had played happily with the toys Wythe and his wife kept in a closet for him. By the time he was sixteen, Sweeney had become the black sheep of the Wythe family, the reckless, always-in-trouble individual who turns up in just about everyone's family. George Wythe had seen the black sheep of hundreds of families in courtrooms over his sixty years in the legal profession. To him, his grandnephew was just one more of these misguided individuals. He, like his sister, simply hoped that maturity would cause the young man to calm down.¹³

That Sunday, as always, Wythe read the *Enquirer*:¹⁴ three more slaves had run away from their Richmond masters in what had become an epidemic of black flight. In another item about blacks, William Cannon of nearby Buckingham County announced that he was selling seven of his slaves to raise money to pay his debts, a common practice. Horse races would be held the following Tuesday at the new Hanover Racetrack, which had joined Fairfield as one of the newer and better racetracks in the South. Large crowds of brightly dressed, enthusiastic wagerers always jammed the tracks on race days. Homes and land were for sale. A brand-new school, the Rumford Academy, was holding a lottery to raise money for its planned library. For the first time, stagecoaches would run back and forth to the summer resort town of Staunton, Virginia, which in only a few short years had become a gambling mecca. And in international news, Napoleon celebrated his first anniversary as the emperor of France.¹⁵

The stories reflected the meteoric growth of Richmond. It had been a city in turmoil ever since the state capital was transferred there from Williamsburg at the height of the Revolution in the spring of 1779.¹⁶ Two years later, in 1781, the traitor Benedict Arnold, who had sold out his country in order to become a British general, attacked Richmond with his English forces. He burned part of the town and nearly captured Governor Thomas Jefferson, who managed to flee on horseback at the last moment. In 1788, the city had played host to the

state's Constitutional Convention, which had ratified the new national Constitution after weeks of verbal war between the Federalists and the Anti-Federalists. The Federalists were led by James Madison and George Wythe.¹⁷ In 1798 and 1799, Richmond was riven by political craziness again when debates raged over Congress's controversial Alien and Sedition Acts, which restricted free press and limited immigration.

The town had been severely shaken in 1800 when a disgruntled slave on a local plantation, Gabriel Prosser, nearly carried out a widespread rebellion that would have included murdering a dozen prominent citizens and seizing numerous public buildings. The leaders hoped that success would encourage a broader uprising of the several hundred thousand slaves throughout Virginia, where half of the population was enslaved, and in the Southern states.¹⁸ The conspirators were caught and hanged before a crowd of more than a thousand anxious local residents. Ever since, Richmonders had feared more trouble from the thousands of slaves and freed blacks who lived in Richmond. The tension between blacks and whites kept the city on edge and would continue to do so for years to come.

Richmond had grown dramatically in size after being named the capital. The population had jumped from just 1,500 in the 1790s to 5,300 in 1800 and nearly 10,000 in 1810. The number would double again by 1820.¹⁹ The population rolls were swollen not only with whites, freed blacks, and slaves, but with large numbers of Europeans, including Portuguese who had immigrated to Richmond from Brazil, a major trading partner with Virginia. They were joined by Frenchmen who had fought in the Revolution on the American side and come back to live in a state that had captured their imagination. There were also large numbers of Frenchmen who had fled Haiti in 1802 during its savage slave revolution.

Richmond's city fathers had never been able to manage the town properly. The city had poor public transportation, inefficient garbage collection, a badly organized fire department, and only a few police constables. City streets often flooded when the James River crested during heavy rains, and residents sometimes had to use boats to move from block to block. The population explosion forced many people to live in overcrowded boardinghouses or warehouses refurbished into numerous small rooms. The newcomers to the city, who were mostly young men, consisted of tavern owners, hucksters, con men, and panhandlers; there

were also hundreds of prostitutes, who boldly plied their trade in taverns and brazenly sashayed through the streets in search of customers.

Gambling had reared its head early. Gambling in taverns and heavy betting at the local Richmond racetrack was always combined with drinking, and unruliness often followed.²⁰ As early as 1752, a Virginia governor, Alexander Spotswood, had become alarmed at runaway gambling and begged his constituents to stop because they lost money, drank too much, and wound up in brawls.²¹ By 1806, gambling had become a disease in Richmond, especially for the thousands of young men who immigrated there in search of work or who lived in town, such as Wythe's grandnephew George Sweeney.

The rowdy taverns, the unchecked prostitution, and the cramped living quarters bred crime. Pickpockets and armed gunmen descended on Richmond to profit from its newfound affluence. Horse thieves thrived. Counterfeit rings flourished. Arsonists prospered. As early as 1782, public officials led by Edmund Randolph, who would soon become the first attorney general of the United States, were petitioning the governor for assistance in curbing crime. The officials cited "the nocturnal depredations and robberies which have been lately so much practiced among us."²² Just two weeks prior to Wythe's murder, Abel Clements, a local farmer, had used two axes to bludgeon his wife and eight children to death in a crime that stunned Virginia.²³ In fact, the number of criminals in the city had increased so dramatically during the 1790s that a city jail plus a state penitentiary, one of the largest in the nation, had to be built to hold them, and the local militia was called in to run the new prison.²⁴

In the spring of 1806, however, George Wythe was more interested in winding down the court calendar and preparing for summer than he was in furthering discussions about what had gone wrong with Richmond. He also wanted to spend the summer months helping his impetuous grandnephew Sweeney settle down by finding him a full-time job that would keep him away from the racetrack and the gambling dens where he spent nearly every evening and lost all of his money.

SWEENEY HAD COMPLETE FREEDOM in Wythe's house. Judge Wythe had concluded that letting the headstrong, relentlessly demanding teenager

do what he wanted was easier on everybody than trying to make him follow the guidelines that governed the lives of everyone else in the household. His grandnephew was free to come in and leave at any hour of the night or morning that he chose. He was never questioned about his nocturnal whereabouts or unkempt friends and was encouraged to help himself to food and drink in the kitchen.

Lydia Broadnax and Wythe's protégé Michael were told to give "Mars George," as Broadnax called Sweeney, anything that he wanted. The teenager enjoyed the same status in the house as if he had been Wythe's son. He had lived there on and off for so long that he referred to Broadnax, age sixty-six, as "Aunt Liddy."

On the morning of May 25, 1806, as George Wythe dried himself with a towel in the back-porch shower stall, Broadnax began to cook her typical Sunday morning breakfast for the household: eggs, usually poached, toast, sweet breads, and coffee. Everyone in Richmond loved to drink coffee in the morning. The city was the main southern port for the import of different blends of exotic coffee from South America, especially Brazil. And coffee was a sturdy American drink, unlike British tea. Its aroma drifted through the open windows of the house as Broadnax moved about the kitchen. George Sweeney walked into the outbuilding at the rear of the main house that contained the kitchen and waved to Broadnax. The pair had known each other for years. Broadnax had been a servant for Wythe since 1783, when he lived in Williamsburg, and she had remained with him after he granted her her freedom in 1787. Broadnax, like many freed slaves, found it comfortable to continue to live with and work for her former owner as a paid employee. Besides, she had always liked the judge and enjoyed taking care of him in his sunset years.

"Aunt Liddy, I want you to give me a cup of coffee and some bread, because I haven't time to stay for breakfast," the young Sweeney said, apparently in a great hurry.

Broadnax frowned. "Mars George, breakfast is nearly ready," she said. "I have only got to poach a few eggs and make some toast for the old master, so you had better stay and eat with him." She wanted the teenager to be well nourished and not sickly, which would give the old man even more headaches.

"No," he insisted. "I'll just take a cup of hot coffee now, so you can toast me a slice of bread."

She protested again, but he waved her off as if she were a pest. Sweeney watched her toast a large piece of bread for him. He approached the iron griddle where a pot of coffee sat over the fire, with the flames underneath keeping it very hot. He took a cup from the countertop with one hand, and with another he raised the pot and filled the cup, making certain that Broadnax saw him do so.

Sweeney put the iron kettle back on the griddle and quickly moved his hands over its top. Broadnax then saw him toss something into the fire: a small piece of white paper he'd been clutching in his fingers. She watched it dissolve in seconds in the flame. The maid thought nothing of this at the time.

Sweeney turned, walked several steps, and then sat down at the large wooden kitchen table. He leaned back in the chair and gulped some coffee from his cup. He sank a wide knife into a tub of butter that sat on the table and smeared the butter over the thickly sliced toast that Broadnax had set in front of him. With quick bites, he finished the toast. He stared at Broadnax while he drank the rest of his coffee, making certain that she saw him finish the cup. He once again reminded her that he had to leave and then pushed back his chair. He stood up and yelled "Good-bye!" to Michael, who was seated at the table across from him, and left the kitchen. He walked across the back lawn on a slate pathway toward Grace Street.

Moments later, Broadnax heard the bell that Wythe used to summon her from his upstairs chambers. The "old master," as she always called him, was dressed and ready for his breakfast. Broadnax put a plate of eggs and toast on a tray, along with a small pot of coffee that she'd filled from the large main pot. She carefully carried the tray up the staircase to Wythe's second-floor bedroom. She found the judge reading in a comfortable chair in the corner of his room.

"Thank you," he said, as Broadnax put the tray on a small table next to him. He asked her whether she had the keys to his desk. The room had grown brighter as the sun rose high in the morning sky. Broadnax reminded him that he had given the keys to George Sweeney the night before because his grandnephew wanted to read some papers that Wythe had put there.

The chancellor was puzzled. "I fear I am getting old, Liddy, for I am becoming more and more forgetful every day. Give Michael his breakfast,

and get your own," he said. Wythe then started to drink his coffee in slow, even sips as his eyes scanned the pages of the newspaper.

The maid went back to the kitchen and poured herself some coffee from the pot. Michael Brown drank several cups of hot coffee with his eggs. Broadnax then rose to wash the dishes with a well-worn towel. After she finished, she began to clean the coffee pot. She dumped out the grounds, washed the kettle with warm water, and dried it with a kitchen rag.

She placed the kettle on the counter next to the sink and suddenly felt an awful, crippling pain in her stomach. It was so sharp, she felt as if she were being cut in two by a woodsman's saw. She clutched her stomach as a wave of cramps swept over her. The maid clenched her teeth and her eyes widened. She had never felt so much pain in her life.

Broadnax slowly turned to ask Michael for help, but he could not respond. The boy was bent over in his chair. He, too, held his stomach, with his face contorted in an awful grimace. Between spasms of searing pain, he cried out that he felt terribly sick. The teenager was so stricken, he could not move from his chair.

Upstairs in the main house, Chancellor Wythe continued to read the newspaper while he finished eating breakfast and drinking his coffee. As the coffee raced down his throat into his stomach, he suddenly felt stabbing pains throughout his abdomen and chest. A seizure shook him, and he doubled over. He grabbed his sides with his thin, bony hands. Intense pain ravaged his body, a pain more terrible than any he had ever experienced before. He managed to rise from the chair ever so slowly before he vomited all over the room's wooden floor. His mouth felt extremely dry, despite the eruptions, and his now-empty stomach hurt.

He started for the bedroom door, holding onto furniture and leaning against the wall as he tried to keep himself steady. The old man moved slowly; his legs were weak and could barely hold up his small body. He felt frightened by the tingling throughout his nervous system and the severe pains in his joints. His skin felt quite hot. His arms and legs ached as they never had before, even during severe cases of the flu. He knew that he needed help but was too incapacitated to open his mouth to shout. His eyes hurt and he felt very disoriented, uncertain how to move forward. Yet the chancellor was determined to climb down the stairs to find Broadnax, Michael, or George Sweeney and get assistance.

The aging jurist carefully held onto the mahogany banister and made it down the staircase to the first floor, one step at a time. As he stumbled out the back door to the kitchen, he found his maid and his protégé as violently ill as he was. Broadnax's face revealed extreme discomfort, and she held her stomach with both hands while leaning heavily against the counter. Michael Brown was still in the chair, his trembling upper body prone on the table. An empty cup of coffee and a plate of half-eaten food sat in front of him. He would be dead within a week.

Staring incredulously at the other two members of his household, a wide-eyed and frightened Wythe gasped to Broadnax, "Send for the doctor."²⁵

Later, when his physician arrived, along with a friend who was a lawyer, Wythe struggled to prop himself up on his elbows. Weak, bedridden, and barely able to move, he whispered to them, "*I am murdered.*"²⁶